
NOTES TO ACCOMPANY APRIL 2006 41st UPDATE

Coming into Force

All of the amendments included in this update come into force on 6th April 2006, with the following exceptions:

1 January 2006

PD 47 Section 49A

PD Civil Recovery Proceedings

Any queries with regard to these (1st January) amendments should be addressed to the Assets Recovery Agency (www.assetsrecovery.gov.uk).

1 April 2006

PD 23B Pilot Scheme for telephone hearings

PD 65 Anti-Social Behaviour and Harassment

Introduction

The 41st Update to the Civil Procedure Rules introduces changes in a large number of areas.

Rule 2.1 is amended to ensure the provisions of the Adoption and Children Act 2002 will be dealt with correctly by the courts, i.e. by subjecting them to Family Procedure (Adoption) Rules 2005 rather than the CPR.

Rules 6, 55 and 75 are amended to allow parties to use equivalent services as well as first class post for service of documents.

Rule 16 is amended to ensure that, in a claim for a specified sum, a claimant includes interest in the statement of the total sum he wishes to claim on the face of the claim form.

A new Part 20 and Practice Direction 20 replace the current Part 20, altering the current Part 20 terminology.

Rule 25 is amended in line with the European Intellectual Property Directive.

Rule 30.5 is amended to clarify that only a judge dealing with cases on a specialist list may transfer cases to or from that list.

Rule 40.2 is amended to set out information which should be recorded in an order or judgment given at a hearing where permission to appeal is requested.

Rule 44.16 is amended in line with alterations to CFA regulations.

Part 52 and **Practice Direction 52** are subject to a number of different and important amendments consequential to a review of that part, including:

- A change in wording in 52.3(6) designed to emphasise the court's discretion in granting permission to appeal. It is intended that this discretion be particularly exercised when the court considers the issue of the proportionality of an appeal; and
- The extension of the time limit for applying for permission to appeal from 14 to 21 days, and further amendments designed to emphasise the court's discretion in extending or abridging this time.

Part 54 Section III is amended to improve service and representation provisions.

Part 63 is amended so that all cases under that part are automatically allocated to the Multi-track.

Practice Direction 4 is amended to update references to CPR forms.

Practice Direction 5B (and subsequently **Practice Direction 52 15.1A**) is amended to make further provision for filing via email in the civil appeals office.

Practice Direction 22 and **Practice Direction 32** are amended to make provision for circumstances where individuals are unable to read or sign documents containing a statement of truth.

Practice Direction 23B is amended to extend the period of the telephone hearings pilot to 1st October 2006, and to make provision for it to be extended to further county courts.

Practice Direction 26 is amended to reflect the new form of small claims allocation questionnaire.

Practice Direction 4348 (Costs Practice Direction) is amended in the following ways:

- **Section 20** is amended consequential to revocation of the Conditional Fee Agreements Regulations 2000 and the Collective Conditional Fee Agreements Regulations 2000;
- **Section 21** is amended in line with amendments made by the Community Legal Service (Costs Protection) (Amendment) Regulations 2005-12-16;
- **Section 32** and **Section 57** are amended consequential to revocation of the Conditional Fee Agreements Regulations 2000, the Collective Conditional Fee Agreements Regulations 2000, and the revocation of the Access to Justice (Membership Organisation) Regulations 2005; and
- A new **Section 49A** is added in line with amendments to the Civil Recovery Proceedings Practice Direction (below).

Practice Direction 63 is amended consequential upon Council Directive (EC) 2004/48 on the enforcement of intellectual property rights.

Practice Direction 65 is amended to extend the pilot scheme under section 85 of the Anti-Social Behaviour Act 2003.

Practice Direction Proceeds of Crime Act 2002 Parts 5 and 8 : Civil Recovery is subject to numerous amendments in line with recent amendments to the Proceeds of Crime Act 2002 and the making of regulations under that Act.

Practice Direction Protocols and most other **Pre-Action Protocols** have been amended to further encourage litigants to consider methods of alternative dispute resolution.

A full list of the changes is set out below.

Rules

Part 2	Rule 2.1, new text inserted into table following this rule.
Part 6	Rule 6.2(1), new text inserted. Rule 6.5(4), new text inserted. Rule 6.7(1), new text inserted.
Part 16	Rule 16.2(1), new text (cc) inserted after sub-paragraph.
Part 20	Completely new text for Part 20 inserted.
Part 25	Rule 25.1, new text (p) added. Rule 25.2, new text substituted for paragraph (3).
Part 30	Rule 30.5, new text substituted for paragraph (2).
Part 40	Rule 40.2, new paragraphs (3) and (4) added.
Part 44	New rule 44.16 substituted.
Part 52	Rule 52.1, new references substituted in the cross. Rule 52.3(6), text amended. Rule 52.4, text added to (2)(a), time period amended in (2)(b), text amended in (3).
Part 54	Rule 54.28(2), new paragraph (ea) added. Rule 54.28, new paragraphs 54.28A and 54.28B added. Rule 54.29, paragraph (1) and (2) amended, new paragraph (2A) added. Rule 54.32, paragraph (2) amended, paragraph (3) omitted. Rule 54.34, paragraph (2) amended, new paragraph (2A) added, new text substituted for (3)(b), new paragraph (5A) added.
Part 55	Rule 55.13(3), new text inserted.
Part 58	Rule 58.4(2), text amended.
Part 59	Rule 59.3, text amended.
Part 61	Rule 61.2(3), text amended.
Part 62	Rule 62.3(4), text amended.
Part 63	Rule 63.1, new paragraph (3) inserted. Rule 63.7, omitted.
Part 75	Rule 75.3(6), new text inserted.

Practice Directions

Practice Direction 4	New text added to table 1.
Practice Direction 5B	Text amended in 3.3, new paragraph 3.3A added, new cross-reference added after 3.3A.
Practice Direction 20	Completely new text for Practice Direction 20 created.
Practice Direction 22	New text (3A) added after paragraph 3. Annex 1 added after paragraph 5.

- Practice Direction 23B** New appendix substituted.
- Practice Direction 26** Paragraph 2.1(1) amended.
- Practice Direction 32** New text inserted after 20.3.
Paragraph 21 omitted.
Annex 2 omitted.
- Practice Direction 4348** Paragraph 20.1 amended.
New text substituted for 21.2, new text substituted for 21.5(5),
paragraph 21.5(6) omitted, paragraph 21.6 amended, new text
substituted for paragraph 21.7, second sentence omitted in
paragraph 21.8, new text substituted for paragraph 21.9(1),
paragraph 21.9(2) amended, new paragraph 21.11A inserted,
paragraph 21.18(2) amended, new text substituted for
paragraph 21.18(4), new paragraph 21.19A inserted.
Paragraph 32.5(b) amended, paragraph 32.6 amended.
New section 49A added.
Paragraph 57.8 amended, new text substituted for paragraph 57.8(3).
- Practice Direction 52** New text substituted for 2A.1 to 2A.6, new paragraph 2A.5 inserted.
New paragraph 4.3A inserted, new paragraph 4.3B inserted.
New text substituted for 5.2, new text 5.6(2)(g) inserted,
paragraph 5.17 amended.
Headings altered at 8A.1, 9.1, 10.1 and 11.1.
New paragraph 15.1A inserted.
- Practice Direction 63** New Section IV inserted.
- Practice Direction 65** Paragraph 13.3(1) amended.

Other Practice Directions

Proceeds of Crime Act 2002 Parts 5 and 8: Civil Recovery

Paragraph 1.1 amended, new text substituted for paragraph 1.2, new
text added after 1.5(2).
Paragraph 2.1 amended.
New Section II substituted.

Pre-Action Protocols

Practice Direction ̃ Protocols

New text substituted for 4.7.

Pre-Action Protocols Most protocols are amended in the appropriate place with new text
on the desirability of alternative dispute resolution procedures.

Forms

The following forms have been amended:

N1C

N1(FD)

N5B

N5C

N7

N7A

N7B

N8A

N9(CC)

N9

N9A

N9B

N9C

N9D

N11

N11B

N11M

N11R

N19B

N136

N213(CC)

N213

N225

N255

N255HC

N265

N256HC

ADM2

