

---

# Notes to Accompany 6<sup>th</sup> April 2007 44<sup>th</sup> Update

---

## Coming into force

All the amendments included in this update come into force on 6th April 2007, with the following exceptions;

1st January 2007

PD 55B

1st March 2007

PD 54

## Introduction

The 44<sup>th</sup> Update to the Civil Procedure Rules introduces changes in a large number of areas.

**Part 3** is amended to incorporate the changes made to Part 36 & Part 37

**Part 14** is amended to give admissions made before the commencement of proceedings equal weight with those made during proceedings. It will allow parties to give notice in writing whether to admit the truth on any part or whole of the case before proceedings. Parties are also allowed to withdraw a pre-action admission. The new rule **14.1A** will not apply to an admission made before 6th April 2007.

**Part 27** is amended to incorporate the changes made to Part 36 & Part 37.

**Part 36, Part 37, PD 36, PD 37** are amended to incorporate provisions for removing the requirement for defendants to make an offer to settle money claims in the form of a payment into court. Defendants wishing to settle a claim with a money offer can simply make a written offer to settle. Under the new rule an accepted offer must be paid within 14 days or the claimant will be able to enter judgment and the defendant will lose the costs protection afforded by Part 36.

**Part 41, Part 44, Part 45, Part 47** and **Part 52** are amended to incorporate the changes made to Part 36 & Part 37.

**PD 7B** is amended as a result of the Consumer Credit Act 2006, which amends the Consumer Credit Act 1974.

**PD 8** is amended to include a number of claims and applications previously dealt with in scheduled rules. A number of scheduled rules have been revoked as a consequence. The opportunity has also been taken to simplify the Practice Direction.

**PD 23** is amended to extend the pilot scheme for telephone hearings to all county courts & district registries.

**PD25** is amended to include reference to the fact that there is no longer a privilege against self-incrimination in relation to fraud cases.

**PD54** is amended to include a new section dealing with applications to judicially review a decision of the Immigration and Nationality Directorate to remove a person from the United Kingdom.

**PD 55B** is amended to make the Possession Claims on Line service (PCOL) easier to use by reducing the amount of detail about arrears which need to be provided at the time a claim is issued.

**The Pre-Action Protocol for Construction and Engineering Disputes** has been revised and reissued following consultation to address issues relating to the time and cost of complying with the protocol.

**A full list of the changes is set out below.**

#### **Rules**

<b>Part 3</b>	Rule 3.1(6A), text after 'a party in the proceedings' deleted.
<b>Part 14</b>	Rule 14.1, heading amended. Rule 14.1(5), new text substituted. Rule 14.1A, new rule inserted after 14.1(5).
<b>Part 27</b>	Rule 27.2(1)(g), words 'a payments into court' deleted. Rule 27.14(3), text in brackets deleted.
<b>Part 36</b>	New part replaces existing part.
<b>Part 37</b>	New part replaces existing part.
<b>Part 41</b>	Rule 41.3A, new rule inserted after 41.3.
<b>Part 44</b>	Rule 44.3 (4)(c), text amended. Note in brackets deleted. Rule at 44.12(1)(b) text amended and (c) deleted.
<b>Part 45</b>	Rule 45.3(2), deleted.
<b>Part 47</b>	Rule 47.7, table 'a or a payment into court' deleted.
<b>Part 52</b>	Rules 52.12 (1), (2) and (3), new text substituted. New text inserted after 52.12.
<b>Part 65</b>	New Section VI inserted after rule 65.30.

#### **Practice Directions**

<b>Practice Direction 2B</b>	New text substituted at paragraph 5.1. New text substituted at paragraph 5.1(d). New text substituted at paragraph 8.1A. Paragraph 11.1 text deleted.
<b>Practice Direction 4</b>	New text add at paragraph 3.2. Title of forms N16(A) and N110A have been substituted. Title of form N242A has been substituted. Form N243A omitted.
<b>Practice Direction 5</b>	Paragraph 5.3(9)(b) deleted.
<b>Practice Direction 7B</b>	New text substituted at paragraph 3.1(5). New sub-para 3.1(5A) inserted.

	New text substituted at paragraphs 10.1 and 10.2.
	New paragraphs 10.2A and 10.3 inserted.
<b>Practice Direction 8</b>	New Practice Direction replaces existing Practice Direction.
<b>Practice Direction 8B</b>	Practice Direction deleted.
<b>Practice Direction 14</b>	New text substituted at paragraph 1.1.
	New paragraph 7 inserted.
<b>Practice Direction 21</b>	New text in brackets substituted after paragraph 12.3.
<b>Practice Direction 23</b>	New text substituted at paragraph 6.
<b>Practice Direction 23C</b>	Practice Direction deleted.
<b>Practice Direction 25</b>	New text substituted at paragraph 7.9(2).
<b>Practice Direction 34</b>	New text substituted in Annex C table.
<b>Practice Direction 36</b>	New Practice Direction replaces existing Practice Direction.
<b>Practice Direction 36B</b>	New Practice Direction created.
<b>Practice Direction 37</b>	New Practice Direction replaces existing Practice Direction.
<b>Practice Direction 41B</b>	Paragraph 6, text amended.
<b>Practice Direction 43–48</b>	
	New text substituted at paragraph 8.4.
	Text deleted at paragraph 40.4(c).
<b>Practice Direction 52</b>	Paragraph 8.2 table text amended.
<b>Practice Direction 53</b>	Text deleted at paragraph 6.1.
	Paragraph 6.2, text deleted and substituted.
<b>Practice Direction 54</b>	New Section II added.
<b>Practice Direction 55B</b>	New text inserted at start of paragraph 6.3.
	New paragraphs 6.3A to C inserted.
<b>Practice Direction 65</b>	New Section VI added.
<b>Practice Direction 74B</b>	Annex substituted.
<b>Schedule 1</b>	
<b>RSC O.93</b>	Rules 2, 5(2) and (3) and 22 revoked.
<b>RSC O.94</b>	Rules 1 to 3, 14 and 15 revoked.
<b>RSC O.95</b>	Rules 2 and 3 revoked.
<b>RSC O.96</b>	Rules 2 to 8 revoked.
<b>RSC O.110</b>	Revoked.
<b>Schedule 2</b>	
<b>CCR O.45</b>	Rule 1 revoked.
<b>CCR O.46</b>	Revoked.
<b>CCR O.49</b>	Rules 7 and 12 revoked.
<b>Pre-Action Protocols</b>	
<b>Pre-Action Protocol for Personal Injury</b>	
	First sentence of paragraph 3.9 deleted.
<b>Pre-Action Protocol for Construction and Engineering Disputes</b>	
	New protocol substituted for existing protocol.

## Forms

New versions of N16, N16A, N110A and N242A are made available.

