

66th UPDATE – PRACTICE DIRECTION AMENDMENTS

The new Practice Directions and the amendments to the existing 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 _____, Parliamentary Under Secretary of State, by the authority of the Lord Chancellor.

The amendment to the Pre-Action Protocol for Low Value Personal Injury (Employers' Liability and Public Liability) Claims is approved by the Master of the Rolls as Head of Civil Justice.

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| The new Practice Directions and amendments to the existing Practice Directions, and the amendments to the Pre-Action Protocols come into force as follows— | |
| Practice Direction 2B – Allocation of Cases to Levels of Judiciary | 1 October 2013 |
| Practice Direction 3E – Costs Management | 1 September 2013 |
| Practice Direction 4 - Forms | 1 October 2013 |
| Practice Direction 6A – Service within the United Kingdom | 1 October 2013 |
| Practice Direction 7A – How to Start Proceedings – the Claim Form | 1 October 2013 |
| Practice Direction 7B – Consumer Credit Act 2006 – Unfair Relationships | 1 October 2013 |
| Practice Direction 6B – Service out of the Jurisdiction | 1 October 2013 |
| Practice Direction 8A – Alternative Procedure for Claims | 1 October 2013 |
| Practice Direction 8B - Pre-Action Protocols for Low Value Personal Injury Claims in Road Traffic Accidents and Low Value Personal Injury (Employers' Liability and Public Liability) Claims – Stage 3 Procedure | 1 October 2013 |
| Practice Direction 10 – Acknowledgment Of Service | 1 October 2013 |
| Practice Direction 15 – Defence and Reply | 1 October 2013 |
| Practice Direction 16 – Statements of Case | 1 October 2013 |
| Practice Direction 18 – Further Information | 1 October 2013 |
| Practice Direction 19B – Group Litigation | 1 October 2013 |
| Practice Direction 21 – Children and Protected Parties | 1 October 2013 |
| Practice Direction 23A - Applications | 1 October 2013 |
| Practice Direction 24 – the Summary Disposal of Claims | 1 October 2013 |
| Practice Direction 26 – Case Management - Preliminary Stage: Allocation and Re-allocation | 1 October 2013 |
| Practice Direction 27 – Small Claims Track | 1 October 2013 |

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| Practice Direction 28 – the Fast Track | 1 October 2013 |
| Practice Direction 29 – the Multi-track | 1 October 2013 |
| Practice Direction 30 – Transfer | 1 October 2013 |
| Practice Direction 40B – Judgments and Orders | 1 October 2013 |
| Practice Direction 42 – Change of Solicitor | 1 October 2013 |
| Practice Direction 45 – Fixed Costs | 1 October 2013 |
| Practice Direction 46 – Costs Special Cases | 1 October 2013 |
| Practice Direction 47 – Procedure for Detailed Assessment of Costs and Default Provisions | 1 October 2013 |
| Practice Direction 51A – Transitional Arrangements | 1 October 2013 |
| Practice Direction 51I – The Second Mediation Service Pilot Scheme | 29 September 2013 |
| Practice Direction 52A – Appeals: General Provisions | 1 October 2013 |
| Practice Direction 52B – Appeals in the County Courts and High Court | 1 October 2013 |
| Practice Direction 52C – Appeals to the Court of Appeal | 1 October 2013 |
| Practice Direction 52D – Statutory Appeals and Appeals subject to Special Provision | 1 October 2013 |
| Practice Direction 63 – Intellectual Property Claims | 1 October 2013 |
| Practice Direction 64A – Estates, Trusts and Charities | 1 October 2013 |
| Practice Direction 67 – Proceedings Relating to Solicitors | 1 October 2013 |
| Practice Direction 68 – References to the European Court | 1 October 2013 |
| Practice Direction 69 – Court’s Power to Appoint a Receiver | 1 October 2013 |
| Practice Direction 75 – Traffic Enforcement | 2 September 2013 |
| Practice Direction – Pre-Action Conduct | 1 October 2013 |
| Pre-Action Protocol For Low Value Personal Injury (Employers’ Liability And Public Liability) Claims | 1 October 2013 |

The Right Honourable The Lord Dyson
Master of the Rolls and Head of Civil Justice

Signed by authority of the Lord Chancellor:

Parliamentary Under Secretary of State
Ministry of Justice

PRACTICE DIRECTION 2B – ALLOCATION OF CASES TO LEVELS OF JUDICIARY

- 1) In Practice Direction 2B – Allocation of Cases to Levels of Judiciary, in paragraph 3.1(e)-
 - a) for “43 to 48” substitute “44 to 47”; and
 - b) for “47.20”, substitute “47.21”.

PRACTICE DIRECITON 3E – form H is substituted



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PRACTICE DIRECTION 4 - FORMS

- 2) In Practice Direction 4 – Forms, in Table 1–
 - a) in the entry for form N260 – Statement of costs (summary assessment), for “(PD 43 3.2)” substitute “(PD 44, 1.2)”; and
 - b) in the entry for form PF8 – Standard “unless” order, omit “Rule 26.5(5), Part 26 PD para 2.5 and”.

PRACTICE DIRECTION 6A – SERVICE WITHIN THE UNITED KINGDOM

- 3) In Practice Direction 6A – Service within the United Kingdom, omit paragraph 8.2.

PRACTICE DIRECTION 6B – SERVICE OUT OF THE JURISDICTION

- 4) In Practice Direction 6B – Service out of the Jurisdiction, in paragraph 3.1(18), in the words in parentheses that follow that paragraph, for “48.2” substitute “46.2”.

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

- 5) In Practice Direction 7A – How to Start Proceedings – the Claim Form, in paragraph 3.9, omit the words in parentheses that follow subparagraph (2).

PRACTICE DIRECTION 7B – CONSUMER CREDIT ACT 2006 – UNFAIR RELATIONSHIPS

- 6) In Practice Direction 7B – Consumer Credit Act 2006 – Unfair Relationships, in paragraph 6.3, for “to (5)” substitute “and (4)”.

PRACTICE DIRECTION 8A – ALTERNATIVE PROCEDURE FOR CLAIMS

- 7) In Practice Direction 8A – Alternative Procedure for Claims-
- a) in paragraph 4.2, omit the words in parentheses that follow the paragraph;
 - b) in paragraph 8.3, for “to (5)” substitute “and (4)”;
 - c) in paragraph 21.3, for “Financial Services Authority” substitute “Financial Conduct Authority or the Prudential Regulation Authority”; and
 - d) in paragraph 21.4, each time it appears, for “Financial Services Authority” substitute “Financial Conduct Authority or the Prudential Regulation Authority”.

PRACTICE DIRECTION 8B – PRE-ACTION PROTOCOLS FOR LOW VALUE PERSONAL INJURY CLAIMS IN ROAD TRAFFIC ACCIDENTS AND LOW VALUE PERSONAL INJURY (EMPLOYERS’ LIABILITY AND PUBLIC LIABILITY) CLAIMS – STAGE 3 PROCEDURE

- 8) In Practice Direction 8B – Pre-Action Protocols for Low Value Personal Injury Claims in Road Traffic Accidents and Low Value Personal Injury (Employers’ Liability and Public Liability) Claims – Stage 3 Procedure–
- a) in paragraph 6.1–
 - i) at the end of subparagraph (4), insert “and”;
 - ii) at the end of subparagraph (5), for “; and” substitute “.”; and
 - iii) omit subparagraph (6); and
 - b) for paragraph 8.2, substitute –

“8.2 The defendant must file and serve with the acknowledgment of service, or as soon as possible thereafter, a certificate that is in force.
 (“Certificate” is defined in rule 36.15(1)(e)(i).)”;
 - c) in paragraph 9.1, in the words in parentheses at the end of that paragraph, for “45.36” substitute “45.24”; and
 - d) in paragraph 12.3, for “45.33(4) to (6)” substitute “45.21(4) to (6)”.

PRACTICE DIRECTION 10 – ACKNOWLEDGMENT OF SERVICE

- 9) In Practice Direction 10 – Acknowledgment of Service, in paragraph 5.5 omit “Paragraph 8.2 of Practice Direction 6A contains provisions about service by the court on the claimant of any notice of funding filed with an acknowledgment of service.)”.

PRACTICE DIRECTION 15 – DEFENCE AND REPLY

- 10) In Practice Direction 15 – Defence and Reply-
- a) in paragraph 1.4, omit the words in the second set of parentheses that follow that paragraph;
 - b) in paragraph 3.2A, after “14 days” insert “(small claims track) or more than 28 days (fast track and multi-track)”; and
 - c) omit the words in parentheses that follow paragraph 3.4.

PRACTICE DIRECTION 16 – STATEMENTS OF CASE

- 11) In Practice Direction 16 - Statements of Case, in paragraph 13.3, omit the words in the parentheses that follow paragraph (3).

PRACTICE DIRECTION 18 – FURTHER INFORMATION

- 12) In Practice Direction 18 – Further Information, in paragraph 5.8 –
- a) in subparagraph (1), for “the Costs Practice Direction and in particular” substitute “Practice Directions 44 to 48 on costs and, in particular, Subsections 8 and 9 of Practice Direction 44, which relate to”; and
 - b) in subparagraph (2), for “44.13(1)”, substitute “44.10(1)”.

PRACTICE DIRECTION 19B – GROUP LITIGATION

- 13) In Practice Direction 19B – Group Litigation—
- a) in paragraph 3.3—
 - i) in subparagraph (1) for “Lord Chief Justice”, substitute “President of the Queen’s Bench Division”; and
 - ii) in subparagraph (2) for “Vice Chancellor” substitute “Chancellor of the High Court”
 - b) in paragraph 3.4, for “Lord Chief Justice, the Vice Chancellor”, substitute “President of the Queen’s Bench Division, the Chancellor of the High Court”;

- c) in paragraph 16.1, for “48” substitute “46”; and
- d) in paragraph 16.2, for “48.6A(5)” substitute “46.6(5)”.

PRACTICE DIRECTION 21 – CHILDREN AND PROTECTED PARTIES

14) In Practice Direction 21 – Children and Protected Parties-

- a) in paragraph 9.2, for “the Public Trustee’s investment managers” insert “the Court Funds Office”;
- b) in paragraph 10.2–
 - i) omit “Where the sum to be administered for the benefit of the protected beneficiary is–”;
 - ii) in subparagraph (1), for “£30,000 or more,” substitute “Where the sum to be invested for the benefit of the protected beneficiary is £50,000 or more, (save where under paragraph 10.2A the Court of Protection has authorised a sum of £50,000 or more to be dealt with under subparagraph (2) below)”;
 - iii) in subparagraph (2), for “under £30,000,” substitute “Where the sum to be invested for the benefit of the protected party is under £50,000, or such sum as may be authorised by the Court of Protection under paragraph 10.2A,”; and
- c) after paragraph 10.2 insert–

“10.2A The Court of Protection may authorise a sum of £50,000 or more to be retained in court and invested in the same way as the fund of a child under subparagraph 10.2(2), either of its own initiative or at the request of the judge giving investment directions in respect of the protected beneficiary.”.

PRACTICE DIRECTION 23A - APPLICATIONS

15) In Practice Direction 23A – Applications-

- a) in paragraph 13.1, for “the Costs Practice Direction and, in particular, to” substitute “Practice Directions 44 to 48 on costs and, in particular, to Subsections 8 and 9 of Practice Direction 44 which relate to”; and
- b) in paragraph 13.2, for “44.13(i)” substitute “44.10(1)”.

PRACTICE DIRECTION 24 – THE SUMMARY DISPOSAL OF CLAIMS

16) In Practice Direction 24 – the Summary Disposal of Claims –

- a) in paragraph 9.2, for “the Costs Practice Direction and in particular to” substitute “Practice Directions 44 to 48 on costs and in particular to Subsections 8 and 9 of Practice Direction 44, which relate to”; and
- b) in paragraph 9.3, for “44.13(1)”, substitute “44.10(1)”.

**PRACTICE DIRECTION 26 – CASE MANAGEMENT - PRELIMINARY STAGE:
ALLOCATION AND RE-ALLOCATION**

17) In Practice Direction 26 – Case Management - Preliminary Stage: Allocation and Re-allocation-

- a) in the first paragraph of Practice Direction 26, for “Part 3” substitute “Section I of Part 3”;
- b) in paragraph 2.3(1), for “allocation questionnaires” substitute “directions questionnaires”;
- c) in paragraph 2.4(1), for “directions hearing, make an order for directions” substitute “allocation hearing, make an order for allocation”;
- d) in paragraph 7.4, in the unnumbered paragraph after subparagraph (4), for “15.1(3) of the Costs Practice Direction supplementing Parts 43 to 47” substitute “7.1(3) of Practice Direction 46”; and
- e) in paragraph 12.5-
 - i) in subparagraph (1)(a), for “the Costs Practice Direction and in particular” substitute “Practice Directions 44 to 48 on costs and in particular to Subsections 8 and 9 of Practice Direction 44, which relate”;
 - ii) in subparagraph (1)(b), for “44.13(1)” substitute “44.10(1)”;
 - iii) in subparagraph (2), for “Part 46” substitute “Section VI of Part 45.”

PRACTICE DIRECTION 27 – SMALL CLAIMS TRACK

18) In Practice Direction 27 – Small Claims Track, in paragraph 7.3, in the words in parentheses that follow paragraph 7.3, for “15.1(3) of the Costs Practice Direction” substitute “7.1(3) of Practice Direction 46.”.

PRACTICE DIRECTION 28 – THE FAST TRACK

19) In Practice Direction 28 – the Fast Track -

- a) in paragraph 1.1, for “Part 3” substitute “Section I of Part 3”;
- b) in paragraph 1.2, for “Part 46” substitute “Section VI of Part 45”; and

- c) in paragraph 8.5, for “rule 44.7 and Part 46” substitute “rule 44.6 and Section VI of Part 45”.

PRACTICE DIRECTION 29 – THE MULTI-TRACK

20) In Practice Direction 29 – the Multi-track -

- a) in paragraph 1.1, for “Part 3” substitute “Section I of Part 3”;
- b) for paragraph 4.6 substitute-

“4.6 Attention is drawn to rule 29.4, which provides that parties must endeavour to agree appropriate directions for the management of the proceedings, and requires the agreed directions or proposals to be submitted to the court within a specified time period.”; and

- c) in paragraph 10.5, for “44.7” substitute “44.6”.

PRACTICE DIRECTION 30 – TRANSFER

21) In Practice Direction 30 – Transfer—

- a) in the table of contents, for the entry relating to the patents county court, for

“A PATENTS COUNTY COURT”, substitute “THE INTELLECTUAL PROPERTY ENTERPRISE COURT”;

- b) before paragraph 9.1, in the heading, for “A PATENTS COUNTY COURT”, substitute “THE INTELLECTUAL PROPERTY ENTERPRISE COURT”;
- c) in paragraph 9.1, for “a patents county court”, in each place it occurs, substitute “the Intellectual Property Enterprise Court”; and
- d) in paragraph 9.2 for “a patents county court”, substitute “the Intellectual Property Enterprise Court”.

PRACTICE DIRECTION 40B – JUDGMENTS AND ORDERS

22) In Practice Direction 40B – Judgments and Orders-

- a) for paragraph 11.1 substitute-

“11.1 Attention is drawn to-

(1) Practice Direction 44 - General Rules about Costs and, in particular to Subsections 8 and 9 of that Practice Direction which relate to the court's power to make a summary assessment of costs; and

(2) rule 47.20 and Practice Direction 47 – Procedure for Detailed Assessment of Costs and Default Provisions, and in particular the provisions relating to interest in detailed assessment proceedings.”; and

b) in paragraph 11.2, for “44.13(1)”, substitute “44.10(1)”.

PRACTICE DIRECTION 42 – CHANGE OF SOLICITOR

23) In Practice Direction 42 – Change of Solicitor, in paragraph 2.7 omit the words in parentheses following the paragraph.

PRACTICE DIRECTION 45 – FIXED COSTS

24) In Practice Direction 45 – Fixed Costs—

- a) in the list of contents to the Practice Direction, in the Entry for Section IV, for “A PATENTS COUNTY COURT”, substitute “THE INTELLECTUAL PROPERTY ENTERPRISE COURT”;
- b) in the heading to Section IV, for “A PATENTS COUNTY COURT”, substitute “THE INTELLECTUAL PROPERTY ENTERPRISE COURT”;
- c) in paragraph 3.1 for “a patents county court”, substitute “the Intellectual Property Enterprise Court”;
- d) for Table A and Table B substitute the following—

Table A

| Stage of a claim | Maximum amount of costs |
|---|--------------------------------|
| Particulars of claim | £7,000 |
| Defence and counterclaim | £7,000 |
| Reply and defence to counterclaim | £7,000 |
| Reply to defence to counterclaim | £3,500 |
| Attendance at a case management conference | £3,000 |
| Making or responding to an application | £3,000 |
| Providing or inspecting disclosure or product/process description | £6,000 |
| Performing or inspecting experiments | £3,000 |
| Preparing witness statements | £6,000 |

| Stage of a claim | Maximum amount of costs |
|--|--------------------------------|
| Preparing experts' report | £8,000 |
| Preparing for and attending trial and judgment | £16,000 |
| Preparing for determination on the papers | £5,500 |

Table B

| Stage of a claim | Maximum amount of costs |
|--|--------------------------------|
| Points of claim | £3,000 |
| Points of defence | £3,000 |
| Attendance at a case management conference | £3,000 |
| Making or responding to an application | £3,000 |
| Providing or inspecting disclosure | £3,000 |
| Preparing witness statements | £6,000 |
| Preparing experts' report | £6,000 |
| Preparing for and attending trial and judgment | £8,000 |
| Preparing for determination on the papers | £3,000 |

Transitional and saving provisions

25) In respect of the amendments made to Practice Direction 45 – Fixed Costs by paragraph 24)(d)—

- a) those amendments shall only apply to proceedings started in the Intellectual Property Enterprise Court on or after 1st October 2013, and
- b) Table A and Table B in Practice Direction 45, as they applied on 30th September 2013, shall continue to have effect in respect of any proceedings started in a patents county court which are continued in the Intellectual Property Enterprise Court.

PRACTICE DIRECTION 46 – COSTS SPECIAL CASES

26) In Practice Direction 46 – Costs Special Cases, in paragraph 9.7, for “the court to make” substitute “the court make”.

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

27) In Practice Direction 47 – Procedure for Detailed Assessment of Costs and Default Provisions, in paragraph 18.7, for “financial and” substitute “financial interest and”.

PRACTICE DIRECTION 51A – TRANSITIONAL ARRANGEMENTS

28) In Practice Direction 51A – Transitional Arrangements, omit paragraph 18.

PRACTICE DIRECTION 51I – THE SECOND MEDIATION SERVICE PILOT SCHEME

29) In Practice Direction 51I – The Second Mediation Service Pilot Scheme, in paragraph 1.2, for “6 months from 1 April to 30 September 2013” substitute “12 months from 1 April 2013 to 31 March 2014”.

PRACTICE DIRECTION 52A – APPEALS: GENERAL PROVISIONS

30) In Practice Direction 52A – Appeals: General Provisions, in paragraph 5.2, for “appellant” substitute “parties”.

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

31) In Practice Direction 52B – Appeals in the County Courts and High Court—

(a) in paragraph 8.1(b), for “appeal” substitute “application for permission to appeal”; and

(b) in Table A—

(i) substitute “Winchester” for the court presently listed as Appeal Centre for the following courts—

Aldershot and Farnham

Basingstoke

Newport (Isle of Wight)

Salisbury

Weymouth & Dorchester; and

(ii) after the entry for Cheltenham—

(aa) in the column for “Court”, insert “Chippenham”; and

(bb) in the column for “Appeal Centre”, insert “Winchester” (as the Appeal centre for Chippenham).

PRACTICE DIRECTION 52C – APPEALS TO THE COURT OF APPEAL

32) In Practice Direction 52C – Appeals to the Court of Appeal–

a) in the heading to paragraph 7, omit “of appellant’s notice”;

b) after paragraph 7.1, insert–

“7.1A The appellant’s skeleton argument must be served on each respondent at the same time as service of the appellant’s notice.”;

c) in paragraph 21, for “The timetable” substitute “Subject to any specific directions that may be given by the court, the timetable”; and

d) in paragraph 21 Timetable Part 2, in the final entry relating to “No later than 7 days before the date of the hearing”, in the second column (Action) for “Every document needed for the appeal hearing (if not already lodged or filed) must be lodged or filed” substitute “Every document needed for the appeal hearing (if not already lodged or filed) must be lodged or filed and served on all other parties to the appeal”.

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

33) In Practice Direction 52D – Statutory Appeals and Appeals subject to Special Provision—

a) After paragraph 3.3 insert—

“3.3A Where a statement of reasons for a decision is given later than the notice of that decision, the period for filing the appellant’s notice is calculated from the date on which the statement is received by the appellant.”;

b) After paragraph 27.1, insert–

“Appeals from decisions of the Bar Standards Board or Disciplinary Tribunals to the High Court

27.1A (1) This paragraph applies to appeals from decisions of the Bar Standards Board on review under the bar Training Rules or of Disciplinary Tribunals of the Council of the Inns of Court to the High Court under Section 24 of the Crime and Courts Act 2013.

(2) The appellant must file the appellant’s notice in the Administrative Court.

(3) Unless the court otherwise orders, the appellant must serve the appellant’s notice on—

- (a) every party to the proceedings before the Bar Standards Board or the Disciplinary Tribunal as appropriate; and
- (b) the Council of the Inns of Court in the case of appeals from decisions of the Disciplinary Tribunal.”

PRACTICE DIRECTION 63 – INTELLECTUAL PROPERTY CLAIMS

34) In Practice Direction 63 – Intellectual Property Claims—

- a) in the list of contents to the Practice Direction, in the entry for Section V, for “A PATENTS COUNTY COURT”, substitute “THE INTELLECTUAL PROPERTY ENTERPRISE COURT”;
- b) in paragraph 1.1, for “a patents county court”, substitute “the Intellectual Property Enterprise Court”;
- c) in paragraph 3.1, for “Patents County Court”, substitute “Chancery Division Intellectual Property Enterprise Court”;
- d) in paragraph 5.2—
 - i) after “Case management” insert “of proceedings in the Patents Court”;
and
 - ii) in subparagraph (1) omit “a patents judge”;
- e) in paragraph 15.1, for “the patents county court at the Central London County Court”, substitute “the Intellectual Property Enterprise Court”;
- f) in paragraph 16.1, in subparagraph (11)—
 - i) before “technical trade” insert “claims in respect of”; and
 - ii) omit “litigation”;
- g) in paragraph 17.1, for “a patents county court”, substitute “the Intellectual Property Enterprise Court”;
- h) in paragraph 21.1—
 - i) for “the patents county court at the Central London County Court”, substitute “the Intellectual Property Enterprise Court”; and
 - ii) for “40/94”, substitute “207/2009”;
- i) in paragraph 21.2, for “40/94”, substitute “207/2009”;
- j) in paragraph 21.4, for “40/94”, substitute “207/2009”;
- k) in the heading to Section V, for “A PATENTS COUNTY COURT”, substitute “THE INTELLECTUAL PROPERTY ENTERPRISE COURT”;
- l) in paragraph 27.1, for “a patents county court”, substitute “the Intellectual Property Enterprise Court”;
- m) in paragraph 27.2—

- i) for “Paragraphs 5.10 to 9.1”, substitute “Paragraph 5.2, paragraphs 5.10 to 9.1”; and
- ii) for “the patents county court at the Central London County Court”, substitute “the Intellectual Property Enterprise Court”; and
- n) in paragraph 32.1, for “a patents county court”, substitute “the Intellectual Property Enterprise Court”.

PRACTICE DIRECTION 64A – ESTATES, TRUSTS AND CHARITIES

35) In Practice Direction 64A – Estates, Trusts and Charities, in paragraph 6.2 for “48.3” substitute “44.5”.

PRACTICE DIRECTION 67 – PROCEEDINGS RELATING TO SOLICITORS

36) In Practice Direction 67 – Proceedings Relating to Solicitors, in paragraph 2.3, for “43.1(2)(ba)” substitute “44.1(1)”.

PRACTICE DIRECTION 68 – REFERENCES TO THE EUROPEAN COURT

37) For Practice Direction 68, substitute Practice Direction 68 supporting Part 68 as set out at Annex A.

PRACTICE DIRECTION 69 – COURT’S POWER TO APPOINT A RECEIVER

38) In Practice Direction 69 – Court’s Power to Appoint a Receiver, in paragraph 9.2, for “43” substitute “44”.

PRACTICE DIRECTION 75 – TRAFFIC ENFORCEMENT

39) In Practice Direction 75 – Traffic Enforcement –

- a) in paragraph 1.1—
 - i) in sub-paragraph (11), for “2011” substitute “2012”;
 - ii) at end of sub-paragraph (11), for “.” substitute—

“.

(12) “the Road User Charging Schemes (England) Regulations” means the Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013.”;

- b) in paragraph 1.2—
 - i) at end of sub-paragraph (11), omit “and”;
 - ii) at end of sub-paragraph (12), for “.” substitute—

“.

(13) amounts payable by a person other than an authority under an adjudication pursuant to the Road User Charging Schemes (England) Regulations; and

(14) increased penalty charges provided for in charge certificates issued under regulation 17(1) of the Road User Charging Schemes (England) Regulations.”;

- c) in paragraph 1.3—
 - i) in sub-paragraph (2)—
 1. at the end of sub-paragraph (2)(g), omit “or”;
 2. at the end of sub-paragraph (2)(h), for “.” substitute—

“; or

(i) a charge certificate issued under regulation 17(1) of the Road User Charging Schemes (England) Regulations.”;

- ii) in sub-paragraph (3)—
 1. at the end of sub-paragraph (3)(k), omit “or”;
 2. at the end of sub-paragraph (3)(l), for “; and” substitute—

“.

(m) regulation 16 of the Road User Charging Schemes (England) Regulations; or

(n) regulation 18 of the Road User Charging Schemes (England) Regulations.”;

- d) in paragraph 4.1—
 - i) at the end of sub-paragraph (2)(a), omit “and”;
 - ii) at the end of sub-paragraph (2)(b), for “.” substitute—

“; and

(c) regulations 19(3) and 19(4)(d) of the Road User Charging Schemes (England) Regulations.”; and

e) In paragraph 5.1—

- i) at the end of sub-paragraph (2)(b), omit “or”;
- ii) at the end of sub-paragraph (2)(c), for “.” substitute—

“; or

(d) regulation 19(3) of the Road User Charging Schemes (England) Regulations.”

PRACTICE DIRECTION – PRE-ACTION CONDUCT

40) In the Practice Direction – Pre-Action Conduct—

- a) in paragraph 4.1, for “44.3(5)(a)” substitute “44.2(5)(a)”;
- b) in paragraph 4.6(3), for “44.4(3)” substitute “44.3(3)”;
- c) omit paragraph 9.3; and
- d) in paragraph 2.1 of Annex A—
 - i) at the end of subparagraph 4 insert “and”;
 - ii) at the end of subparagraph 5 for “; and” substitute “.”; and
 - iii) omit subparagraph 6.

PRE-ACTION PROTOCOL FOR LOW VALUE PERSONAL INJURY (EMPLOYERS’ LIABILITY AND PUBLIC LIABILITY) CLAIMS

41) In the Pre-Action Protocol for Low Value Personal Injury (Employers’ Liability And Public Liability) Claims, for paragraph number 8.2, substitute 8.1.

ANNEX A – PRACTICE DIRECTION 68 – REFERENCES TO THE EUROPEAN COURT

“PRACTICE DIRECTION 68 – REFERENCES TO THE EUROPEAN COURT

This Practice Direction supplements CPR Part 68

| Contents of this Practice Direction | |
|--|-------------------|
| Title | Number |
| Wording of references | Paras 1.1 to 1.5 |
| Transmission to the European Court | Paras 2.1 and 2.2 |

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 The reference should identify as clearly and succinctly as possible the question on which the court seeks the ruling of the European Court.
- 1.3 As to the further content of the reference, particular 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>.
- 1.4 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 need to be translated into many other languages. A reference in excess of 20 pages in length (including the order and the schedule) will be summarised by the European Court for the purposes of translation.

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 The parties should also prepare a bundle of key documents to be sent direct to the Registrar of the European Court."

