

NOTES TO ACCOMPANY JANUARY 2002 26th SUPPLEMENT

Amendments to existing material are included as follows:

Rules

Part 2	Rule 2.3 in para (2), 'relevant' replaced by 'rule or'
Part 5	Rule 5.2 in para (1)(b), sub-para (i) is omitted
Part 6	Rule 6.18 sub-para (g) replaced with new text; sub-para (h) 'and' deleted; after sub-para (i), new paras (j) and (k) inserted Rule 6.19 para (1)(a) 'any part of the United Kingdom' replaced with 'any other part of the United Kingdom'. After rule 6.19(1), para (1A) and sub-paras (a) and (b) inserted Rule 6.20 cross-reference after para (15) deleted; after cross reference after para 17, new part 17A inserted Rule 6.21 new text inserted after para (4) Rule 6.22 para (2) 'or (1A)' inserted after '6.19(1)'; 'or Regulation State' inserted after 'Contracting State'; in para (4), 'or (1A)' inserted after '6.19(1)' Rule 6.23 para (2) 'or (1A)' inserted after '6.19(1)'; 'Regulation State' inserted after 'Contracting State'; in para (4), 'or (1A)' inserted after '6.19(1)'
Part 8	Rule 8.3 para (4) is deleted
Part 11	Rule 11 para (4)(a) replaced with new text; after rule 11(4), cross reference is deleted; para (5) 'for filing a defence' replaced by 'specified in paragraph (4)'; para (9) replaced with new text; para (10) deleted
Part 12	Rule 12.10 para (b)(i), after 6.19(1) 'or (1A)' inserted; 'under the Civil Jurisdiction and Judgments Act 1982 ¹⁸ ' deleted; in para (b)(ii), 'or Regulation State' is inserted after 'Convention territory' Rule 12.11 para (4), sub-para (a) replaced with new text; in para (6), sub-para (a) replaced with new text; at end of sub-para (c), 'and' is deleted, and new sub-paras (e) and (f) inserted
Part 20	Rule 20.6 1st para re-numbered (1); after para (1), new para (2) inserted
Part 22	Rule 22.1 para (1), at the end of sub-para (d), 'and' is deleted; at the end of sub-para (e), a new sub-para (f) is inserted
Part 25	Rule 25.10 sub-para (a), after 'interim injunction ^(GL) ', new text inserted Rule 25.13 paras (2)(a)(ii) and (b)(ii), after 'Lugano Convention', 'or the Regulation' is inserted
Part 26	Rule 26.3 after para (6), new para 6A inserted
Part 31	Rule 31.14 at the beginning, '(1)' inserted; at the end of sub-para (c), 'or' inserted; at the end of sub-para (d), '; or' replaced with full stop; sub-para (e) deleted; after para (1), but before the cross-reference, new para (2) inserted
Part 35	Rule 35.12 para (1), sub-paras (a) and (b) replaced with new text Rule 35.14 para (2) replaced with new text; para (3), after 'served with' new text is inserted, and sub-paras (a) and (b) have been deleted
Part 37	Rule 37.4 after rule 37.4, new rule 37.5 inserted

Part 40	Rule 40.2 para (1), at the end of sub-para (b), 'or' is deleted; at the end of sub-para (c), (d) and (e) have been added
Part 44	Rule 44.13 para (1) replaced with new text
Part 45	Rule 45.1 para (2)(a), after 'sum of money', new text inserted; at the end of para (2)(b), new text inserted; after para (2)(b), 'and in either case the value of the claim exceeds £25' deleted; new para (2)(c) inserted
	Rule 45.6 after rule 45.5, new rule 45.6 inserted
Part 48	Rule 48.4 paras (2) and (3) replaced with new text
	Rule 48.7 paras (3) to (6) renumbered (4) to (7)
Part 49	Rule 49 in para (2), sub-paras (a), (b), (c) and (e) deleted
Part 58	New part inserted
Part 59	New part inserted
Part 60	New part inserted
Part 61	New part inserted
Part 62	New part inserted
Part 70	New part inserted
Part 71	New part inserted
Part 72	New part inserted
Part 73	New part inserted
Practice Directions	
Practice Direction 6B	Para 1.1 replaced with new text. After para 1.3 new paras 1.3A, 1.3B and 1.3C inserted. In para 1.4, '1.1, 1.2 or 1.3' replaced with '1.1, 1.2, 1.3, 1.3A, 1.3B or 1.3C'. In para 5.2, points (5) and (6) omitted, and point (11) inserted. In para 7.1, new text inserted at the end of para 7.1(1) and 7.1(2). Para 9.1 deleted
Practice Direction 7	After para 3.5, new para 3.5A inserted
Practice Direction 7C	1.3(2)(f) 'in the circumstances ... applies' is deleted
Practice Direction 8B	In A3, Table 1 the following deletions have been made: RSC O.50 r.9A, O.50 r.10(2), O.50 r.14(4), O.50 r.15(2), O.93 r.20(2) and O.93 r.23(2)(a). In B1, Table 2 the following deletions have been made: RSC O.56 r.8(1) and O.56 r.10(1) and CCR O.31 r.4(1). In B1 Table 2 alongside RSC O.93 R.22(3) '(Proceedings under the Financial Services Act 1986 (Applications by inspectors under section 94 or 178))'; replaced by '(Proceedings under the Financial Services and Markets Act 2000)'
Practice Direction 12	In para 1.2, sub-paras (3) and (4) deleted. In 1.3, the opening words are replaced with the following text: 'Other rules and practice directions provide that default judgment under Part 12 cannot be obtained in particular types of proceedings. Examples are:'. '(5) possession claims' is added to the list of examples. Para 4.3 replaced with new text
Practice Direction 16	Para 1.2 replaced with new text. New para 1.3 inserted
Practice Direction 18	In para 5.8, in (2), new text inserted after 'provides that'
Practice Direction 22	Para 1.1, sub-para (2) 'and' is deleted. After para (3), paras (4)–(6) inserted. In para 3.6A, at the beginning, 'A' is deleted. In para 3.11, in the table of examples, alongside 'Insurers and the Motor Insurers' Bureau', 1st sentence is substituted with new text
Practice Direction 25	In para 2.4, at the end of the first sentence, new text inserted. Third sentence has been deleted
Practice Direction 31	In para 4.3, after 'the disclosing party', new text inserted. New para 5.5 inserted. In section 7, in the heading 'Rule 31.14(e)' replaced by 'Rule 31.14(2)'. New paras 7.1 and 7.2 inserted. Heading 'False Disclosure Statement' inserted above para 8

Practice Direction 32	New paras 27.1 and 27.2 inserted. Existing paras 27.1–27.4 renumbered as 28.1–28.4
Practice Direction 35	Paras 1.1–1.6 replaced with new text. Section (2) is replaced (with items 2.1–2.6). Existing sections 2–6 renumbered as 3–7
Practice Direction 39	Para 1.5 in (5) ‘garnishee order’ is replaced by ‘third party debt order’. Para 1.5(6) replacement text inserted
Practice Directions 43–48	Asterisks deleted alongside paragraph numbers. Para 1.6 deleted. New section 50A inserted in PD48 after section 50.4 (3) and before the heading for section 51
Practice Direction 49C	Whole PD revoked
Practice Direction 49D	Whole PD revoked
Practice Direction 49F	Whole PD revoked
Practice Direction 49G	Whole PD revoked
Practice Direction 49H	Whole PD revoked
Practice Direction 52	In section 2A.2, new sub-para (b) inserted
Practice Direction 58	New Practice Direction inserted. This PD makes mention of appendixes. These are not available at this time, but will be available in the next update
Practice Direction 59	New Practice Direction inserted. This PD makes mention of appendixes. These are not available at this time, but will be available in the next update
Practice Direction 60	New Practice Direction inserted. This PD makes mention of appendixes. These are not available at this time, but will be available in the next update
Practice Direction 61 (not inc.)	
<i>NB The Admiralty PD will be in the next update</i>	
Practice Direction 62	New Practice Direction inserted. This PD makes mention of appendixes. These are not available at this time, but will be available in the next update
Practice Direction 70	New Practice Direction inserted
Practice Direction 71	New Practice Direction inserted
Practice Direction 72	New Practice Direction inserted
Practice Direction 73	New Practice Direction inserted

Schedules

Schedule 1 RSC

Order 45	Rules 1(1), 1(2), 1(3), 9, 10, 13 and 14 revoked
RSC Order 48	Whole order revoked
RSC Order 49	Whole order revoked
RSC Order 50	Whole order revoked
RSC Order 62	Part III of Appendix 3, paras 3 and 4 omitted
RSC Order 71	Rule 32(2) 6.26 inserted after 6.25. Rule 33 new rule substituted. Rule 36 new wording substituted for existing wording after the words ‘any document’. New part V inserted (rules 45 onward follow on from the existing rule 44)
RSC Order 74	Whole order revoked
RSC Order 77	Rule 15 new para (1) substituted. Rule 16 para (1)(a) amended, para (3) new text substituted
RSC Order 81	Rules 7(1), 7(2) and 7(3) amended
RSC Order 88	Rule 5A revoked
RSC Order 92	Rule 3A omitted
RSC Order 93	Rule 22 ‘the Financial Services and Marketing Act 2000’ substituted for ‘the Financial Services Act 1986’ in the heading and para (1). Para (2) ‘the Financial Services Authority under section 367’ substituted for ‘the Secretary of State or a designated agency under section 72’. New para (4) substituted. Rule 23 omitted

RSC Order 115	Rule 4(4) amended. Rule 24 para (ba) ‘any proceedings’ substituted for ‘proposed proceedings’. Rule 26(2) new para (a) substituted. Para (b) the words ‘where proceedings have been instituted’ inserted at the beginning of the para. New para (ba) inserted after para (b). Paras (d) and (e) omitted. Rule 27(3) ‘unless the court otherwise orders’ inserted after ‘the order and’
Schedule 2 CCR Order 4	Rule 3 para (b) amended
CCR Order 25	Rules 2, 3, 4, 5, 5A, 11 and 12 revoked. Rule 8(9) ‘pursuant to rule 5(3)’ omitted. Rule 9(4) ‘set out in CPR rule 6.2’ substituted for ‘required for service of an order under Order 25, rule 3’
CCR Order 27	Rules 5(1) and 17(3A) ‘set out in CPR rule 6.2’ substituted for ‘required for service of an order under Order 25, rule 3’
CCR Order 28	Rule 1(2) new para (3) inserted. Rule 2 para (3)(b) new text substituted. Para 4 new text substituted. Rule 3(1) ‘The judgment summons and written evidence must’ substituted for ‘A judgment summons shall’. Rule 4(1) new paras (1A) and (1B) inserted. Rule 5 new text substituted. Rule 9(2) new text substituted. Rule 10(3) omitted
CCR Order 30	Whole order revoked
CCR Order 31	Whole order revoked
CCR Order 33	Rule 4(3) ‘set out in CPR rule 6.2’ substituted for ‘required for service of an order under Order 25, rule 3’
CCR Order 34	Rule 1 ‘section 14, 92 or 118’ substituted for ‘section 14 or 92’. New text inserted after ‘seized in execution’. Rule 3 new text inserted
CCR Order 35	Rule 3 para (2)(b) new text substituted for the words ‘any document’ to the end. New text inserted after rule 3 on ‘Application under Article 54 of Council Regulation (EC) No. 44/2001 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters’
CCR Order 37	Rule 8(3) revoked
CCR Order 38	Appendix B Part 1 ‘APPLICATIONS TO ENFORCE AN AWARD’ omitted from heading. Para 1 sub-para (e) omitted. Part II new text substituted for para (d)(ii) in column 1 of the table. Part III omit items 7, 8 and 11 from the table
CCR Order 39	Rule 2(2) ‘CPR Part 71’ substituted for ‘Order 25, rule 3’
CCR Order 42	Rule 13(1) new text substituted. Rule 14 para (1) ‘under CPR Part 72’ substituted for ‘under Order 30’. New para 5 substituted
CCR Order 45	Rule 1(3) ‘set out in CPR rule 6.2’ substituted for ‘required for service of an order under Order 25, rule 3’
CCR Order 48B	Rule 5(1) new text substituted. Rule 5(8) text amended. Rule 5(9) text amended

Other Practice Directions

Schedule 1 RSC Order 71

Practice Direction	New Practice Direction substituted plus Annex containing Chapter III of, and Annex V to Council Regulation (EC) No 44/2001 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters
---------------------------	---

Forms

Forms ex140 and ex 141	New forms inserted. Please note that these forms are to be annexed to Part 71 PD as appendixes A and B.
-------------------------------	---

Coming into force

Rules

The above rule changes come into force on 25 March 2002 with the following exceptions: Amendments to RSC Orders 92 and 93 and CCR Order 34 on 14 January 2002. Amendments to Rules 6.18, 6.19, 6.22, 6.23, 12.10, 12.11, 25.13, RSC Order 71, CCR Order 35 on 1 March 2002. Amendments to RSC Order 115 came into force on 20 December 2001 in consequence of the Anti-terrorism, Crime and Security Act 2001

Practice Directions

The above Practice Direction changes come into force on 25 March with the following exceptions: PD 6B Para 5.2 only), PD 8B (removal of 0.93 r.23(2)(a) from table 1 and RSC O.93 r.22(3) from table 2 only) on 14 January 2002. Amendments to PD 6B, PD 7, PD 12 and RSC Order 71 on 1 March 2002.

Forms

25 March 2002

Transitional provisions and Savings (Parts 58–62)

1. Where proceedings for the possession of land are issued before 25th March 2002, rule 42(b) shall not apply, and CCR Order 38 shall apply as if it had not been amended.
2. Where on or after 25th March 2002 fixed costs are to be awarded in enforcement proceedings which, pursuant to rule 24 of the Civil Procedure (Amendment No. 4) Rules 2001¹, continue to be governed by rules in Schedule 1 or Schedule 2 to the Civil Procedure Rules 1998 rather than rules in Parts 70 to 73, the rules governing enforcement costs in force immediately before 25th March 2002 shall continue to apply as if they had not been revoked.

Transitional provisions (Parts 70–73)

1. Parts 70 to 73 shall not apply to any enforcement proceedings specified in para (2) which are issued before 25th March 2002, and the rules of court in force immediately before that date shall apply to those proceedings as if they had not been amended or revoked.
2. The enforcement proceedings to which this rule applies are –
 - a. an application for an order for oral examination;
 - b. an application for a garnishee order;
 - c. an application by a judgment creditor for an order for the payment to him of money standing in court to the credit of a judgment debtor;
 - d. an application for a charging order;
 - e. a claim for the enforcement of a charging order by sale of the property charged; and
 - f. an application for a stop order.

1 S.I. 2001/2792.