

69th 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 Lord Faulks, Minister of State, by the authority of the Lord Chancellor.

The amendments to the Pre-Action Protocol for Construction and Engineering Disputes and the Pre-Action Protocol for the Resolution of Clinical Disputes Clinical Disputes Forum are approved by the Master of the Rolls as Head of Civil Justice.

The new Practice Directions and amendments to the existing Practice Directions, and the amendments to the Pre-Action Protocols come into force in accordance with paragraphs 1) to 4) of the commencement provisions as follows—	
Practice Directions – Generally	
Practice Direction 2A – Court Offices	
Practice Direction 2B – Allocation of Cases to Levels of Judiciary	
Practice Direction 3C – Civil Restraint Orders	
Practice Direction 3E – Costs Management	
Practice Direction 4 – Forms	
Practice Direction 5A – Court Documents	
Practice Direction 5C – Electronic working Scheme	
Practice Direction 7A – How to Start Proceedings – the Claim Form	
Practice Direction 7B – Consumer Credit Act 2006 – Unfair Relationships	
Practice Direction 7C – Production Centre	
Practice Direction 7E – Money Claim Online	
Practice Direction 8A – Alternative Procedure for Claims	
Practice Direction 19B – Group Litigation	
Practice Direction 22 – Statements of Truth	
Practice Direction 23A – Applications	
Practice Direction 25A – Interim Injunctions	
Practice Direction 26 – Case Management - Preliminary Stage: Allocation and Re-allocation	
Practice Direction 30 – Transfer	

Practice Direction 34A – Depositions and Court Attendance by Witnesses	
Practice Direction 37 – Miscellaneous Provisions About Payments Into Court	
Practice Direction 45 – Fixed Costs	
Practice Direction 47 – Procedure for Detailed Assessment of Costs and Default Provisions	
Practice Direction 49A – Applications under the Companies Acts and Related Legislation	
Practice Direction 51A – Transitional Arrangements	
Practice Direction 51I – The Second Mediation Service Pilot Scheme	
Practice Direction 52B – Appeals in the County Courts and High Court	
Practice Direction 52D – Statutory Appeals and Appeals subject to Special Provision	
Practice Direction 55A – Possession Claims	
Practice Direction 55B – Possession Claims Online	
Practice Direction 56 – Landlord and Tenant Claims and Miscellaneous Provisions About Land	
Practice Direction 57 – Probate and Inheritance	
Practice Direction 60 – Technology and Construction Court Claims	
Practice Direction 65 – Anti-social behaviour and Harassment	
Practice Direction 70 – Enforcement of Judgments and Orders	
Practice Direction 71 – Orders to Obtain Information From Judgment Debtors	
Practice Direction 72 – Third Party Debt Orders	
Practice Direction 73 – Charging Orders, Stop Orders and Stop Notices	
Practice Direction 74A – Enforcement of Judgments in Different Jurisdictions	
Practice Direction 74B – European Enforcement Orders	
Practice Direction 75 – Traffic Enforcement	
Practice Direction 78 – European Procedures	
Practice Direction 81 – Applications and Proceedings in Relation to Contempt of Court	
Practice Direction 83 – Writs and Warrants – General Provisions	
Practice Direction 84 – Enforcement By Taking Control Of Goods	
Practice Direction – Directors Disqualification Proceedings	

Practice Direction – Devolution Issues	
Practice Direction RSC 46 And CCR 26 – Execution	
Pre-Action Protocol For Construction and Engineering Disputes	
Pre-Action Protocol for the Resolution of Clinical Disputes Clinical Disputes Forum	

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

Signed by authority of the Lord Chancellor:

Minister of State
Ministry of Justice

COMMENCEMENT

- 1) Subject to paragraphs 2) to 4), the amendments in this update shall come into force on the date on which section 17(1) and (2) of the Crime and Courts Act 2013 comes into force for all purposes.
- 2) The amendments to Practice Direction 26 in paragraphs 1) and 3) shall come into force on 1st April 2014.
- 3) Practice Directions 83 and 84 and the Schedule to this update and the amendments to—
 - a) Practice Direction 70 in paragraphs 1)a), 2), 3), 8)b), 9),10), and 11); and
 - b) Practice Direction 75 in paragraphs 1), 6), 7) and 8),
shall come into force on 6th April 2014.
- 4) The amendments to Practice Direction 81 in paragraphs 1) and 2) shall come into force on 6th April 2014.

TRANSITIONAL PROVISIONS

- 1) In these transitional provisions—
 - a) “enforcement action” means the steps taken by or on behalf of a person to recover sums or property from another person;
 - b) “enforcement amendments” means paragraph 3) of the commencement provisions in this update; and
 - c) “County Court commencement date” means the date on which section 17(1) and (2) of the Crime and Courts Act 2013 come into force for all purposes.
- 2) The enforcement amendments do not apply in relation to a writ or warrant or any enforcement action or other action taken in relation to the writ or warrant where—
 - a) permission for the issue of the writ or warrant is sought before 6th April 2014;
 - b) permission is not required for the issue of the writ, and a request for the issue of the writ is filed before 6th April 2014;
 - c) permission is not required for the issue of a warrant of execution or warrant of delivery, and a request for the issue of the warrant is filed before 6th April 2014; or
 - d) an application for the issue of a warrant of possession is made before 6th April 2014.
- 3) The enforcement amendments do not apply in relation to enforcement action, or any action taken in relation to that enforcement action, where the right to take the enforcement action becomes exercisable otherwise than by virtue of a writ or warrant issued by a court, and the enforcement action is begun before 6th April 2014.
- 4) As from the County Court commencement date anything done in accordance with any practice direction which applied to a county court is to be treated as if it had been done in accordance with any practice direction applicable to corresponding proceedings in the County Court.

PRACTICE DIRECTIONS – GENERALLY

- 1) Subject to paragraph 2), in each practice direction—
 - a) for “a county court”, in each place it occurs, substitute “the County Court”;
 - b) for “any county court”, in each place it occurs, substitute “the County Court”;

- c) for “county court”, in each place it occurs, substitute “County Court”;
 - d) for “county courts”, in each place it occurs, substitute “the County Court”;
 - e) for “circuit judge”, in each place it occurs, substitute “Circuit Judge”;
 - f) for “Circuit judge”, in each place it occurs, substitute “Circuit Judge”;
 - g) for “designated civil judge”, in each place it occurs, substitute “Designated Civil Judge”;
 - h) for “district judge”, in each place it occurs, substitute “District Judge”;
 - i) for “master”, in each place it occurs, substitute “Master”; and
 - j) for “the county courts”, in each place it occurs, substitute “the County Court”.
- 2) Paragraph 1) shall not apply to any references in paragraph (1)(a) to (j), otherwise amended in this update.

PRACTICE DIRECTION 2A – COURT OFFICES

- 1) For paragraph 3.1, including the heading to that rule, substitute—

“The County Court

3.1

(a) County Court offices shall be situated at such places as the Lord Chancellor directs for the transaction of the business of the court;

(b) ‘County Court office’ includes—

(i) an office or offices serving a County Court hearing centre;

(ii) the County Court Money Claims Centre; and

(iii) the Production Centre.”.

- 2) In paragraph 3.2, for “county court”, in the second place it occurs, substitute “County Court hearing centre”.
- 3) After paragraph 3.3 insert—

“(Money Claim Online is an internet based service and may be used outside of normal court business hours.)

3.4

HMCTS identifies the County Court hearing centre or office which serves the address of a claimant, a defendant, a debtor, or their place of business, or a property, by reference to the party's or the property's postcode. The hearing centre which serves the address of a party or a property can be found by using the Court Finder tool available on [Gov.uk@https://courtribunalfinder.service.gov.uk/](https://courtribunalfinder.service.gov.uk/), or by contacting the County Court hearing centre which supplied the claim form or the application form.”.

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

- 1) In the table of contents to this Practice Direction—
 - a) before the entry for paragraph 2.1, insert—

“SECTION I – SCOPE AND INTERPRETATION Para 1.1”;
 - b) in the entry for paragraph 2.1, before “THE HIGH COURT” INSERT
“SECTION II – “;
 - c) in the entry immediately below the entry for paragraph 7A, for “COUNTY COURT” substitute “SECTION III – THE COUNTY COURT”;
 - d) in the entry for paragraph 8.1—
 - i) for “and” substitute “,”; and
 - ii) after “Committal” insert “and Freezing Orders”;
 - e) for the entry for paragraph 12 substitute—

“Other Proceedings” Para 12.1”; and
 - f) after the entry for paragraph 12.1, insert—

“Appeals Para 16”.
- 2) Before paragraph 1.1, insert “SECTION I – SCOPE AND INTERPRETATION”
- 3) In paragraph 1.1—

- a) in the first subparagraph, for “This Practice Direction” substitute “In respect of proceedings in the High Court, Section II of this Practice Direction”; and
- b) for the second subparagraph substitute—

“1.1A

Circuit Judges and District Judges may exercise any jurisdiction conferred on the County Court or on a judge of the County Court. Section III of this Practice Direction sets out the matters that will be allocated to a Circuit Judge as well as those that may, or will normally, be allocated to a District Judge.

1.1B

This Practice Direction does not affect jurisdiction conferred by other enactments. Reference should also be made to other relevant Practice Directions (e.g. Part 24, paragraph 3 and Part 26, paragraphs 12.1-10). References to Masters and District Judges include Deputies.”.

- 4) For paragraph 1.2 substitute—

“1.2

Masters or District Judges who have jurisdiction to hear a matter or to whom a matter has been allocated, may refer that matter to a Judge instead of dealing with it themselves.

1.3

For the purpose of this Practice Direction, in the County Court—

- (a) ‘Circuit Judge’ means, in addition to a Circuit Judge, all judges of the Senior Courts, including retired and deputy judges of those courts, Recorders and Upper Tribunal judges (including the Senior President of Tribunals, Chamber Presidents, deputy Presidents of the Upper Tribunal and deputy judges of the Upper Tribunal, but excluding District Judges and District Judges (Magistrates’ Courts)) and the Judge Advocate General; and
- (b) ‘District Judge’ means all other Courts and tribunal judges, and High Court Officers (for example, Masters and Registrars), including deputy or temporary

High Court Officers, who are judges of the County Court under section 5 of the County Courts Act 1984.”.

- 5) Above the heading to paragraph 2.1 (“Injunctions”), before “HIGH COURT” insert “SECTION II”.
- 6) Above the heading to paragraph 8.1 (“Injunctions” etc), for “COUNTY COURTS” substitute “SECTION III – THE COUNTY COURT”.
- 7) In the heading to paragraph 8.1—
 - a) for “and” substitute “,”; and
 - b) after “Committal” insert “and Freezing Orders”.
- 8) In paragraph 8.1—
 - a) for the words from “Injunctions which a county court” to the end of subparagraph (a), substitute—

“Applications for injunctions which the County Court has jurisdiction to make will be allocated to a Circuit Judge, unless —

(a) the injunction is to be made in proceedings which have been allocated to a District Judge pursuant to paragraph 11.1 below;”;
 - b) in subparagraph (b), omit “where”;
 - c) in subparagraph (c)—
 - i) omit “in”; and
 - ii) insert “apply”; and
 - d) in subparagraph (d), omit “where”.
- 9) In paragraph 8.1A—
 - a) for “A District Judge has jurisdiction to make” substitute “An application for”;
 - b) in subparagraph (3), after “(drinking banning orders)” insert “, may be allocated to a District Judge.”.
- 10) For paragraph 8.2 substitute—

“8.2

An application for an order varying or discharging an injunction in the circumstances provided by paragraph 2.4 may be allocated to a District Judge.”.

- 11) For paragraph 8.3 substitute—

“8.3

Any proceedings in which the Court may make an order committing a person to prison or attach a power of arrest to an injunction or remand a person will be allocated to a Circuit Judge, unless the order, power of arrest or remand is made pursuant to section 23 of the Attachment of Earnings Act 1971, section 14 and section 118 (but only in relation to proceedings before a District Judge) of the County Courts Act 1984, sections 153C, 153D and 154-158 of and Schedule 15 to the Housing Act 1996 or sections 36, 40-45 and 48 of and Schedule 5 to the Policing and Crime Act 2009, and the relevant rules.”.

12) After paragraph 8.3 insert—

“8.4

(1) An application for a freezing order will be allocated to a Circuit Judge.

(2) If a Circuit Judge makes a freezing order, paragraph 7 applies as appropriate.”.

13) In paragraph 9—

a) for “A District Judge may not hear appeals”, substitute “Appeals”; and

b) after “Housing Act 1986” insert “will be allocated to a Circuit Judge.”.

14) For paragraph 10.1 substitute—

“10.1

In addition to paragraphs 8.1–3, the proceedings specified paragraph 3.1(d) and (e) above will be allocated to a Circuit Judge.”.

15) In paragraph 11.1—

a) for the words “A District Judge has jurisdiction to hear the following” substitute “The following proceedings referred to in paragraph 8.1(a) may be allocated to a District Judge—”;

b) in subparagraph (a), after “rule 8.9(c) and” insert “any claim referred to in”;

c) in subparagraph (c), at the end, insert “and”; and

d) in subparagraph (d)—

- i) before “with the permission” insert “any other proceedings”; and
- ii) after “of that case”, omit “, any other proceedings”.

16) In paragraph 11.2—

- a) before “A case allocated” insert (1);
- b) for “his” substitute “their”; and
- c) after what will be subparagraph (1) insert—
“(2) A case may only be referred to a Circuit Judge under section 65 of the County Courts Act 1984 with their consent.”.

17) For paragraph 12, and the heading to that paragraph, substitute—

“Other proceedings

12

(1) Proceedings under the following enactments will be allocated to a Circuit Judge—

- (a) sections 29 and 30 of the Literary and Scientific Institutions Act 1854;
- (b) the Bankers Books Evidence Act 1879;
- (c) section 1 of the Law of Distress Amendment Act 1895;
- (d) the Stannaries Court (Abolition) Act 1896;
- (e) section 6 of the Allotments Act 1922;
- (f) the Chancel Repairs Act 1932;
- (g) paragraph 7(b) of Schedule 8 to the Opencast Coal Act 1958;
- (h) sections 57, 66, 101(3) and 121 of the County Courts Act 1984; and
- (i) paragraph 6 of Schedule 18 to the Housing Act 1985.

(2) A request for the appointment of a court officer to take affidavits under section 56(1)(c) of the County Courts Act 1984, will be made to a Circuit Judge.

(3) Proceedings referred to in the following enactments will be allocated to a District Judge—

(a) sections 85, 101(1), 104 and Part VI of, and Schedule 1 to, the County Court's Act 1984;

(b) section 49 of the Vehicle Excise and Registration Act 1994;

(c) paragraphs 9 and 10 of Schedule 1 to the London Local Authorities Act 1996;

(d) paragraphs 6 and 7 of the Local Authorities and Transport for London Act 2003; and

(e) section 64 of the Tribunals Courts and Enforcement Act (2007).

(4) In respect of any proceedings not referred to in this Section, if an enactment which specified the level of judge having jurisdiction to deal with those proceedings was amended by Schedule 9 to the Crime and Courts Act 2013 to confer jurisdiction on the County Court or a judge of the County Court, the proceedings will be allocated to a Circuit Judge or District Judge as if the enactment had not been so amended, unless any other enactment, rule or practice direction provides for the allocation of those proceedings.”.

18) In paragraph 13 for the words from “Where both the” to “by the District Judge” substitute “In any case where proceedings may be allocated to either a Circuit Judge or a District Judge, allocation”.

19) In paragraph 14.1, for “. He” substitute “and”.

20) In paragraph 15—

a) omit “district judge may not try a” and

b) after “Race Relations Act 1976” insert “will be allocated to a Circuit Judge.”.

21) After paragraph 15, insert—

“Appeals

16

The appeal of any decision by a District Judge in proceedings which, under this Section, should have been allocated to a Circuit Judge, will be determined as if that decision had been made by a Circuit Judge.”.

PRACTICE DIRECTION 3C – CIVIL RESTRAINT ORDERS

- 1) In Practice Direction 3C, for “his” in each place it occurs, substitute “their”.
- 2) In paragraph 3.2, in subparagraph (1), in sub-subparagraph (c), for “any county court identified in the order”, substitute “the County Court”.
- 3) In paragraph 3.11, for “he considers” substitute “they consider”.
- 4) In paragraph 4.2, in subparagraph (1), in sub-subparagraph (c), for “any county court identified in the order”, substitute “the County Court”.
- 5) In paragraph 4.11, for “he considers” substitute “they consider”.

PRACTICE DIRECTION 3E – COSTS MANAGEMENT

- 1) Precedent H is substituted.



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PRACTICE DIRECTION 4 – FORMS

- 1) In paragraph 1.3, in the first bullet point, for “1 to 81” substitute “1 to 86”.
- 2) After paragraph 3.2, in table 1, after the entry for form N181, insert—

“N182 Mediation Settlement Agreement”

- 3) After paragraph 4.3, in table 2—

a) for the entries for form numbers 53 to 57 substitute—

“No 53 ***title to be confirmed***”

No 54 ***title to be confirmed***”

No 55 ***title to be confirmed***”

No 56 ***title to be confirmed***
No 57 ***title to be confirmed'***;

b) for the entries for form numbers 62 and 63 substitute—

“No 62 ***title to be confirmed***
No 63 ***title to be confirmed'***;

c) for the entry for form number 71 substitute—

“No 71	<i>title to be confirmed:</i> and
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d) for the entries for form numbers PF23QB to PF86 substitute—

“PF23QB ***title to be confirmed***
PF26QB ***title to be confirmed***
PF25QB ***title to be confirmed***
PF26QB ***title to be confirmed***
PF27QB ***title to be confirmed***
PF28QB ***title to be confirmed***
PF29QB ***title to be confirmed***
PF30QB ***title to be confirmed***
PF31QB ***title to be confirmed***
PF32QB ***title to be confirmed***
PF34QB ***title to be confirmed***
PF86 ***title to be confirmed'***; and

e) for the entry for form number PF89 substitute—

“PF89 ***title to be confirmed'***.”

PRACTICE DIRECTION 5A – COURT DOCUMENTS

- 1) In paragraph 5.3, in subparagraph (10), after (9)(a) omit “or (b)”.
- 2) In paragraph 5.4, before “office of that Court”, insert “appropriate”.
- 3) In paragraph 5.5—
 - a) omit “the office of”; and
 - b) after “another court” insert “office”.

PRACTICE DIRECTION 5C – ELECTRONIC WORKING SCHEME

- 1) In paragraph 1.1, in subparagraph (b), for Central London County Court, substitute “County Court at Central London”.

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

- 1) In the table of contents to this Practice Direction, the entry “Starting a designated money claim”, for “designated money claim”, substitute “Part 7 claim in the County Court”.
- 2) In paragraph 2.1, for “£25,000” substitute “£100,000”.
- 3) After paragraph 2.4 insert—

“2.4A

(1) A claim in the County Court under Part 7 may be made at any County Court hearing centre, unless any enactment, rule or practice direction provides otherwise.

(2) If a claim which is required to be made at a particular County Court hearing centre is made at the wrong hearing centre, a court officer will send the claim to the correct hearing centre before it is issued.

(3) A claimant should consider the potential delay which may result if a claim is not made at the correct County Court hearing centre in the first instance.”.

- 4) After paragraph 2.5, in the words in parentheses, for “county court”, substitute “the County Court”.
- 5) In paragraph 3.6, in subparagraph (1), for “£25,000” substitute “£100,000”.
- 6) For paragraph 4A.1, and the heading to that paragraph, substitute—

“Starting a Part 7 Claim in the County Court

4A.1

- (1) Subject to subparagraph (2), if a claim—

(a) is started in the County Court under Part 7;

(b) is a claim only for an amount of money, whether specified or unspecified; and

(c) is not a claim for which special procedures are provided in the Civil Procedure Rules or practice directions,

practice form N1 must be sent to: County Court Money Claims Centre, PO Box 527, M5 0BY.

(2) For the purpose of this Practice Direction, the procedure in Practice Direction 7D is not a special procedure.”.

7) In paragraph 4A.2, for “court” substitute “hearing centre”.

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

1) for paragraph 4.1 substitute—

“4.1

(1) If a claim which includes a claim to recover goods to which a regulated hire purchase agreement or conditional sale agreement relates is made at a County Court hearing centre which does not serve the address at which the debtor, or one of the debtors:

(a) resides or carries on business, or

(b) resided or carried on business at the date when the defendant last made a payment under the agreement,

the claim will be issued by the hearing centre where the claim is made and sent to the hearing centre serving the address in (1)(a) or (b) as appropriate.

(2) A claimant should consider the potential delay which may result if a claim is not made at the County Court hearing centre in subparagraph (1)(a) or (b) in the first instance.”.

2) For paragraph 4.2 substitute—

“4.2

(1) In any other claim to recover goods, if the claim is made at a County Court hearing centre which does not serve the address at which:

(a) the defendant, or one of the defendants, resides or carries on business, or

(b) the goods are situated,

the claim will be issued by the hearing centre where the claim is made and sent to the County Court hearing centre serving the address in (a) or (b), as appropriate.

(2) A claimant should consider the potential delay which may result if a claim is not made the County Court hearing centre in subparagraph (1)(a) or (b) in the first instance.”.

3) In paragraph 4.3—

a) for “may only be started in the court” substitute “must be made at the County Court hearing centre”; and

b) after “where the claimant” insert “debtor or hirer”

4) In paragraph 5.1, for “In” substitute “Subject to paragraph 5.1A, in”.

5) After paragraph 5.1 insert—

“5.1A

(1) In the types of claim to which paragraph 4.1 applies, if the claim is made at a County Court hearing centre which does not serve the address at which the debtor, or one of the debtors:

(a) resides or carries on business, or

(b) resided or carried on business at the date when the defendant last made a payment under the agreement,

the hearing date will be fixed by the hearing centre serving the address at (1)(a) or (b), as appropriate, upon receipt of the claim from the hearing centre where the claim was made.

(2) In the types of claim to which paragraph 4.2 applies, if the claim is made at a County Court hearing centre which does not serve the address at which:

- (a) the defendant, or one of the defendants, resides or carries on business, or
- (b) the goods are situated,

the hearing date will be fixed by the hearing centre serving the address at (2)(a) or (b), as appropriate, upon receipt of the claim from the hearing centre where the claim was made.”.

6) In paragraph 5.4, for “his” substitute “the”.

PRACTICE DIRECTION 7C – PRODUCTION CENTRE

- 1) Omit paragraph 1.2.
- 2) In paragraph 1.3—
 - a) in subparagraph (1), for the words “, whether or not” to “another county court” substitute “by the County Court”;
 - b) in subparagraph (2)—
 - (i) in the first sentence, for “name of the Northampton County Court” substitute “in the Centre”;
 - (ii) in sub-subparagraph (a)—
 - (aa) for “and” substitute “, ”; and
 - (bb) after “admissions” insert “and directions questionnaires”;
 - (iii) in sub-subparagraph (d), for “execution” substitute “control”;
 - (iv) for sub-subparagraph (e) substitute—

“(e) before the parties have filed their directions questionnaires—

(i) where the defendant is an individual, sending to the defendant's home court any proceedings where directions are required or where a hearing is required before judgment; or

(ii) where the defendant is not an individual, sending the proceedings to the County Court hearing centre which serves the claimant's home address, or where legally represented, the claimant's legal representative's address;";

(v) for sub-subparagraph (f) substitute—

“(f) after the parties have filed their directions questionnaires, sending the proceedings in accordance with rule 26.2A(3) to (6); and

(g) provisionally deciding the track which appears to be most suitable for the claim.”.

3) In paragraph 5.1—

a) in the first sentence, after “officer may” insert “, in respect of any claim which remains in the Centre,”;

b) in subparagraph (1), at the end, insert “and”;

c) in subparagraph (2), at the end, for “,” substitute “.”; and

d) omit subparagraph (3).

4) In subparagraph 5.2—

a) in subparagraph (3)—

i) for “transferred” substitute “sent”;

ii) for “1.3(2)(e)” substitute “1.3(2)(f)”; and

iii) for “of transfer” substitute “that the proceedings have been sent”;
and

b) in subparagraph (4)—

i) for “transferred” substitute “sent”; and

ii) after “1.3(2)(e)” insert “or (f)”.

5) In paragraph 5.3—

a) in subparagraph (1), for the words “user has” to “County Court” substitute “claim is started in the” ; and

- b) in subparagraph (4)—
 - i) for “transferred” substitute “sent”; and
 - ii) for “1.3(2)(e)” substitute “1.3(2)(f)”.

6) After paragraph 5.3 insert—

“Transfer of Claim

5.4

Where the defendant is an individual the claim will be sent to the defendant’s home court—

(1) under rule 13.4, if the defendant applies to set aside or vary judgment;

(2) if either party makes an application which cannot be dealt with without a hearing.

5.5

If the defendant is not an individual and one of the events mentioned in paragraph 5.4 arises, the claim will be sent to the County Court hearing centre which serves the claimant’s home address, or where legally represented, the claimant’s legal representative’s address.

Enforcement

5.6

(1) An application for—

(a) an order for a judgment debtor to attend court for questioning pursuant to an order for information under CPR Part 71;

(b) a third party debt order under Part 72;

(c) a charging order under Part 73; or

(d) an attachment of earnings order under rule 3(2) of CCR Order 27,

must be issued in accordance with paragraphs 9.1, 10.1, 10.2 and 11.1 of section 2 of Practice Direction 70, unless the proceedings have already been sent to a County Court hearing centre.

(2) A request for a warrant of control to enforce a judgment or order made at the

Centre must be made to that office, unless the proceedings have already been sent to a County Court hearing centre.”.

PRACTICE DIRECTION 7E – MONEY CLAIM ONLINE

- 1) In the table of contents to this Practice Direction, below the entry “Transfer of Claim” insert “Enforcement”.
- 2) In paragraph 1.2, in subparagraph (2), in sub-subparagraph (a)(iii), for “execution” substitute “control”.
- 3) In subparagraph 1.4—
 - a) after “will be issued” insert “in the”;
 - b) for “in that court” substitute “at the County Court Business Centre”;
 - c) for “transferred” substitute “sent”;
 - d) for “another court” substitute “County Court hearing centre”; and
 - e) for “Northampton County Court” substitute “the County Court Business Centre”.
- 4) In paragraph 3.3, for “a court office” substitute “the County Court Money Claims Centre”.
- 5) In paragraph 6.1, in subparagraph (2), for “Northampton County Court” substitute “the County Court Business Centre”.
- 6) In paragraph 6.2 omit “at the court”.
- 7) In paragraph 6.3, for “transferred” substitute “sent”
- 8) In paragraph 6.4—
 - a) for “transferred” substitute “sent to a County Court hearing centre”;
 - b) for “Northampton County Court” substitute “the County Court Business Centre”; and
 - c) omit “at that court”.
- 9) Omit paragraph 8.
- 10) In paragraph 11.2, omit the words in parentheses which follow subparagraph (2)(b).
- 11) In paragraph 12.1—
 - a) in the first sentence, for the words, “Northampton County Court” to “will transfer the claim” substitute “the claim has not been sent to a County Court hearing centre, the claim will be sent”;

- b) after subparagraph (1), at the end, insert “or”; and
- c) omit subparagraphs (2) and (3).

12) For paragraph 12.2 substitute—

“12.2

Where the defendant is not an individual, and one of the events mentioned in paragraph 12.1 arises, the claim will be sent to the County Court hearing centre which serves the claimant’s address for service which is stated on the claim form.

12.3

If a defence is filed to all or part of the claim and the parties have filed their directions questionnaires, the proceedings will be sent in accordance rule 26.2A(3) to (6).”

13) After new paragraph 12.3, insert—

“Enforcement

12A.1

An application for—

- (a) an order for a judgment debtor to attend court for questioning pursuant to an order for information under CPR Part 71;
- (b) a third party debt order under Part 72;
- (c) a charging order under Part 73; or
- (d) an attachment of earnings order under rule 3(2) of CCR Order 27,

must be issued in accordance with paragraphs 9.1, 10.1, 10.2 and 11.1 of section 2 of Practice Direction 70, unless the proceedings have already been sent to a County Court hearing centre.

12A.2

A request for a warrant of control to enforce a judgment or order made at the Centre must be made to the Centre, unless the proceedings have since been sent to a County Court hearing centre.”.

14) In paragraph 13.2

- a) for “transferred” substitute “sent”; and
- b) for “Northampton County Court” substitute “the County Court Business Centre”.

PRACTICE DIRECTION 8A – ALTERNATIVE PROCEDURE FOR CLAIMS

1) In paragraph 4.1—

- a) before “Part 7 and Practice Direction 7A” insert “(1)”; and
- b) below what is now paragraph (1), insert—

“(2) Subject to the provisions in rule 8.1(2A), in the County Court a claim under the Part 8 procedure may be made in any County Court hearing centre. However, when a claim is given a hearing date the court may direct that proceedings should be transferred to another hearing centre if appropriate to do so. A claimant should consider the potential delay which may result if a claim is not made at the appropriate hearing centre in the first instance.”.

2) In paragraph 18.2—

- a) in subparagraph (1), for “court for the district in which” substitute “County Court hearing centre serving; and
- b) in subparagraph (2), after “in the court” insert “or County Court hearing centre”.

PRACTICE DIRECTION 19B – GROUP LITIGATION

1) For paragraph 3.7, including the heading, substitute—

“The County Court”

3.7

Where the application notice is issued in the County Court, the application should be made to the Designated Civil Judge for the area in which the application notice has been issued.”.

- 2) In paragraph 3.8, for “court” substitute “County Court hearing centre”.
- 3) In paragraph 10, for “a county court” substitute “in the County Court”.

PRACTICE DIRECTION 22 – STATEMENTS OF TRUTH

- 1) In paragraph 2.2A, for the words in inverted commas substitute—

“This budget is a fair and accurate statement of incurred and estimated costs which it would be reasonable and proportionate for my client to incur in this litigation.”.

PRACTICE DIRECTION 23A - APPLICATIONS

- 1) In the table of contents to this Practice Direction, after the entry for pre-action applications insert—

“County Court Money Claims Centre

Para. 5A.1”

- 2) In paragraph 5, after “rule 23.2(4)” insert “and (4A)”.
- 3) After paragraph 5, insert—

“County Court Money Claims Centre

5A.1

If the claim is started in the County Court Money Claims Centre, an application made after a claim has been started must be made to the County Court Money Claims Centre or County Court hearing centre where the claim is being dealt with.

5A.2

A District Judge may—

- (a) consider the application without a hearing; or
 - (b) direct that the application should be transferred to a County Court hearing centre.”.
- 3) In paragraph 6.11, in subparagraph (b) in sub-subparagraph (ii), for “county court” substitute “County Court hearing centre”.

PRACTICE DIRECTION 25A – INTERIM INJUNCTIONS

- 1) In paragraph 4.5, for “county court”, in the second place it occurs, substitute, “County Court hearing centre”.

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

- 1) In the table of contents to this Practice Direction, below the entry for “Stay to allow for settlement of the case”, insert “Small Claims Mediation”.
- 2) In paragraph 2.5—
- a) in subparagraph (1)—
 - i) for “designated money claims”, in the first place it occurs, substitute “claims started in the County Court for specified and unspecified amounts of money,”; and
 - ii) for “designated money claims”, in the second place it occurs, substitute “those claims started in the County Court for specified and unspecified amounts of money”; and
 - b) omit subparagraph (2).
- 3) After paragraph 3.4(3) insert—

“Small claims mediation

3A.1

If a claim is referred to the Mediation Service pursuant to rule 26.4A or at the court’s direction, the settlement agreement must be in Form N182.”.

PRACTICE DIRECTION 30 – TRANSFER

- 1) In paragraph 5.1 for the words “and both the transferring” to “county courts” substitute “within the County Court”.

PRACTICE DIRECTION 34A – DEPOSITIONS AND COURT ATTENDANCE BY WITNESSES

- 1) In Annex C, in the column entitled “Designated court”—
 - a) for “Bristol County Court”, substitute “the County Court at Bristol”;
 - b) for “Manchester County Court”, substitute “the County Court at Manchester”;
and
 - c) for “Leeds County Court”, substitute “the County Court at Leeds”.

PRACTICE DIRECTION 37 – MISCELLANEOUS PROVISIONS ABOUT PAYMENTS INTO COURT

- 1) In paragraph 1.2, in subparagraph (1), after “with the court” insert “where the case is proceeding”.
- 2) In paragraph 3.5, in subparagraph (2), in sub-subparagraphs (a) and (b), for “his”, in each place it occurs, substitute “their”.
- 3) In paragraph 3.7—
 - a) for “his”, substitute “their”;
 - b) for “he”, in each place it occurs, substitute “they”; and
 - c) for “him” substitute “them”.
- 4) In paragraph 6.1—
 - a) in subparagraph (3) for “he”, substitute “the trustee”; and

- b) in subparagraph (4) for “his”, substitute “the trustee’s”.
- 5) In paragraph 6.2, in subparagraph (3) for “a county court”, substitute “the County Court hearing centre where the case is proceeding”.
- 6) In paragraph 6.3, for “he” substitute “they”.
- 7) In paragraph 8.2—
 - a) for “he”, in each place it occurs, substitute “they”; and
 - b) for “lodges” substitute “lodge”.
- 8) In paragraph 8.4, for “he” substitute “they”.

PRACTICE DIRECTION 45 – FIXED COSTS

- 1) In paragraph 2.6—
 - a) for the words “and 45.18(5)” substitute “, 45.18(5), 45.29C(2), 45.29E(2), 45.25F(5), 45.29G(2) and 45.29H”;
 - b) for the words “county court districts of” substitute “area served by the County Court hearing centres at”; and
 - c) for “county court districts” in the second place it occurs, substitute “County Court hearing centres at”.

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

- 1) In paragraph 4.1—
 - a) In sub-subparagraph (a) for “county court” substitute “the County Court hearing centre”; and
 - b) in sub-subparagraph (b) for “county court” substitute “County Court hearing centre”.
- 2) In paragraph 4.2—
 - a) in subparagraph (1), for “county courts” substitute “County Court hearing centres”; and
 - b) in subparagraph (2)—
 - i) for in sub-subparagraph(b) for “county court” substitute “County Court hearing centre”; and

- ii) in sub-subparagraph (c), for “County Courts” substitute “County Court hearing centres”.

PRACTICE DIRECTION 49A – APPLICATIONS UNDER THE COMPANIES ACTS AND RELATED LEGISLATION

- 1) In paragraph 5, in subparagraph (2), in sub-subparagraph (b), for “county court” substitute “County Court hearing centre”.

PRACTICE DIRECTION 51A – TRANSITIONAL ARRANGEMENTS

- 1) In paragraph 16, in subparagraph (6), in sub-subparagraph (b), for “court” where it first occurs, substitute “Court”.

PRACTICE DIRECTION 51I – THE SECOND MEDIATION SERVICE PILOT SCHEME

- 1) Practice Direction 51I (the Second Mediation Service Pilot) is revoked.

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

- 1) In the title to this Practice Direction, for “COUNTY COURTS”, substitute “COUNTY COURT”
- 2) In table A to this Practice Direction, in the column entitled “Appeal Centre” for —
 - a) “Halifax”;
 - b) “Huddersfield”; and
 - c) “Skipton”,substitute “Bradford”.

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

- 1) In paragraph 6.1, in subparagraph (6), in sub-subparagraph (a), for “that court” substitute “the County Court hearing centre in question”.

PRACTICE DIRECTION 55A – POSSESSION CLAIMS

- 1) In paragraph 55.3—
 - a) before “Except where” insert “(1)”; and
 - b) after what will be subparagraph (1), insert—

“(2) In the County Court, the claim will be issued by the County Court hearing centre where the claim is made, but will then be sent to the County Court hearing centre which serves the address where the land is situated. A claimant should consider the potential delay which may result if a claim is not made at the appropriate hearing centre in the first instance.”.

- 2) Before paragraph 8.1, insert—

“A8.1

In the County Court, the claim will be issued by the County Court hearing centre where the claim is made, but will then be sent to the County Court hearing centre which serves the address where the land is situated. A claimant should consider the potential delay which may result if a claim is not made at the appropriate hearing centre in the first instance.”.

PRACTICE DIRECTION 55B – POSSESSION CLAIMS ONLINE

- 1) In the table of contents to this Practice Direction, omit “Information on the PCOL website.
- 2) In paragraph 1.1, in the first sentence, for “specified county courts”, substitute “the County Court”.
- 3) In paragraph 1.2—
 - a) in subparagraph (1), at the end, for “; and” substitute “.”; and

- b) omit subparagraph (2).
- 4) Omit—
 - a) the heading above paragraph 2.1; and
 - b) paragraphs 2.1, 2.2 and 2.3.
- 5) In paragraph 5.1, in subparagraph (2), in the words which follow subparagraph (b), for the “within the district of a specified court” substitute “the address for which is served by a County Court hearing centre”.
- 6) In paragraph 6.11, for county court, substitute “County Court hearing centre”
- 7) After paragraph 6.11, in the words in parentheses, for “county court” substitute “County Court hearing centre”.

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

- 1) In paragraph 2.2—
 - a) before “Except where” insert “(1)”; and
 - b) after what will be subparagraph (1), insert—

“(2) In the County Court, the claim will be issued by the County Court hearing centre where the claim is made and will then be sent to the County Court hearing centre which serves the address where the land is situated. A claimant should consider the potential delay which may result if a claim is not sent to the appropriate County Court hearing centre in the first instance.”.

PRACTICE DIRECTION 57 – PROBATE AND INHERITANCE

- 1) In paragraph 2.2, in subparagraph (3)—
 - a) in sub-subparagraph (a) for “county court” substitute “County Court hearing centre”; and
 - b) in sub-subparagraph (b), for “Central London County Court” substitute “County Court at Central London”.

PRACTICE DIRECTION 60 – TECHNOLOGY AND CONSTRUCTION CLAIMS

- 1) In paragraph 3.1, for “county court” substitute “County Court hearing centre”.
- 2) In paragraph 3.2, for “_____ County Court” substitute “County Court at _____”.
- 3) In paragraph 3.4, for “county courts” substitute “County Court hearing centres”.
- 4) In paragraph 5.1—
 - a) in the first sentence, for “county courts” substitute “County Court hearing centres”; and
 - b) in subparagraph (2), for “county court”, in the second place it occurs, substitute “County Court hearing centre”.

PRACTICE DIRECTION 63 INTELLECTUAL PROPERTY CLAIMS

- 1) In paragraph 16.3, for “county courts” substitute “County Court hearing centres”.
- 2) In paragraph 21.1—
 - a) for “county courts” substitute “County Court hearing centres”; and
 - b) before “Caernarfon” insert “those at”.

PRACTICE DIRECTION 65 – ANTI-SOCIAL BEHAVIOUR AND HARASSMENT

- 1) In the table of contents to this Practice Direction, above the entry for paragraph 14.1A insert—

“Starting the claim	Para. A14.1”
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- 2) In paragraph 1.1—
 - a) before “An application” insert “(1)”; and
 - b) after what will be subparagraph (1), insert—

“(2) An application on notice under rules 65.3 or 65.43 will be issued by the County Court hearing centre where the claim is made but will then be sent to the County Court hearing centre which serves the address where the defendant resides or the conduct complained of occurred. An applicant should consider the potential delay which may result if an application is not made at the appropriate County Court hearing centre in the first instance.”.

- 3) In paragraph 1.2, for “county courts” substitute “County Court hearing centres”.
- 4) For paragraph 6.1 substitute —

“6.1

(1) A demotion or suspension claim, other than one made in the alternative to a possession claim, may be made in any County Court hearing centre.

(2) A claim will be issued at the County Court hearing centre where it is made and will then be sent to the County Court hearing centre which serves the address where the property is situated. An applicant should consider the potential delay which may result if an application is not made at the appropriate County Court hearing centre in the first instance.”.

- 5) After the heading to SECTION V insert—

“Starting the claim

A14.1

In the County Court, a claim under rule 65.28 will be issued in the County Court hearing centre where the claim is commenced and then sent to County Court hearing centre which serves the address where either the defendant or the claimant resides or carries on business. A claimant should consider the potential delay which may result if the claim is not commenced at the appropriate County Court hearing centre in the first instance.”.

PRACTICE DIRECTION 70 – ENFORCEMENT OF JUDGMENTS AND ORDERS

- 1) In the table of contents to this Practice Direction—
 - a) Before the entry for paragraph 1.1 insert—

“Definitions

Para. A1.1”;

- b) for the entry for paragraph 2.1, substitute “Proceedings for enforcement in the County Court - rule 70.3”;
- c) for the entry for SECTION II, substitute “SECTION II ENFORCEMENT PROCEEDINGS IN THE COUNTY COURT MONEY CLAIMS CENTRE”; and
- d) In the entry for paragraph 11.1, for “Automatic Transfer” substitute “Transfer”

2) Before the heading to paragraph 1.1, insert—

“Definitions

1A.1 In this Practice Direction—

(1) “writ of control” is to be construed in accordance with section 62(4) of the Tribunals Courts and Enforcement Act 2007;

(2) “writ of execution” includes-

- (a) a writ of possession;
- (b) a writ of delivery;
- (c) a writ of sequestration;
- (d) a writ of fieri facias de bonis ecclesiasticis,

and any further writ in aid of any such writs, but does not include a writ of control.”.

- 3) In paragraph 1.1, in subparagraph (1), for the words “fieri facias”, to the end of that subsection, substitute “control or warrant of control (see Parts 83 and 84);”.
- 4) For the heading to paragraph 2.1, substitute “Proceedings for enforcement in the County Court - rule 70.3”.
- 5) For paragraph 2.3 substitute—

“An application to enforce a judgment in the County Court may be made at any County Court hearing centre, unless an enactment, rule or practice direction provides otherwise.”.

- 6) Omit paragraph 2.2.
- 7) In paragraph 2.1, for “The court” substitute “If for any reason proceedings for the enforcement of a judgment are transferred, the court”.
- 8) In paragraph 3.1—
 - a) in the first sentence—
 - i) for “he” substitute “they”; and
 - ii) for “his” substitute “the”
 - b) in subparagraph (3), after “writ of execution” insert “or writ of control”.
- 9) In paragraph 3.2, in subparagraph (2)—
 - a) in sub-subparagraph (a), after “writ of execution” insert “or writ of control”; and

- b) in sub-subparagraph (b), after “writ of execution” insert “or writ of control”.
- 10) In paragraph 4.1A, in subparagraph (1), in sub-subparagraph (b) for “fieri facias” substitute “control”.
- 11) In paragraph 7.2, after “writ of execution” insert “or writ of control”.
- 12) For the heading to SECTION II, substitute “SECTION II ENFORCEMENT PROCEEDINGS IN THE COUNTY COURT MONEY CLAIMS CENTRE”.
- 13) In paragraph 8.1—
 - a) for “in Northampton County Court in respect of designated money claims”, substitute “at the County Court Money Claims Centre”; and
 - b) for “to another county court” substitute “or sent to a County Court hearing centre”.
- 14) In paragraph 9.1, for “in the county court” substitute “at the County Court hearing centre”.
- 15) In paragraph 10.1, for “in the county court for the district in which” substitute “at the County Court hearing centre which serves the address where”.
- 16) In paragraph 10.2, for “in the county court for the district in which” substitute “at the County Court hearing centre which serves the address where”.
- 17) For the heading to paragraph 11.1 substitute “Transfer”.
- 18) In paragraph 11.1, for “court in which” substitute “hearing centre where”.

PRACTICE DIRECTION 71 – ORDERS TO OBTAIN INFORMATION FROM JUDGMENT DEBTORS

- 1) In paragraph 2.1, for “county court for the district in which he” substitute “the County Court hearing centre serving the address where the judgment debtor resides”.
- 2) In paragraph 3, in subparagraph (c), for “county court” substitute “County Court”.

PRACTICE DIRECTION 72 – THIRD PARTY DEBT ORDERS

- 1) In paragraph 2, omit “rule” in the second place it occurs.
- 2) For paragraph 4 substitute—

“4.

The court may, on an application by a judgment debtor who wishes to oppose an application for a third party debt order, transfer it to—

(a) in the High Court, the court for the district; or

(b) in the County Court, the County Court hearing centre serving the address,

where the judgment debtor resides carries on business, or to another court.”.

- 3) After paragraph 5.2, in the words in parentheses, in the second bullet point, for “county court” in the second place it occurs, substitute “County Court hearing centre”

PRACTICE DIRECTION 73 – CHARGING ORDERS, STOP ORDERS AND STOP NOTICES

- 1) In paragraph 3, after “for the district” insert “, or the County Court hearing centre serving the address,”.

PRACTICE DIRECTION 74A – ENFORCEMENT OF JUDGMENTS IN DIFFERENT JURISDICTIONS

- 1) In paragraph 7.2 for “county court” substitute “County Court”.

PRACTICE DIRECTION 74B – EUROPEAN ENFORCEMENT ORDERS

- 1) In paragraph 2.1, in subparagraph (2), for “county court” substitute “County Court”.

PRACTICE DIRECTION 75 – TRAFFIC ENFORCEMENT

- 1) In the table of contents to this Practice Direction, for the entry for paragraph 8.1 substitute “Applications to suspend a local authority warrant of control”
- 2) In paragraph 2.1—
 - a) for “started in” substitute “filed at”;
 - b) for “at Northampton County Court” substitute “21/27 St. Katherine’s Street, Northampton. NN1 2LH”; and
 - c) after paragraph 2.1 insert—

“(Form TE7, Application to file a statement out of time/extension of time (Parking)) and form TE9, Witness statement - unpaid penalty charge (Parking), can be filed electronically at: *tec.bulkcentre@hmcts.gsi.gov.uk*)”.

- 3) In paragraph 5.2—
 - a) in subparagraph (1)—
 - i) for “PE 2” substitute “PE2 (Application to File a Statutory Declaration Out of Time)”;
 - ii) for “TE 7” substitute “TE7”; and
 - b) in subparagraph (2)—
 - i) in sub-subparagraph (a), for “PE 3” substitute “PE3 (Statutory Declaration - unpaid penalty charge)”;
 - ii) in sub-subparagraph (b), for “TE 9” substitute “TE9”; and
 - iii) for the words in parentheses below sub-subparagraph (b) substitute—

“(Forms PE2, PE3, TE7 and TE9 can be obtained from Form Finder at <http://hmctsformfinder.justice.gov.uk/HMCTS/FormFinder.do> and can also be obtained from the Traffic Enforcement Centre, 21/27 St. Katharine's Street, Northampton NN1 2LH. (Telephone number: 0300 123 1059 or 01604 619450.)”.

- 4) In paragraph 7.1, for the words “county court” to “is situated”, substitute “County Court hearing centre which serves the respondent's address for service”.
- 5) In paragraph 7.3, for “court”, in each place it occurs, substitute “County Court hearing centre”.

- 6) For the heading to paragraph 8.1 substitute “Applications to suspend a local authority warrant of control”.
- 7) In paragraph 8.1, for “warrant of execution” in each place it occurs, substitute “local authority warrant of control”.
- 8) After paragraph 8.1, in the words in parentheses, for “a court order” substitute “an order”.

PRACTICE DIRECTION 78 – EUROPEAN PROCEDURES

- 1) In paragraph 7.1, for “or county court” substitute “, or in the County Court hearing centre”.
- 2) In paragraph 19.1, for “or county court” substitute “, or in the County Court hearing centre”.

PRACTICE DIRECTION 81 – APPLICATIONS AND PROCEEDINGS IN RELATION TO CONTEMPT OF COURT

- 1) In paragraph 4.3, for sub-paragraph (4)(b) substitute—

“(b) made aware of the possible availability of criminal legal aid and how to contact the Legal Aid Agency;”.
- 2) In paragraph 15.6, for sub-paragraph (2) substitute—

“(2) made aware of the possible availability of criminal legal aid and how to contact the Legal Aid Agency;”.
- 3) In paragraph 10.2, in subparagraph (2), for the words “by a Circuit Judge or person authorised to act as such” substitute “by a judge of the County Court other than a District Judge of that court, unless they are exercising the jurisdiction of a Circuit Judge with the permission of the Designated Civil Judge”.

PRACTICE DIRECTION 83 – WRITS AND WARRANTS – GENERAL PROVISIONS

AND

PRACTICE DIRECTION 84 – ENFORCEMENT BY TAKING CONTROL OF GOODS

- 1) After Practice Direction 82, insert Practice Direction 83 and Practice Direction 84 as set out in the Schedule to this Update.
- 2) Omit Practice Direction RSC 46 and CCR 26 Execution.

PRACTICE DIRECTION: DIRECTORS DISQUALIFICATION PROCEEDINGS

- 1) In paragraph 4.1A, in subparagraph (2), in sub-subparagraph (b), for “county court”, in the second place it occurs, substitute “County Court”.
- 2) In paragraph 30.1A in subparagraph (2), in sub-subparagraph (b), for “county court”, in the second place it occurs, substitute “County Court”.

PRACTICE DIRECTION DEVOLUTION ISSUES

- 1) In the table of contents to this Practice Direction—
 - a) in the entry “Family proceedings in the magistrates’ courts, the county courts and the High Court” omit “, the county courts”; and
 - b) in the entry for “Civil proceedings in the county courts and the High Court”, for “county courts” substitute “County Court”.
- 2) In paragraph 3.4, in subparagraph (3), for “A county court” substitute “The County Court”.
- 3) In paragraph 4, for “county courts” substitute “County Court”.
- 4) In the heading to paragraph 15.1 omit “, the county courts”.
- 5) In the heading to paragraph 16.1 “county courts” substitute “County Court”.

PRACTICE DIRECTION RSC 46 AND CCR 26 EXECUTION

- 1) Omit Practice Direction RSC 46 and CCR 26 Execution.

**PRE-ACTION PROTOCOL FOR CONSTRUCTION AND ENGINEERING
DISPUTES**

- 1) In paragraph 1.5, for “county court” substitute “County Court”.

**PRE-ACTION PROTOCOL FOR THE RESOLUTION OF CLINICAL DISPUTES
CLINICAL DISPUTES FORUM**

- 1) In paragraph 1.2, for “county courts” substitute “the County Court”.

SCHEDULE

“PRACTICE DIRECTION 83 – WRITS AND WARRANTS – GENERAL PROVISIONS

Part 83 – Section I – Scope and interpretation

Scope - Rule 83.1

1. In relation to writs and warrants that relate to taking control of goods, Part 83 should be read in conjunction with-

(1) Part 84, which contains rules specifically in relation to taking control of goods; and

(2) the Taking Control of Goods Regulations 2013, which can be found at www.justice.gov.uk/courts/procedure-rules

Writs and warrants other than those conferring a power to use the TCG procedure- duration and priority - Rule 83.3

2. The notice required by rule 83.3(7)(b) should be in Form 71.

Part 83 – Section III– Writs

Forms of writs

3.1 A writ of control must be in Forms 53 to 57 in Practice Direction 4 as appropriate.

3.2 A writ of delivery must be in Form 64 or 65 in Practice Direction 4, whichever is appropriate.

3.3 A writ of possession must be in Form 66 or 66A in Practice Direction 4, whichever is appropriate.

Writs other than those conferring a power to use the TCG procedure– order for sale otherwise than by auction - Rule 83.12

4.1. Rule 83.12 only applies in relation to writs that do not confer a power to use the procedure in Schedule 12. The rule therefore applies in relation to the following writs-

(a) writs of delivery where there is no element of taking control of goods; and

(b) ecclesiastical writs.

4.2. Schedule 7 of the Courts Act 2003 applies in relation to such writs. Paragraph 10(3) of that Schedule provides that if the person who seized the goods has notice of another execution or other executions, the court must not consider an application for leave to sell privately until the notice prescribed by these Rules has been given to the other execution creditor or creditors.

Application for warrant of control - Rule 83.15

5. The request for a warrant of control should be in Form N323.

PRACTICE DIRECTION 84 – ENFORCEMENT BY TAKING CONTROL OF GOODS

Interrelationship of rules on taking control of goods with other legislation

1.1 The provisions in this Practice Direction and Part 84 on taking control of goods are closely linked to, and need to be read with—

(1) Part 3 of and Schedule 12 to the Tribunals Courts and Enforcement Act 2007 (The Act), which can be found at www.justice.gov.uk/courts/procedure-rules/;

(2) the Taking Control of Goods Regulations 2013, which can be found at www.justice.gov.uk/courts/procedure-rules/; and

(3) the Taking Control of Goods (Fees) Regulations 2013, which can be found at www.justice.gov.uk/courts/procedure-rules/.

1.2 Part 83 – Writs and warrants – General provisions, is also relevant and contains provisions relating to writs and warrants of control and also other forms of writ and warrant that confer a power to use the procedure in Schedule 12 to the Act.

1.3 A flow chart providing guidance and setting out the interrelationship between these Rules, the 2007 Act and the Taking Control of Goods Regulations 2013 can be found at www.justice.gov.uk/courts/procedure-rules/.”.