

PRACTICE DIRECTION – ADDITION AND SUBSTITUTION OF PARTIES

THIS PRACTICE DIRECTION SUPPLEMENTS CPR PART 19

A party applying for an amendment will usually be responsible for the costs of and arising from the amendment.

CHANGES OF PARTIES

General

- 1.1 Parties may be removed, added or substituted in existing proceedings either on the court's own initiative or on the application of either an existing party or a person who wishes to become a party.
- 1.2 The application may be dealt with without a hearing where all the existing parties and the proposed new party are in agreement.
- 1.3 The application to add or substitute a new party should be supported by evidence setting out the proposed new party's interest in or connection with the claim.
- 1.4 The application notice should be filed in accordance with rule 23.3 and, unless the application is made under rule 19.2(4)¹, be served in accordance with rule 23.4.
- 1.5 An order giving permission to amend will, unless the court orders otherwise, be drawn up. It will be served by the court unless the parties wish to serve it or the court orders them to do so.

Addition or Substitution of Claimant

- 2.1 Where an application is made to the court to add or to substitute a new party to the proceedings as claimant, the party applying must file:
 - (1) the application notice,
 - (2) the proposed amended claim form and particulars of claim, and
 - (3) the signed, written consent of the new claimant to be so added or substituted.
- 2.2 Where the court makes an order adding or substituting a party as claimant but the signed, written consent of the new claimant has not been filed:
 - (1) the order, and

¹ See rule 19.4(3)(a).

(2) the addition or substitution of the new party as claimant,

will not take effect until the signed, written consent of the new claimant is filed.

2.3 Where the court has made an order adding or substituting a new claimant, the court may direct:

- (1) a copy of the order to be served on every party to the proceedings and any other person affected by the order,
- (2) copies of the statements of case and of documents referred to in any statement of case to be served on the new party,
- (3) the party who made the application to file within 14 days an amended claim form and particulars of claim.

Addition or substitution of defendant

3.1 The Civil Procedure Rules apply to a new defendant who has been added or substituted as they apply to any other defendant (see in particular the provisions of Parts 9, 10, 11 and 15).

3.2 Where the court has made an order adding or substituting a defendant whether on its own initiative or on an application, the court may direct:

- (1) the claimant to file with the court within 14 days (or as ordered) an amended claim form and particulars of claim for the court file,
- (2) a copy of the order to be served on all parties to the proceedings and any other person affected by it,
- (3) the amended claim form and particulars of claim, forms for admitting, defending and acknowledging the claim and copies of the statements of case and any other documents referred to in any statement of case to be served on the new defendant.
- (4) unless the court orders otherwise, the amended claim form and particulars of claim to be served on any other defendants.

3.3 A new defendant does not become a party to the proceedings until the amended claim form has been served on him².

Removal of party

4 Where the court makes an order for the removal of a party from the proceedings:

- (1) the claimant must file with the court an amended claim form and particulars of claim, and

2 *Kettleman v Hansel Properties Ltd* (1987) AC 189, HL.

- (2) a copy of the order must be served on every party to the proceedings and on any other person affected by the order.

Transfer of interest or liability

- 5.1 Where the interest or liability of an existing party has passed to some other person, application should be made to the court to add or substitute that person³.
- 5.2 The application must be supported by evidence showing the stage the proceedings have reached and what change has occurred to cause the transfer of interest or liability.

(For information about making amendments generally, see the practice direction supplementing Part 17.)

3 See rule 19.2(4).