

88th UPDATE – PRACTICE DIRECTION AMENDMENTS

The amendments to the Practice Directions, and new Practice Directions, supplementing 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 Sir Oliver Heald, Minister of State, by the authority of the Lord Chancellor.

The amendments to the Practice Directions come into force as follows—	
Practice Direction 2C – Starting proceedings in the County Court	31 March 2017
Practice Direction 2E – Jurisdiction of the County Court that may be exercised by a legal adviser	1 April 2017
Practice Direction 3B – Sanctions for non-payment of fees	6 March 2017
Practice Direction 3E – Costs management	6 April 2017
Practice Direction 4 – Forms	6 March 2017
Practice Direction 17 – Amendments to statements of case	1 April 2017
Practice Direction 23A – Applications	1 April 2017
Practice Direction 25A – Interim injunctions	28 February 2017
Practice Direction 26 – Case management – preliminary stage	Paragraph (1) – 1 April 2017 Paragraph (2) - 31 March 2017
Practice Direction 45 – Fixed costs	Paragraph (1) – 31 March 2017; Paragraph (2) – 28 February 2017
Practice Direction 47 – Procedure for detailed assessment of costs and default provisions	Paragraph (1) – 31 March 2017;

	Paragraph (2) – 6 March 2017
Practice Direction 51K – The County Court legal advisers pilot scheme	1 April 2017
Practice Direction 51O – The Electronic Working pilot scheme	1 April 2017
Practice Direction 52B – Appeals in the county court and the High Court	31 March 2017
Practice Direction 52D – Statutory appeals and appeals subject to special provision	28 February 2017
Practice Direction 54A – Judicial review	28 February 2017
Practice Direction 56 – Landlord and tenant claims and miscellaneous provisions about land	6 March 2017
Practice Direction 61 – Admiralty claims	28 February 2017
Practice Direction 68 – References to the European Court	6 April 2017
Practice Direction 74A – Enforcement of judgments in different jurisdictions	1 April 2017

The Right Honourable Sir Terence Etherton
Master of the Rolls and Head of Civil Justice

Signed by authority of the Lord Chancellor:

Minister of State
Ministry of Justice

PRACTICE DIRECTION 2C – STARTING PROCEEDINGS IN THE COUNTY COURT

- 1) In Annex A, in the table to the Schedule (the County Court Directory)—
- a) omit the entries for the following County Court hearing centres—
 - i) Bow;
 - ii) Brecon;
 - iii) Halifax;
 - iv) Hartlepool;
 - v) King’s Lynn;
 - vi) Lowestoft;
 - vii) Reigate;
 - viii) Rhyl;
 - ix) Rotherham;
 - x) Scunthorpe;
 - xi) St Albans;
 - xii) Tunbridge Wells; and
 - xiii) Warrington,

and any references to these hearing centres where they appear in the fifth column of the table;

- b) in the entry for Port Talbot, in the second column insert “DR”;
- c) after the entry for Port Talbot, insert—

“Prestatyn	DR	Contact the Prestatyn hearing centre for information regarding the CTC	I C/LLP”; and	
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- d) in the entry for Conwy and Colwyn—
 - i) in the first column, for “Rhyl” substitute “Prestatyn”; and
 - ii) in the third column, for “Caernarfon” substitute “Contact
the Prestatyn hearing centre for information regarding the CTC”.

PRACTICE DIRECTION 2E – JURISDICTION OF THE COUNTY COURT THAT MAY BE EXERCISED BY A LEGAL ADVISER

- 1) After Practice Direction 2D, insert Practice Direction 2E (Jurisdiction of the County Court that may be exercised by a legal adviser), as set out in Schedule 1 to this update.

PRACTICE DIRECTION 3B – SANCTIONS FOR NON-PAYMENT OF FEES

- 1) In the sub-title to Practice Direction 3B, for “This Practice Direction supplements CPR rule 3.7”, substitute “This Practice Direction supplements CPR rules 3.7, 3.7A1 and 3.7AA”.
- 2) At the end of the sentence in paragraph 1, insert the additional sentence, “If a claim or counterclaim is struck out under rule 3.7A1 or 3.7AA, the court will send notice that it has been struck out to both the claimant and the defendant.”.
- 3) At the start of paragraph 2, for “The notice” substitute “In relation to the notice sent out under rule 3.7 or 3.7A1, the notice”.

PRACTICE DIRECTION 3E – COSTS MANAGEMENT

- 1) In PD3E, in paragraph 7.3—
 - a) in the first sentence, for “budgets or parts of the budgets” substitute “budgeted costs or incurred costs”;
 - b) in the second sentence, for “budgets” in the two places it occurs substitute “budgeted costs”;
 - c) in the third sentence, before “each phase” insert “budgeted costs of”; and
 - d) in the fourth sentence, for “budgets” substitute “budgeted costs”.
- 2) In paragraph 7.4—
 - a) in the first sentence, for “budget” substitute “costs management hearing”; and
 - b) in the second sentence, after “subsequent” insert “budgeted”.
- 3) In paragraph 7.7—
 - a) for “budget” the first time it occurs, substitute “budgeted costs”;
 - b) for “it” substitute “the budgeted costs”; and
 - c) for “its” substitute “the parties’ ”.

PRACTICE DIRECTION 4 – FORMS

- 1) In PD 4, in Annex A, omit the entry for Form N173 – notice to pay fee.

PRACTICE DIRECTION 17 – AMENDMENTS TO STATEMENTS OF CASE

- 1) In paragraphs 2.1 and 2.2 for the words [District Judge..... or as may be] substitute –

“[District Judge.....] [Legal Adviser] or as may be”

PRACTICE DIRECTION 23A – APPLICATIONS

- 4) For paragraph 10.3 substitute –

“10.3 Where a consent order is made by a judge, the order must be drawn so that the judge’s name and judicial title can be inserted.”

PRACTICE DIRECTION 25A – INTERIM INJUNCTIONS

- 1) In PD 25A, for paragraphs 5.1 to 5.3 substitute—

“Orders for injunctions

5.1 Any order for an injunction, unless the court orders otherwise, must contain:

(1) subject to paragraph 5.3, an undertaking by the applicant to the court to pay any damages which the respondent sustains which the court considers the applicant should pay.

(2) if made without notice to any other party, an undertaking by the applicant to the court to serve on the respondent the application notice, evidence in support and any order made as soon as practicable,

(3) if made without notice to any other party, a return date for a further hearing at which the other party can be present,

(4) if made before filing the application notice, an undertaking to file and pay the appropriate fee on the same or next working day, and

(5) if made before issue of a claim form—

(a) an undertaking to issue and pay the appropriate fee on the same or next working day, or

(b) directions for the commencement of the claim.

5.2 Subject to paragraph 5.3, when the court makes an order for an injunction, it should consider whether to require an undertaking by the applicant to pay any damages sustained by a person other than the respondent, including another party to the proceedings or any other person who may suffer loss as a consequence of the order.

5.3 (1) If in an Aarhus Convention claim to which rules 45.43 to 45.45 apply the court is satisfied that an injunction is necessary to prevent significant environmental damage and to preserve the factual basis of the proceedings, the court will, in considering whether to require an undertaking by the applicant to pay any damages which the respondent or any other person may sustain as a result, and the terms of any such undertaking–

(a) have particular regard to the need for the terms of the order overall not to be such as would make continuing with the claim prohibitively expensive for the applicant; and

(b) make such directions as are necessary to ensure that the case is heard promptly.

(2) In this paragraph

(a) 'Aarhus Convention claim' has the same meaning as in rule 45.41(2)(a); and

(b) 'member of the public' is to be construed in accordance with rule 45.41(2)(b).

(3) Proceedings are 'prohibitively expensive' if their likely costs, including any court fees payable by the applicant and the amount of any cross-undertaking in damages, and having regard to any limit under Part 45 on a party's maximum costs liability, either –

(a) exceed the financial resources of the applicant; or

(b) are objectively unreasonable having regard to the factors set out in rule 45.44(3)(b).

(4) When a court considers the financial resources of the applicant, it will have regard to any financial support which any person has provided or is likely to provide to the applicant.

5.4 An order for an injunction made in the presence of all parties to be bound by it or made at a hearing of which they have had notice, may state that it is effective until trial or further order.

5.5 Any order for an injunction must set out clearly what the respondent must do or not do.”

PRACTICE DIRECTION 26 – CASE MANAGEMENT – PRELIMINARY STAGE

1) In PD 26, in paragraph 3.1, for subparagraph (2)(a) substitute—

“(a) Subject to Practice Direction 2E, an order extending the stay must be made by a judge.”

2) in paragraph 10.4, omit “Bow,”.

PRACTICE DIRECTION 45 – FIXED COSTS

1) In PD 45, in paragraph 2.6 omit “Bow,”.

2) Omit paragraphs 5.1 and 5.2.

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

1) In PD 47, in paragraph 4.2(1), omit “Bow,”.

2) In paragraph 13.3, for subparagraph (b), substitute-

“(b) a copy of the notice sent by the court under Practice Direction 3B paragraph 1, being notification that a claim has been struck out under rule 3.7 or rule 3.7A1 for non-payment of a fee;”.

PRACTICE DIRECTION 51K – THE COUNTY COURT LEGAL ADVISERS PILOT SCHEME

1) Omit Practice Direction 51K (The County Court Legal Advisers Pilot Scheme).

PRACTICE DIRECTION 51O – ELECTRONIC WORKING PILOT SCHEME

- 1) In PD 51O, in paragraph 3.1, after “paragraphs” insert “3.4(2),”.
- 2) In paragraph 3.4, for paragraph (2) substitute—

“(2) In relation to any document required by the Rules, any Practice Direction or any order of the court to be filed, the court will not accept that document for filing if submitted by e-mail and any such document must be filed through Electronic Working (unless submitted on paper); but if a judge, Master or Registrar has requested or permitted the submission of such a document by e-mail then it must be so submitted as well as being filed through Electronic Working (or on paper).”

- 3) In paragraph 14.2, for “and obtain” substitute “on a terminal provided for that purpose by Her Majesty’s Courts and Tribunals Service and obtain, subject to paragraph 15.2, electronic copies of”.

PRACTICE DIRECTION 52B – APPEALS IN THE COUNTY COURT AND HIGH COURT

- 1) In Table A—
 - a) omit the entries for the following courts—
 - i) Halifax;
 - ii) Hartlepool;
 - iii) Rotherham;
 - iv) Scunthorpe;
 - v) Warrington;
 - vi) Brecknock;
 - vii) Rhyl;
 - viii) Bow;
 - ix) King’s Lynn;
 - x) Reigate;
 - xi) St Albans; and
 - xii) Tunbridge Wells; and
 - b) after the entry for Pontypridd insert—

“	Port Talbot	Swansea
	Prestatyn	Wrexham”.

2) In Table B, in the second column omit “St Albans”.

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

1) In PD52D, in paragraph 26.1, after sub-paragraph (16) insert—

“(17) 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.”

PRACTICE DIRECTION 54A – JUDICIAL REVIEW

1) In PD 54A, for paragraph 5.9 substitute—

“**5.9** The claimant must file one copy of a paginated and indexed bundle containing all the documents referred to in paragraphs 5.6 and 5.7 unless the case is to be heard before a Divisional Court. For Divisional Court cases the number of bundles required will be one set for each judge hearing the case.”

PRACTICE DIRECTION 56 – LANDLORD AND TENANT CLAIMS AND MISCELLANEOUS PROVISIONS ABOUT LAND

1) In PD 56, in the table of contents for the Practice Direction, after the entry for paragraph 3.17 – Applications for interim rent under section 24A to 24D of the 1954 Act, insert the following additional entries—

“

Pubs Code tenants	Para. 3.20
Contents of the claim form where a party is	Para. 3.22

a Pubs Code tenant	
Acknowledgment of service and defence where a party is a Pubs Code tenant	Para. 3.25
Unopposed claim where a Pubs Code tenant has given an MRO notice	Para. 3.26
Grounds of opposition where a party is a Pubs Code tenant who has given an MRO notice	Para. 3.28
Applications for interim rent where a party is a Pubs Code tenant	Para. 3.30

”.

2) After paragraph 2.6, insert—

“(Where the tenant is a tied pub tenant of a pub-owning business under the Small Business Enterprise and Employment Act 2015, the procedure provided by paragraphs 3.1 to 3.19 of this practice direction is modified by paragraphs 3.20 to 3.32.)”.

3) After paragraph 3.19, insert—

“PUBS CODE TENANTS

3.20 In the following paragraphs –

- (1) ‘end of the MRO procedure’ means the day calculated in accordance with regulation 39(4) of the Pubs Code;
- (2) ‘MRO’ means market rent only option as provided by section 43 of the Small Business, Enterprise and Employment Act 2015;
- (3) ‘MRO notice’ has the meaning given in regulation 23(1) of the Pubs Code;
- (4) ‘MRO tenancy’ is a tenancy to occupy premises on MRO terms and provided in compliance with the Pubs Code;
- (5) ‘pub-owning business’ has the meaning given in section 69(1) of the Small Business, Enterprise and Employment Act 2015;
- (6) ‘Pubs Code’, means the Pubs Code Etc. Regulations 2016;

(7) 'Pubs Code Adjudicator' is the corporation sole body established by section 41 of the Small Business, Enterprise and Employment Act 2015;

(8) 'Pubs Code tenant' means a tied pub tenant whose immediate landlord is a pub-owning business; and

(9) 'tied pub tenant' has the meaning given in section 70(1) of the Small Business, Enterprise and Employment Act 2015.

3.21 Where the tenant is a Pubs Code tenant, paragraphs 1.1 – 3.19 apply, subject to the following modifications.

Contents of the claim form where a party is a Pubs Code tenant

3.22 In addition to the details listed at paragraph 3.4, the claim form must state that the tenant is a Pubs Code tenant.

3.23 The claim form must state whether the tenant –

(1) has given an MRO notice in accordance with the Pubs Code;

(2) has requested a rent proposal in accordance with Regulation 15(1)-(5) of the Pubs Code.

3.24 Where the tenant has given an MRO notice or has requested a rent proposal as referred to in paragraph 3.23(1) or (2), the claimant may choose to state the proposed terms of the new tenancy, but is not obliged to do so.

Acknowledgment of service and defence where a party is a Pubs Code tenant

3.25 Where an MRO notice has been given by the Pubs Code tenant or the claim form does not state proposed terms of the new tenancy, there is no requirement for the defendant to state in the acknowledgement of service or defence the terms of any new tenancy proposed in the claim form to which the defendant objects, or the terms the defendant proposes.

Unopposed claim where a Pubs Code tenant has given an MRO notice

3.26 In an unopposed claim where a Pubs Code tenant has given an MRO notice, following the filing of the acknowledgement of service, the court must consider whether to stay the claim pending the end of the MRO procedure.

3.27 Where the court has stayed proceedings under paragraph 3.26, the claimant must notify the court within 28 days following the end of the MRO procedure –

(1) whether any tenancy has been accepted; and

(2) where a tenancy has been accepted –

(a) the terms of the new tenancy; and

(b) whether any part of the claim is left for the court to determine (such as interim rent) and if so, what those matters are; or

(3) where no tenancy has been accepted, whether any terms of a proposed tied tenancy have been the subject of determination by the Pubs Code Adjudicator,

and in every case must file at the same time a consent order for disposal of the proceedings or proposed directions for the further conduct of the proceedings indicating whether those directions have been agreed with the defendant.

Grounds of opposition where a party is a Pubs Code tenant who has given an MRO notice

3.28 If the court dismisses the grounds of opposition in a claim where a party is a Pubs Code tenant who has given an MRO notice, the court must consider whether to stay the court proceedings pending the end of the MRO procedure.

3.29 Where the court has stayed proceedings under paragraph 3.28, the claimant must notify the court within 28 days following the end of the MRO procedure –

(1) whether any tenancy has been accepted; and

(2) where a tenancy has been accepted –

(a) the terms of the new tenancy; and

(b) whether any part of the claim is left for the court to determine (such as interim rent) and if so, what those matters are; or

(3) where no tenancy has been accepted, whether any terms of a proposed tied tenancy have been the subject of determination by the Pubs Code Adjudicator, and in every case must file at the same time a consent order for disposal of the proceedings or proposed directions for the further conduct of the proceedings indicating whether those directions have been agreed with the defendant.

Applications for interim rent where a party is a Pubs Code tenant

3.30 Where a claim contains an application for interim rent and a party is a Pubs Code tenant who has given an MRO notice, the court must consider whether to stay determination of the issue of interim rent pending the end of the MRO procedure.

3.31 Where the court has stayed proceedings under paragraph 3.30, the claimant must notify the court within 28 days following the end of the MRO procedure –

(1) whether the terms of a new tenancy have been accepted; and

(2) if accepted, the terms of the new tenancy;

and in every case must file at the same time a consent order for disposal of the proceedings or proposed directions for the further conduct of the proceedings indicating whether those directions have been agreed with the defendant.

3.32 In a claim or application for interim rent where a party is a Pubs Code tenant who has given an MRO notice, if a party considers that section 24C(3) of the 1954 Act applies for the calculation of interim rent because an MRO tenancy has been granted, that party must provide the terms of the old tenancy and any other evidence it considers appropriate to satisfy the court that the conditions for that section to apply have been met.”.

PRACTICE DIRECTION 61 – ADMIRALTY CLAIMS

1) In PD 61, after paragraph 4.5 insert—

“Case Management

4.6

In all collision claims—

- (1) a case management conference is mandatory;
- (2) the claimant must apply for a case management conference within 7 days after the last collision statement of case is filed, failing which any other party may apply for a case management conference;
- (3) the mandatory case management conference will normally take place on the first available date 6 weeks after the last collision statement of case is filed.

4.7

In any collision claim where electronic track data has been disclosed by one or more parties as being in its control in accordance with rule 61.4(4A)—

(1) the court will seek to adopt fast track procedures for the determination of issues of liability as part of its duty actively to manage cases in accordance with the overriding objective, which may include directions—

- (a) limiting further disclosure to contemporaneous documents made shortly before and shortly after the collision;
- (b) limiting witnesses to those most closely involved with the collision;
- (c) excluding or limiting expert evidence;
- (d) requiring the parties to provide a memorandum of points of agreement and dispute, to include an agreed plot of each vessel's track leading up to the collision;
- (e) dispensing with oral evidence;
- (f) limiting the number of assessors to one, or dispensing with the assistance of assessors;
- (g) dispensing with an oral hearing, and instead determining issues of liability only on the basis of—
 - (i) an agreed bundle of evidence, and
 - (ii) written submissions, limited to 10 pages or such other length as is approved by the court, on fault, causation and apportionment,
 in which case the court will identify the date on which the trial will be deemed to start for the purposes of rule 61.4(10)(a);
- (h) allocating the case to a deputy High Court Judge sitting in the Admiralty Court, or to the Admiralty Registrar; and/or
- (i) making a costs capping order.

(2) The parties should give careful consideration to adopting these and/or other procedures and directions when completing their case management information sheets. The court will give due consideration to any agreement made by the parties

which is intended to dispose of the claim in an expeditious and cost-effective manner.”

PRACTICE DIRECTION 68 – REFERENCES TO THE EUROPEAN COURT

- 1) For PD68, substitute PD68 as contained in Schedule 2 to this update.

PRACTICE DIRECTION 74A – ENFORCEMENT OF JUDGMENTS IN DIFFERENT JURISDICTIONS

- 1) In paragraphs 4.2 and 4.3, after the words “in the case of a county court judgment, to a district judge” insert—

“, unless Practice Direction 2E applies”.
- 2) In paragraph 7.2, after the words “and will be accompanied by a certificate signed by a judge” insert—

“or, where Practice Direction 2E applies, a legal adviser”.

SCHEDULE 1

“PRACTICE DIRECTION 2E – JURISDICTION OF THE COUNTY COURT THAT MAY BE EXERCISED BY A LEGAL ADVISER

This Practice Direction supplements CPR Part 2

Contents of this practice direction

Title	Number
Scope and interpretation	Para. 1
Jurisdiction of the County Court that may be exercised by a legal adviser	Para. 2
Reconsideration of a decision made by a legal adviser	Para. 3
Schedule - Jurisdiction of the County Court that may be exercised by a legal adviser	

1. Scope and interpretation

1.1 This Practice Direction applies to proceedings in the County Court started at the County Court Business Centre (“CCBC”) and the County Court Money Claims Centre (“CCMCC”). It specifies the jurisdiction that may be exercised by a legal adviser and any restrictions that apply.

1.2 In this Practice Direction—

(a) “the County Court Business Centre” means the Production Centre and Money Claim Online;

(b) “legal adviser” means a court officer assigned to the County Court who is—

(i) a barrister; or

(ii) a solicitor,

who may exercise the jurisdiction of the County Court with regard to the matters set out in paragraph 2.1 and in the schedule to this Practice Direction, with the consent of the Designated Civil Judges for Northampton and Leicester Trial Centre in respect

of the CCBC, and Manchester Civil Justice Centre & Manchester Outer in respect of the CCMCC, or their respective nominees.

2. Jurisdiction of the County Court that may be exercised by a legal adviser

2.1 A legal adviser may exercise the jurisdiction of the County Court with regard to the matters set out in the first column of the schedule to this Practice Direction, subject to the corresponding restrictions in the second column.

3. Reconsideration of a decision made by a legal adviser

3.1 Decisions of a legal adviser will be made without a hearing.

3.2 A party may request any decision of a legal adviser to be reconsidered by a District Judge.

3.3 A request must be filed within 14 days after the party is served with notice of the decision.

3.4 The request must include a summary of the issue and an explanation of why the reconsideration is sought.

3.5 Reconsideration will take place without a hearing.

SCHEDULE

Jurisdiction of the County Court that may be exercised by a legal adviser

Work type	Restrictions on the exercise of jurisdiction and modifications of the Civil Procedure Rules
1. Order to rectify a procedural error pursuant to rule 3.10	Limited to those instances where the court serves a claim contrary to the claimant's

	instructions.
2. Application to extend time for service of the claim form pursuant to rule 7.6	Limited to the first application, unless the claim would normally be allocated to the small claims track, and further limited to applications made within the period specified in rule 7.5 for service of the claim form.
3. Application for an order permitting service at an alternative place, pursuant to rule 6.15(2)	Limited to an order permitting service on the defendant at their place of work.
4. Applications for an extension of time in which to serve the particulars of claim	Limited to the first application, unless the claim would normally be allocated to the small claims track, and further limited to applications made within the period specified in rule 7.4 for service of the particulars of claim.
5. Applications to amend a claimant's or defendant's address or details after service, pursuant to rule 17.1(2)	Limited to applications prior to the expiration of the relevant limitation period and claims which have been, or would normally be, allocated to the small claims track.
6. Application to amend the particulars of claim or the amount of the claim pursuant to rule 17.1(2)	Limited to— (a) applications received before a defence is filed; or (b) if an application is received after a defence is filed, claims which have been, or would normally be, allocated to the small claims track.
7. Application to add or substitute a party to the proceedings pursuant to rule 19.4	Limited to applications where all existing parties, upon whom the claim has been served and who have

	acknowledged service, and the proposed new party agree to the addition or substitution and are in agreement that the application may be dealt with without a hearing.
8. Application or request to set aside default judgment, pursuant to rule 13.2	
9. Application to set aside default judgment, pursuant to rule 13.3	Limited to applications where— (a) all parties consent; and (b) the judgment is not satisfied.
10. Application to vary default judgment entered under Part 12, pursuant to rule 13.3	Limited to applications where— (a) the application relates to the time and rate of payment; and (b) all relevant parties consent.
11. Application to extend time for filing or serving a defence	Limited to the first such application by each defendant and to those where a claimant who has been notified of the application does not object within seven days of service.
12. Application to make a counterclaim after a defence has been filed, pursuant to rule 20.4(2)(b)	Limited to applications where all parties consent.
13. Application to appoint a new litigation friend in substitution for an existing one pursuant to rule 21.7(1)(c)	
14. Application to extend time for complying with a notice of proposed allocation in accordance with rule 26.3(1)	Limited to one application per party, unless the claim has been provisionally allocated to the small claims track, and subject to the further limitation that time can be extended

	for a period not exceeding 28 days.
15. Application to stay proceedings pursuant to rule 26.4(2A) or to extend the period of a stay pursuant to rule 26.4(3)	Limited to one application and where all parties consent.
16. Application to remove a stay of proceedings	Limited to applications where all parties consent.
17. Applications for interim payments pursuant to rule 25.6	Limited to applications where all parties consent to the payment.
18. Entering and sealing an agreed judgment pursuant to rule 40.6(2) in any case where the requirements in Form EX224 are not met	
19. Applications for judgments or orders in terms agreed pursuant to rule 40.6(5)	
20. Application for an Order that a solicitor has ceased to act pursuant to rule 42.3	
21. Applications for a certificate of judgment by a judgment creditor who seeks to enforce a County Court judgment abroad, pursuant to rule 74.12	
22. Applications for a certificate of money provisions by a judgment creditor who seeks to enforce a money judgment of the County Court in another part of the United Kingdom, pursuant to rule 74.17	

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SCHEDULE 2

“PRACTICE DIRECTION 68 – REFERENCES TO THE EUROPEAN COURT

This Practice Direction supplements CPR Part 68

Wording of references

1.1 Where the court intends to refer a question to the European Court it may direct the parties to produce a draft of the reference but responsibility for the terms of the reference lies with the court making the reference and not with the parties.

1.2 As to the content of the reference, attention is drawn to Article 94 of the European Court Procedure Rules and to paragraphs 20 to 28 of the European Court’s ‘Recommendations to national courts and tribunals in relation to the initiation of preliminary ruling proceedings’ (as published on 6 November 2012), both of which are available on the European Court’s website at <http://curia.europa.eu>.

1.3 In particular:

(1) the reference must identify as clearly and succinctly as possible the questions on which the court seeks the ruling of the European Court;

(2) it must contain a summary of the subject-matter of the dispute and the relevant findings of fact, or at least an account of the facts on which the questions are based;

(3) it must identify, with precise references, the applicable provisions of national law and any relevant national case-law;

(4) it must contain a clear statement of the reasons why the court considers that the questions need to be addressed;

(5) it may include a brief statement of the court’s view on the answer to be given to the questions referred.

1.4 Where the court has given a judgment relating to the subject matter of the reference, only those parts of the judgment directly relevant to the question on which a ruling is sought should be incorporated or summarised in the reference.

1.5 In choosing the wording of the reference, it should be remembered that it will be translated within the European Court into the other official languages prior to circulation. A reference in excess of 20 pages in length will be summarised for the purposes of translation, and it is only the translated summary that will be circulated. In order to avoid the risk that elements of the court's reasoning are lost in the process of summarising, it is important to ensure that a reference is under 20 pages in length.

1.6 The European Court does not encourage national courts to send additional documents in support of a reference. Any such documents will remain in a file and will not be translated or circulated. If there is a need to send supporting documents, a list of those documents must be included within the reference itself in order that their existence is known to the Members of the Court.

Transmission to the European Court

2.1 Documents required by the rules to be sent to the Senior Master for onward transmission to the European Court must be sent care of Queen's Bench Division Associates' Department, Room WG03, Royal Courts of Justice, Strand, London WC2A 2LL.

2.2 If it is necessary to send any supporting documents to the European Court, the parties should prepare a bundle of such documents to be sent direct to the Registrar of the European Court."