

PRACTICE DIRECTION – AMENDMENTS TO STATEMENTS OF CASE

THIS PRACTICE DIRECTION SUPPLEMENTS CPR PART 17

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

APPLICATIONS TO AMEND WHERE THE PERMISSION OF THE COURT IS REQUIRED

- 1.1 The application may be dealt with at a hearing or, if rule 23.8 applies, without a hearing.
- 1.2 When making an application to amend a statement of case, the applicant should file with the court:
 - (1) the application notice, and
 - (2) a copy of the statement of case with the proposed amendments.
- 1.3 Where permission to amend has been given, the applicant should within 14 days of the date of the order, or within such other period as the court may direct, file with the court the amended statement of case.
- 1.4 If the substance of the statement of case is changed by reason of the amendment, the statement of case should be re-verified by a statement of truth¹.
- 1.5 A copy of the order and the amended statement of case should be served on every party to the proceedings, unless the court orders otherwise.

GENERAL

- 2.1 The amended statement of case and the court copy of it should be endorsed as follows:
 - (1) where the court's permission was required:

'Amended [Particulars of Claim *or as may be*] by Order of [Master][District Judge *or as may be*] dated.....'
 - (2) Where the court's permission was not required:

'Amended [Particulars of Claim *or as may be*] under CPR [rule 17.1(1) or (2)(a)] dated.....'

¹ See Part 22 for information about the statement of truth.

- 2.2 The statement of case in its amended form need not show the original text. However, where the court thinks it desirable for both the original text and the amendments to be shown, the court may direct that the amendments should be shown either:
- (1) by coloured amendments, either manuscript or computer generated, or
 - (2) by use of a numerical code in a monochrome computer generated document.
- 2.3 Where colour is used, the text to be deleted should be struck through in colour and any text replacing it should be inserted or underlined in the same colour.
- 2.4 The order of colours to be used for successive amendments is; (1) red, (2) green, (3) violet and (4) yellow.

(For information about changes to parties see Part 19 and the practice direction which supplements it.)