140th UPDATE – PRACTICE DIRECTION AMENDMENTS

The amendments to the Practice Directions which supplement the Civil Procedure Rules 1998 are made by the Master of the Rolls under the powers delegated to him by the Lord Chief Justice under Schedule 2, Part 1, paragraph 2(2) of the Constitutional Reform Act 2005, and are approved by Lord Wolfson of Tredegar QC, Parliamentary Under-Secretary of State for Justice, by the authority of the Lord Chancellor.

Subject to the transitional and saving provisions at the end of the instrument, the amendments to the Practice Directions come into force as follows—	
Practice Direction 1A – Participation of Vulnerable Parties or Witnesses	6 April 2022
Practice Direction 3C – Civil Restraint Orders	6 April 2022
Practice Direction 4 – Forms	6 April 2022
Practice Direction 7A – How to Start Proceedings – the Claim Form	6 April 2022
Practice Direction 8A – Alternative Procedure for Claims	6 April 2022
Practice Direction 8C – Alternative Procedure for Statutory Review of Certain Planning Matters	6 April 2022
Practice Direction 10 – Acknowledgement of Service	6 April 2022
Practice Direction 12 – Default Judgment	6 April 2022
Practice Direction 23A – Applications	6 April 2022
Practice Direction 25A – Interim Injunctions	6 April 2022
Practice Direction 42 – Change of Solicitor	6 April 2022
Practice Direction 47 – Procedure for Detailed Assessment of Costs and Default Provisions	6 April 2022
Practice Direction 51O – Electronic Working Pilot Scheme	The day after the day on which this Update is approved
Practice Direction 51ZB – the Damages Claims Pilot	6 April 2022
Practice Direction 52D – Statutory Appeals and Appeals Subject to Special Provision	6 April 2022
Practice Direction 54A – Judicial Review	6 April 2022
Practice Direction 54D – Planning Court Claims	6 April 2022
Practice Direction 58 – Commercial Court	6 April 2022
Practice Direction 59 – Circuit Commercial Courts	6 April 2022

Practice Direction 75 – Traffic Enforcement	14 February 2022
Practice Direction – Pre-Action Conduct and Protocols	6 April 2022
Practice Direction – Application for a Warrant Under the Competition Act 1998	6 April 2022
Practice Direction – Civil Recovery Proceedings	6 April 2022
Transitional and Saving Provision	6 April 2022
Schedule 1 – Practice Direction 1A – Participation of Vulnerable Parties or Witnesses	6 April 2022
Schedule 2 – Practice Direction 54D – Planning Court Claims and Appeals to the Planning Court	6 April 2022

The Right Honourable Sir Geoffrey Vos
Master of the Rolls and Head of Civil Justice

Signed by authority of the Lord Chancellor:

Lord Wolfson of Tredegar QC

Parliamentary Under-Secretary of State for Justice

Ministry of Justice

Date: 31 January 2022

PRACTICE DIRECTION 1A – PARTICIPATION OF VULNERABLE PARTIES OR WITNESSES

1) For Practice Direction 1A, substitute Practice Direction 1A as set out in Schedule 1 to this Update.

PRACTICE DIRECTION 3C – CIVIL RESTRAINT ORDERS

1) In paragraphs 3.9(1), 3.10, 4.9(1) and 4.10, for “2 years” substitute “3 years”.

PRACTICE DIRECTION 4 – FORMS

1) In paragraph 1.1, after “that requirement” insert “and paragraph 1.1A”.
2) After paragraph 1.1, insert–

“**1.1A** These Rules and practice directions supplementing these rules enable certain court proceedings and related matters to be conducted online. The relevant practice directions set out whether, and if so what, online forms or other online processes for providing information are to be used or followed in relation to those proceedings. As online forms are only accessible via the relevant online processes, those forms are not listed in this practice direction and are not listed on, and cannot be downloaded from, Form Finder.”.

3) In Annex A (list of court forms arranged by subject matter)—

a) immediately before “COMMERCIAL COURT FORMS” insert—

“CIRCUIT COMMERCIAL COURT FORMS

See Part 59, Practice Direction 59 and the Circuit Commercial Court Guide

The Forms are to be used in cases in the London Circuit Commercial Court are:

N1(LCC) Claim form (Part 7)

N1C(LCC) Notes for defendant on replying to Part 7 Claim form

N9(LCC) Acknowledge of Service

N208(LCC) Claim form (Part 8)

N208C(LCC) Notes for defendant on replying to Part 8 Claim form

N210(LCC) Acknowledgement of service (Part 8)

N211(LCC) Claim form (Additional claims – Part 20)

N211C(LCC) Notes for Part 20 defendant on replying to Part 20 claim form

N213(LCC) Acknowledgement of service (Part 20 claim)

N244(LCC) Application notice

N265(LCC) List of documents

The Forms are to be used in cases in any Circuit Commercial Court other than the London Circuit Commercial Court

N1(RCC) Claim form (Part 7)

N1C(RCC) Notes for defendant on replying to Part 7 Claim form

N9(RCC) Acknowledge of Service

N208(RCC) Claim form (Part 8)

N208C(RCC) Notes for defendant on replying to Part 8 Claim form

N210(RCC) Acknowledgement of service (Part 8)

N211(RCC) Claim form (Additional claims – Part 20)

N211C(RCC) Notes for Part 20 defendant on replying to Part 20 claim form

N213(RCC) Acknowledgement of service (Part 20 claim)

N244(RCC) Application notice

N265(RCC) List of documents”; and

b) Omit the entry and list of documents for “Circuit Commercial Courts Forms” immediately above the entry for “Offers to Settle”.

PRACTICE DIRECTION 7A – HOW TO START PROCEEDINGS – THE CLAIM FORM

1) In paragraph 3.8, for “£1000” substitute “£1,500”.

PRACTICE DIRECTION 8A – ALTERNATIVE PROCEDURE FOR CLAIMS

1) In the table of contents, omit the entry for paragraph 22.1.
2) Omit—
   a) the heading to paragraph 22.1; and
   b) paragraphs 22.1 to 22.12.

PRACTICE DIRECTION 8C – ALTERNATIVE PROCEDURE FOR STATUTORY REVIEW OF CERTAIN PLANNING MATTERS

1) Omit Practice Direction 8C - Alternative Procedure for Statutory Review of Certain Planning Matters.

PRACTICE DIRECTION 10 – ACKNOWLEDGMENT OF SERVICE

1) Omit Practice Direction 10 – Acknowledgment of Service.

PRACTICE DIRECTION 12 – DEFAULT JUDGMENT

1) Omit Practice Direction 12 – Default Judgment.

PRACTICE DIRECTION 23A – APPLICATIONS

1) In paragraph 12.1—

   a) in the first sentence, after “draft of the order sought”, insert “and provide a copy by electronic means if possible”; and
   b) omit the second sentence.

PRACTICE DIRECTION 25A – INTERIM INJUNCTIONS

1) In paragraph 2.4, for “a disk containing” substitute “an electronic version of”.
2) In paragraph 4.5(3), for “faxed to him” substitute “supplied by electronic means to them”.
3) For paragraph 7.11 substitute—

“**7.11** An example of a Search Order and an example of an Imaging Order are annexed to this Practice Direction. Any modification to the standard form by an applicant should be expressly referred to the Judge's attention at the application hearing.”

4) Renumber the Annex as Annex A.
5) After Annex A (as renumbered), insert as Annex B the example Imaging Order set out below.

Annex B - imaging order.pdf

PRACTICE DIRECTION 42 – CHANGE OF SOLICITOR

1) At the start of paragraph 2.5, for “Practice” substitute “Subject to paragraph 2.7A, practice”.
2) At the start of paragraph 2.6, for “Where” substitute ““Subject to paragraph 2.7A, where”.
3) At the start of paragraph 2.7, for “Where” substitute ““Subject to paragraph 2.7A, where”.
4) After paragraph 2.7, insert–

“**2.7A** If notice of change is being given by a solicitor who has a MyHMCTS account, the solicitor should not use practice form N434, but instead should file notice of change with the court using MyHMCTS.”.

PRACTICE DIRECTION 47 – PROCEDURE FOR DETAILED ASSESSMENT OF COSTS AND DEFAULT PROVISIONS

1) In the table of contents, in the entry for paragraph 20, for "rules 47.22 to 47.25" substitute "rules 47.21 to 47.24".
2) In paragraph 14.3(c), for "an oral hearing" substitute "a hearing".
3) In paragraph 14.4(2)—

   a) for "court's decisions", in both places it appears, substitute "court's provisional assessment", and
   b) in the last sentence, omit the words "for a decision".

4) In the heading to paragraph 20.21, for "rules 47.22 to 47.25" substitute "rules 47.21 to 47.24".

PRACTICE DIRECTION 51O – ELECTRONIC WORKING PILOT SCHEME

1) In paragraph 1.1(1)(a), for "2022" substitute "2023".

PRACTICE DIRECTION 51ZB – THE DAMAGES CLAIMS PILOT

1) In paragraph 8.7(1)—

   a) at the start of the paragraph, for "To give" substitute "Unless using MyHMCTS to file"; and
   b) for "42.2(a)", substitute "42.2(2)(a)".

2) for paragraph 8.7(2) substitute—

"(2) Unless the person named in the notice of change of solicitor as taking over representation is –

(a) registered with MyHMCTS; and

(b) has been provided with access to the DCP,

when a party files the notice of change, the court must transfer the claim out of the DCP to the CCMCC.".

PRACTICE DIRECTION 52D – STATUTORY APPEALS AND APPEALS SUBJECT TO SPECIAL PROVISION

1) In the table of contents, in the entry for paragraph 26.1—

a) for “s.289(6)” substitute “s.289”; and
b) for “s 65(5)” substitute “s.65”.

2) In the heading to paragraph 26.1—

a) for “s.289(6)” substitute “s.289”; and
b) for “s 65(5)” substitute “s.65”.

3) For paragraph 26.1 substitute—

“26.1

In an appeal to the Planning Court or an application for permission to appeal to the Planning Court the provisions of Practice Direction 54D must be followed.”.

PRACTICE DIRECTION 54A – JUDICIAL REVIEW

1) Omit the words “See also” to “Practice Direction 10.”.

PRACTICE DIRECTION 54D – PLANNING COURT CLAIMS

1) For Practice Direction 54D – Planning Court Claims, substitute new Practice Direction 54D – Planning Court Claims and Appeals to the Planning Court, as set out in Schedule 2 to this Update.

PRACTICE DIRECTION 58 – COMMERCIAL COURT

1) In paragraph 1.4, for “Royal Courts of Justice” substitute “Rolls Building”.
2) In paragraph 2.1, for “Registry” substitute “Listing Office”.
3) Omit paragraph 2.2.
4) In paragraph 3.3, for “he” substitute “they”.
5) In paragraph 4.2(1), for “Royal Courts of Justice” substitute “Commercial Court, Rolls Building (unless the hearing is held outside London – as to which reference should be made to the Commercial Court Guide)”.
6) In paragraph 10.3, for “he”, substitute “they”.
7) In paragraph 10.6, for “7 days notice” substitute “7 days’ notice”.
8) In paragraph 14.2, omit the second sentence.
9) Omit Appendix A.

PRACTICE DIRECTION 59 – CIRCUIT COMMERCIAL COURTS

1) In paragraph 2.2, after “right hand corner” insert “‘In the High Court of Justice’ and either”.

PRACTICE DIRECTION 75 – TRAFFIC ENFORCEMENT

1) In paragraph 1.3(2)(j)—

  a) for “a penalty” substitute “an enforcement”; and
  b) for “4(1)” substitute “6A(1)”.

2) In paragraph 3.1(e)(i), omit “is”.
3) In paragraph 4.1(2)—

  a) in paragraph (b), at the end, omit “and”;
  b) in paragraph (c), at the end, for “.” substitute “; and”; and
  c) after sub-paragraph (c), insert—

“(d) regulations 7A(3) and 7A(4)(d) of the Littering from Vehicles Regulations.”.

4) In paragraph 5.1(2)—

  a) in paragraphs (a) and (c), at the end of both, omit “or”;
  b) in paragraph (d), at the end, for “.” substitute “; or”; and
  c) after paragraph (d), insert—

“(e) regulation 7A(3) of the Littering from Vehicles Regulations.”.

PRACTICE DIRECTION – PRE-ACTION CONDUCT AND PROTOCOLS

1) In the table in paragraph 18, after the entry for the Pre-action Protocol for Low Value Personal Injury Employers’ and Public Liability Claims insert—

“

Personal Injury Claims Below the Small Claims Limit in Road Traffic Accidents	31 May 2021

”

PRACTICE DIRECTION – APPLICATION FOR A WARRANT UNDER THE COMPETITION ACT 1998

1) In paragraph 4.6, for “on disk” substitute “in an electronic version”.

PRACTICE DIRECTION – CIVIL RECOVERY PROCEEDINGS

1) In paragraph 10.3, for “on disk in a form” substitute “in an electronic version”.

TRANSITIONAL AND SAVING PROVISION

1) The amendment made to Practice Direction 7A – How to Start Proceedings – the Claim Form, applies to claims where either—

a) the date on which the cause of action accrues; or
b) the date of knowledge of the person injured,

is on or after 6th April 2022.

SCHEDULE 1

“PRACTICE DIRECTION 1A – PARTICIPATION OF VULNERABLE PARTIES OR WITNESSES

This practice direction supplements CPR Part 1

Vulnerability

1. The overriding objective requires that, in order to deal with a case justly, the court should ensure, so far as practicable, that the parties are on an equal footing and can participate fully in proceedings, and that parties and witnesses can give their best evidence. The parties are required to help the court to further the overriding objective at all stages of civil proceedings.

2. Vulnerability of a party or witness may impede participation and also diminish the quality of evidence. The court should take all proportionate measures to address these issues in every case.

3. A person should be considered as vulnerable when a factor – which could be personal or situational, permanent or temporary – may adversely affect their participation in proceedings or the giving of evidence.

4. Factors which may cause vulnerability in a party or witness include (but are not limited to)—

(a) Age, immaturity or lack of understanding;
(b) Communication or language difficulties (including literacy);
(c) Physical disability or impairment, or health condition;
(d) Mental health condition or significant impairment of any aspect of their intelligence or social functioning (including learning difficulties);
(e) The impact on them of the subject matter of, or facts relevant to, the case (an example being having witnessed a traumatic event relating to the case);
(f) Their relationship with a party or witness (examples being sexual assault, domestic abuse or intimidation (actual or perceived));
(g) Social, domestic or cultural circumstances.

5. When considering whether a factor may adversely affect the ability of a party or witness to participate in proceedings and/or give evidence, the court should consider their ability to—

(a) understand the proceedings and their role in them;
(b) express themselves throughout the proceedings;
(c) put their evidence before the court;
(d) respond to or comply with any request of the court, or do so in a timely manner;

(e) instruct their representative/s (if any) before, during and after the hearing; and

(f) attend any hearing.

6. The court, with the assistance of the parties, should try to identify vulnerability of parties or witnesses at the earliest possible stage of proceedings and to consider whether a party's participation in the proceedings, or the quality of evidence given by a party or witness, is likely to be diminished by reason of vulnerability and, if so, whether it is necessary to make directions as a result.

7. If the court decides that a party's or witness's ability to participate fully and/or give best evidence is likely to be diminished by reason of vulnerability, the court may identify the nature of the vulnerability in an order and may order appropriate provisions to be made to further the overriding objective.

8. Subject to the nature of any vulnerability having been identified and appropriate provisions having been made, the court should consider ordering ground rules before a vulnerable person is to give evidence, to determine what directions are necessary in relation to—

(a) the nature and extent of that evidence;

(b) the conduct of the advocates and/or the parties in respect of the evidence of that person;

(c) whether one or more special measures and/or any other support should be put in place for that person;

(d) any duty or power of the court under any enactment or its inherent jurisdiction to prohibit, limit or modify cross-examination of or by a vulnerable witness or to appoint a legal representative to conduct a cross-examination.

9. Before ordering any ground rules, special measures or other support, the court must consider views expressed by a party or witness about participating in the proceedings or giving evidence

Special Measures

10. Special measures may include, but are not limited to:

(a) preventing a party or witness from seeing another party or witness by the use of screens;

(b) allowing a party or witness to give evidence remotely by video conference;

(c) hearing a party or witness's evidence in private;

(d) dispensing with the wearing of wigs and gowns;

(e) admitting pre-recorded video evidence;

(f) questioning a party or witness through an intermediary; and

(g) using a device or other aid to help a party or witness communicate.”.

SCHEDULE 2

"PRACTICE DIRECTION 54D – PLANNING COURT CLAIMS AND APPEALS TO THE PLANNING COURT

Contents of this Practice Direction

Title	Number
SECTION I – GENERAL	Para. 1.1
SECTION II – HOW TO START A PLANNING APPLICATION	Para. 2.1
SECTION III – CATEGORISATION OF PLANNING COURT CLAIMS	Para. 3.1
SECTION IV – PROCEDURE IN CLAIMS FOR PLANNING STATUTORY REVIEW	Para. 4.1
Claim form	Para. 4.2
Bundle of documents at permission	Para. 4.6
Service of the claim form	Para. 4.8
Acknowledgement of service	Para. 4.12
Failure to file the acknowledgement of service	Para. 4.19
Permission decision without any hearing	Para. 4.21
Permission hearing	Para. 4.29
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Service of order giving or refusing permission	Para. 4.33
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Response	Para. 4.35
Where claimant seeks to rely on additional grounds	Para. 4.38
Evidence	Para. 4.40
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Planning statutory review may be decided without a hearing	Para. 4.48
Agreed final order	Para. 4.49
SECTION V – APPLICATION TO QUASH CERTAIN ORDERS, SCHEMES, ETC	Para. 5.1
SECTION VI – APPEALS TO THE PLANNING COURT	Para. 6.1

SECTION I – GENERAL

1.1 This Practice Direction supplements Part 54. It applies to Planning Court claims and appeals to the Planning Court.

1.2 In this Practice Direction "planning statutory review" means a claim for statutory review under—

(a) section 287 of the Town and Country Planning Act 1990;
(b) section 288 of the Town and Country Planning Act 1990;
(c) section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990;
(d) section 22 of the Planning (Hazardous Substances) Act 1990; and
(e) section 113 of the Planning and Compulsory Purchase Act 2004.

1.3 In this Practice Direction "appeal to the Planning Court" means an appeal under section 289 of the Town and Country Planning Act 1990 or under section 65 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

SECTION II – HOW TO START A PLANNING COURT CLAIM

2.1 Planning Court claims must be issued or lodged in the Administrative Court Office of the High Court in accordance with Practice Direction 54C.

2.2 The form must be marked the "Planning Court".

SECTION III – CATEGORISATION OF PLANNING COURT CLAIMS

3.1 Planning Court claims may be categorised as "significant" by the Planning Liaison Judge.

3.2 Significant Planning Court claims include claims which—

(a) relate to commercial, residential, or other developments which have significant economic impact either at a local level or beyond their immediate locality;
(b) raise important points of law;
(c) generate significant public interest; or
(d) by virtue of the volume or nature of technical material, are best dealt with by judges with significant experience of handling such matters.

3.3 A party wishing to make representations in respect of the categorisation of a Planning Court claim must do so in writing, on issuing the claim or lodging an acknowledgment of service as appropriate.

3.4 The target timescales for the hearing of significant Planning Court claims, which the parties should prepare to meet, are as follows, subject to the overriding objective of the interests of justice—

(a) applications for permission to apply for judicial review or planning statutory review are to be determined within three weeks of the expiry of the time limit for filing of the acknowledgment of service;

(b) oral renewals of applications for permission to apply for judicial review or planning statutory review are to be heard within one month of receipt of request for renewal;

(c) applications for permission under section 289 of the Town and Country Planning Act 1990 are to be determined within one month of issue;

(d) planning statutory reviews are to be heard within six months of issue; and

(e) judicial reviews are to be heard within ten weeks of the expiry of the period for the submission of detailed grounds by the defendant or any other party as provided in Rule 54.14.

3.5 The Planning Court may make case management directions, including a direction to any party intending to contest the claim to file and serve a summary of his grounds for doing so.

3.6 Notwithstanding the categorisation under paragraph 3.1 of a Planning Court claim as significant or otherwise, the Planning Liaison Judge may direct the expedition of any Planning Court claim if he considers it necessary to deal with the case justly.

SECTION IV – PROCEDURE IN CLAIMS FOR PLANNING STATUTORY REVIEW

4.1 The Part 8 procedure must be used in a claim for planning statutory review. Part 8 applies with the modifications set out in this Section.

Claim form

4.2 A Part 8 claim form must be used and must be filed at the Administrative Court within the time limited by the statutory provisions set out in paragraph 1.2.

4.3 In addition to the matters set out in rule 8.2 (contents of the claim form) the claimant must also state–

(a) the name and address of any person that the claimant considers must be served in accordance with paragraph 4.1;

(b) that the claimant is requesting permission to proceed with a claim for planning statutory review;

(Permission is required to apply for planning statutory review under the provisions listed in paragraph 1.2(a) to (e) of this Practice Direction.)

(c) a detailed statement of the claimant's grounds for bringing the claim for planning statutory review;

(d) a statement of the facts relied on;

(e) any application for directions; and

(f) the remedy being claimed (including any interim remedy).

(Part 25 sets out how to apply for an interim remedy.)

4.4 The claim form must be accompanied by the following documents–

(a) any written evidence in support of the claim;

(b) a copy of any decision, order, relevant document or action that the claimant seeks to have quashed;

(c) copies of any documents on which the claimant proposes to rely;

(d) copies of any relevant statutory material; and

(e) a list of essential documents for advance reading by the court (with page references to the passages relied on).

4.5 Where it is not possible to file all the above documents, the claimant must indicate which documents have not been filed and the reasons why they are not currently available.

Bundle of documents at permission stage

4.6 The claimant must file one paginated and indexed bundle containing all the documents referred to in paragraphs 4.3 to 4.5.

4.7 Attention is drawn to rules 8.5(1) and 8.5(7).

Service of the claim form

4.8 The claim form must be served on the appropriate Minister or government department and, where different, on the person indicated in the following table:

If the application is brought under— 1. section 287 of the Town and Country Planning Act 1990; or 2. section 113 of the Planning and Compulsory Purchase Act 2004.	The authority who prepared the relevant document.
If the application relates to any decision or order, or any action on the part of a Minister of the Crown to which— 1. section 288 of the Town and Country Planning Act 1990 applies; or 2. section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990 applies.	a. The authority directly concerned with the decision, order or action; or b. if that authority is the claimant, on every person who would, if he were aggrieved by the decision, order, relevant document or action, be entitled to apply to the High Court under section 288 of the Town and Country Planning Act 1990 or section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as the case may be.
If the application relates to any decision on the part of a Minister of the Crown to which section 22 of the Planning (Hazardous Substances) Act 1990 applies.	a. The hazardous substance authority who made the decision on the application to which the proceedings relate; or b. if that authority is the claimant, on every person who would, if he were aggrieved by the decision, be entitled to apply to the High Court under section 22 of the Planning (Hazardous Substances) Act 1990.

4.9 In paragraph 4.8 “the appropriate Minister or government department” means the Minister of the Crown of the government department—

(a) by whom the decision or order was or may be made;

(b) on whose part the action in question was or may be taken.

4.10 Except for the court's order granting or refusing permission and the reasons for making its order, the Administrative Court will not serve documents and service must be effected by the parties.

4.11 The claim form must be served within the time limited by the relevant enactment for making a claim for planning statutory review set out in paragraph 1.2.

Acknowledgment of service

4.12 Rules 8.3(1) and 8.3(2) do not apply to a claim for planning statutory review.

4.13 Any person served with the claim form who wishes to take part in the planning statutory review must file an acknowledgment of service using the relevant form.

4.14 Any acknowledgment of service must be—

(a) filed not more than 21 days after service of the claim form; and

(b) served on—

(i) the claimant; and

(ii) any other person named in the claim form, as soon as practicable and, in any event, not later than 7 days after it is filed.

4.15 The time limits under paragraph 4.14 may not be extended by agreement between the parties.

4.16 The acknowledgment of service—

(a) must—

(i) where the person filing it intends to contest the claim, set out a summary of his grounds for doing so;

(ii) state the name and address of any person the person filing it considers should be served in accordance with paragraph 4.8; and

(iii) comply with rule 10.5; and

(b) may include or be accompanied by an application for directions.

4.17 Rule 10.3(2) does not apply.

4.18 The provisions of Part 15 (defence and reply) do not apply.

Failure to file the acknowledgment of service

4.19 Where a person served with the claim form has failed to file an acknowledgment of service in accordance with paragraphs 4.12 to 4.18, rule 8.4 does not apply and that person—

(a) may not take part in a hearing to decide whether permission should be given unless the court allows him to do so; but

(b) provided that person complies with paragraphs 4.35 to 4.37 or any other direction of the court regarding the filing and service of—

(i) detailed grounds for contesting the claim or supporting it on additional grounds; and

(ii) any written evidence,

may take part in the hearing of the planning statutory review.

4.20 Where that person takes part in the hearing of the planning statutory review, the court may take the failure to file an acknowledgment of service into account when deciding what order to make about costs.

Permission decision without a hearing

4.21 The court will generally consider the question of permission without a hearing.

4.22 Paragraphs 4.23 to 4.28 apply where the court, without a hearing—

(a) refuses permission to proceed; or

(b) gives permission to proceed—

(i) subject to conditions; or

(ii) on certain grounds only.

4.23 The court will serve its reasons for making the decision when it serves the order giving or refusing permission in accordance with paragraph 4.33.

4.24 Subject to paragraph 4.28, the claimant may not appeal but may request the decision to be reconsidered at a hearing.

4.25 A request under paragraph 4.24 must be filed within 7 days after service of the reasons under paragraph 4.23.

4.26 The claimant, defendant and any other person who has filed an acknowledgment of service will be given at least 2 days' notice of the hearing date.

4.27 The court may give directions requiring the proceedings to be heard by a Divisional Court.

4.28 Where the court refuses permission to proceed and records the fact that the application is totally without merit in accordance with rule 23.12, the claimant may not request that decision to be reconsidered at a hearing.

Permission hearing

4.29 Neither the defendant nor any other person need attend a hearing on the question of permission unless the court directs otherwise.

4.30 Where the defendant or any party does attend a hearing, the court will not generally make an order for costs against the claimant.

Permission given

4.31 Where permission to proceed is given the court may also give directions.

4.32 Directions under paragraph 4.31 may include—
- (a) a stay of proceedings to which the claim relates;
- (b) directions requiring the proceedings to be heard by a Divisional Court; or
- (c) directions about serving the claim form and any evidence on other persons.

Service of order giving or refusing permission

4.33 The court will serve—
- (a) the order giving or refusing permission; and
- (b) any directions,

on—
- (i) the claimant;
- (ii) the defendant; and
- (iii) any other person who filed an acknowledgment of service.

Defendant etc may not apply to set aside

4.34 Neither the defendant nor any other person served with the claim form may apply to set aside an order giving permission to proceed.

Response

4.35 A defendant and any other person served with the claim form who wishes to contest the claim or support it on additional grounds must file and serve—

(a) detailed grounds for contesting the claim or supporting it on additional grounds; and

(b) any written evidence,

within 35 days after service of the order giving permission.

4.36 Where the party filing the detailed grounds intends to rely on documents not already filed, that party must file a paginated bundle of those documents when filing the detailed grounds.

4.37 The following rules do not apply—

(a) rule 8.5(3) and 8.5(4) (defendant to file and serve written evidence at the same time as acknowledgment of service); and

(b) rule 8.5(5) and 8.5(6) (claimant to file and serve any reply within 14 days).

Where claimant seeks to rely on additional grounds

4.38 Where the claimant intends to apply to rely on additional grounds at the hearing of the planning statutory review, the claimant must give notice to the court and to any other person served with the claim form no later than 7 clear days before the hearing.

4.39 The court's permission is required if a claimant seeks to rely on grounds other than those for which the claimant has been given permission to proceed.

Evidence

4.40 Rule 8.6(1) does not apply.

4.41 No written evidence may be relied on unless—

(a) it has been served in accordance with—

(i) this Practice Direction; or

(ii) direction of the court; or

(b) the court gives permission.

4.42 Disclosure is not required unless the court orders otherwise.

Skeleton arguments

4.43 The claimant must file and serve a skeleton argument not less than 21 working days before the date of the hearing of the statutory review.

4.44 The defendant and any other party wishing to make representations at the hearing of the planning statutory review must file and serve a skeleton argument not less than 14 working days before the date of the hearing.

4.45 Skeleton arguments must contain—

(a) a time estimate for the complete hearing, including delivery of judgment;

(b) a list of issues;

(c) a list of the legal points to be taken (together with any relevant authorities with page references to the passages relied on);

(d) a chronology of events (with page references to the bundle of documents - see paragraphs 4.46 to 4.47 below);

(e) a list of essential documents for the advance reading of the court (with page references to the passages relied on) (if different from that filed with the claim form) and a time estimate for that reading); and

(f) a list of persons referred to.

Bundle of documents at hearing stage

4.46 The claimant must file a paginated and indexed bundle of all relevant documents required for the hearing of the planning statutory review when filing the claimant's skeleton argument.

4.47 The bundle must also include those documents required by the defendant and any other party who is to make representations at the hearing.

Planning statutory review may be decided without a hearing

4.48 The court may decide the claim for planning statutory review without a hearing where all the parties agree.

Agreed final order

4.49 If the parties agree about the final order to be made in a claim for planning statutory review, the claimant must file at the court a document (with 2 copies) signed by all the parties setting out the terms of the proposed agreed order together with a short statement of the matters relied on as justifying the proposed agreed order and copies of any authorities or statutory provisions relied on.

4.50 The court will consider the documents referred to in paragraph 4.49 and will make the order if satisfied that the order should be made.

4.51 If the court is not satisfied that the order should be made, a hearing date will be set.

4.52 Where the agreement relates to an order for costs only, the parties need only file a document signed by all the parties setting out the terms of the proposed order.

SECTION V – APPLICATIONS TO QUASH CERTAIN ORDERS, SCHEMES, ETC

5.1

(1) This section applies where the High Court has jurisdiction under any enactment, on the application of any person to quash or prohibit any—

(a) order, scheme, certificate or plan of;
(b) amendment or approval of a plan of;
(c) decision of;
(d) action on the part of,

a Minister or government department.

(2) The jurisdiction shall be exercisable by a single judge of the Queen’s Bench Division.

5.2 The claim form must be filed at the Administrative Court and served within the time limited by the relevant enactment for making the application.

5.3 Subject to paragraph 5.5, the claim form must be served on the appropriate Minister or government department and on the person indicated in the following table.

If the application relates to—	The authority who made that order.
If the application relates to— 1. a compulsory purchase order made by an authority other than the appropriate Minister or government department; or 2. a clearance order under the Housing Act 1985	The authority who made that order.
If the application relates to a scheme or order— 1. to which Section 2 of the Highways Act 1980 applies; and 2. which was made by an authority other than the Secretary of State	The authority that made the scheme or order.
If the application relates to a structure plan, local plan or other development plan within the meaning of the Town and Country Planning Act 1990	The local planning authority who prepared the plan.
If the application relates to any decision or order, or any action on the part of a Minister of the Crown to which section 21 of the Land Compensation Act 1961 applies—	a. The authority directly concerned with such decision, order or action; or b. if that authority is the applicant, on every person who would, if he were aggrieved by the decision, order or action, be entitled to apply to the High Court under section 21 of the Land Compensation Act.
If the application relates to a scheme to which Schedule 32 of the Local Government, Planning and Land Act 1980 applies	The body which adopted the scheme.

5.4 In paragraph 5.3, "the appropriate Minister or government department" means the Minister of the Crown or government department—

(a) by whom the order, scheme, certificate, plan, amendment, approval or decision in question was or may be made, authorised, confirmed, approved or given;

(b) on whose part the action in question was or may be taken.

5.5 Where the application relates to an order made under the Road Traffic Regulation Act 1984, the claim form must be served—

(a) if the order was made by a Minister of the Crown, on that Minister;

(b) if the order was made by a local authority with the consent, or following a direction, of a Minister of the Crown, on that authority and also on that Minister;

(c) in any other case, on the local authority by whom the order was made.

5.6 Evidence at the hearing of an application under this paragraph is by witness statement.

5.7 The applicant must—

(a) file a witness statement in support of the application in the Administrative Court within 14 days after service of the claim form; and

(b) serve a copy of the witness statement and of any exhibit on the respondent at the time of filing.

5.8 The respondent must—

(a) file any witness statement in opposition to the application in the Administrative Court within 21 days after service on him of the applicant's witness statement; and

(b) serve a copy of his witness statement and of any exhibit on the applicant at the time of filing.

5.9 Unless the court otherwise orders, the application will not be heard earlier than 14 days after the time for filing a witness statement by the respondent has expired.

5.10 Where an application is made under section 66 of the Anti-Social Behaviour, Crime and Policing Act 2014 to question the validity of a public spaces protection order or of a variation of such an order—

(a) the claim form must be served on the local authority by which the order or variation was made or varied; and

(b) paragraphs 5.1(2), 5.2 and 5.6 to 5.9 apply.

SECTION VI – APPEALS TO THE PLANNING COURT

6.1 An application for permission to appeal to the High Court under section 289 of the Town and Country Planning Act 1990 ("the TCP Act") or section 65 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the PLBCA Act") must be made within 28 days after notice of the decision is given to the applicant.

6.2 The application—
- (a) must be in writing and must set out the reasons why permission should be granted; and
- (b) if the time for applying has expired, must include an application to extend the time for applying, and must set out the reasons why the application was not made within that time.

6.3 The applicant must, before filing the application, serve a copy of it on the persons referred to in paragraph 6.11 with the draft appellant's notice and a copy of the witness statement or affidavit to be filed with the application.

6.4 The applicant must file the application in the Administrative Court Office with—
- (a) a copy of the decision being appealed;
- (b) draft appellant's notice;
- (c) a witness statement or affidavit verifying any facts relied on; and
- (d) a witness statement or affidavit giving the name and address of, and the place and date of service on, each person who has been served with the application. If any person who ought to be served has not been served, the witness statement or affidavit must state that fact and the reason why the person was not served.

6.5 An application will be heard—
- (a) by a single judge; and
- (b) unless the court otherwise orders, not less than 21 days after it was filed at the Administrative Court Office.

6.6 Any person served with the application is entitled to appear and be heard.

6.7 Any respondent who intends to use a witness statement or affidavit at the hearing—
- (a) must file it in the Administrative Court Office; and

(b) must serve a copy on the applicant as soon as is practicable and in any event, unless the court otherwise allows, at least 2 days before the hearing.

6.8 The court may allow the applicant to use a further witness statement or affidavit.

6.9 Where on the hearing of an application the court is of the opinion that a person who ought to have been served has not been served, the court may adjourn the hearing, on such terms as it directs, in order that the application may be served on that person.

6.10 Where the court grants permission—

(a) it may impose terms as to costs and as to giving security;

(b) it may give directions; and

(c) the relevant appellant's notice must be served and filed within 7 days of the grant.

6.11 The persons to be served with the appellant's notice are—

(a) the Secretary of State;

(b) the local planning authority who served the notice or gave the decision, as the case may be, or, where the appeal is brought by that authority, the appellant or applicant in the proceedings in which the decision appealed against was given;

(c) in the case of an appeal brought by virtue of section 289(1) of the TCP Act or section 65(1) of the PLBCA Act, any other person having an interest in the land to which the notice relates; and

(d) in the case of an appeal brought by virtue of section 289(2) of the TCP Act, any other person on whom the notice to which those proceedings related was served.

6.12 The appeal will be heard and determined by a single judge unless the court directs that the matter be heard and determined by a Divisional Court.

6.13 The court may remit the matter to the Secretary of State to the extent necessary to enable the Secretary of State to provide the court with such further information in connection with the matter as the court may direct.

6.14 Where the court is of the opinion that the decision appealed against was erroneous in point of law, it will not set aside or vary that decision but will remit the matter to the Secretary of State for re-hearing and determination in accordance with the opinion of the court.

6.15 The court may give directions as to the exercise, until an appeal brought by virtue of section 289(1) of the TCP Act is finally concluded and any re-hearing and determination by the Secretary of State has taken place, of the power to serve, and institute proceedings (including criminal proceedings) concerning—

(a) a stop notice under section 183 of that Act; and

(b) a breach of condition notice under section 187A of that Act.

6.16 An appeal brought by virtue of sections 289(1) or (2) of the TCP Act or section 65(1) of the PLBCA Act will be treated as if it is a review under statute for the purposes of rules 45.41 to 45.44 and may therefore be an Aarhus Convention claim for the purposes of those rules.”.