

PART 17

AMENDMENTS TO STATEMENTS OF CASE

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AMENDMENTS TO STATEMENTS OF CASE

- 17.1 |
- (1) A party may amend his statement of case at any time before it has been served on any other party.
 - (2) If his statement of case has been served, a party may amend it only –
 - (a) with the written consent of all the other parties; or
 - (b) with the permission of the court.
 - (3) If a statement of case has been served, an application to amend it by removing, adding or substituting a party must be made in accordance with rule 19.4.

(Part 22 requires amendments to a statement of case to be verified by a statement of truth unless the court orders otherwise)

POWER OF COURT TO DISALLOW AMENDMENTS MADE WITHOUT PERMISSION

- 17.2 |
- (1) If a party has amended his statement of case where permission of the court was not required, the court may disallow the amendment.
 - (2) A party may apply to the court for an order under paragraph (1) within 14 days of service of a copy of the amended statement of case on him.

AMENDMENTS TO STATEMENTS OF CASE WITH THE PERMISSION OF THE COURT

- 17.3 |
- (1) Where the court gives permission for a party to amend his statement of case, it may give directions as to –
 - (a) amendments to be made to any other statement of case; and
 - (b) service of any amended statement of case.
 - (2) The power of the court to give permission under this rule is subject to –
 - (a) rule 19.1 (change of parties – general);
 - (b) rule 19.4 (special provisions about adding or substituting parties after the end of a relevant limitation period^(GL)); and
 - (c) rule 17.4 (amendments of statement of case after the end of a relevant limitation period).

AMENDMENTS TO STATEMENTS OF CASE AFTER THE END OF A RELEVANT LIMITATION PERIOD

- 17.4 |
- (1) This rule applies where –
 - (a) a party applies to amend his statement of case in one of the ways mentioned in this rule; and
 - (b) a period of limitation has expired under –
 - (i) the Limitation Act 1980²⁵;
 - (ii) the Foreign Limitation Periods Act 1984²⁶; or
 - (iii) any other enactment which allows such an amendment, or under which such an amendment is allowed.
 - (2) The court may allow an amendment whose effect will be to add or substitute a new claim, but only if the new claim arises out of the same facts or substantially the same facts as a claim in respect of which the party applying for permission has already claimed a remedy in the proceedings.
 - (3) The court may allow an amendment to correct a mistake as to the name of a party, but only where the mistake was genuine and not one which would cause reasonable doubt as to the identity of the party in question.
 - (4) The court may allow an amendment to alter the capacity in which a party claims if the new capacity is one which that party had when the proceedings started or has since acquired.
- (Rule 19.5 specifies the circumstances in which the court may allow a new party to be added or substituted after the end of a relevant limitation period^(GL))

25 1980 c.58.

26 1984 c.16.