

51st UPDATE – PRACTICE DIRECTION AMENDMENTS

The new Practice Direction and the amendments to the existing Practice Directions supplementing the Civil Procedure Rules 1998 are made by the Master of the Rolls under the powers delegated to him by the Lord Chief Justice under Schedule 2, Part 1, paragraph 2(2) of the Constitutional Reform Act 2005, and are approved by [], Parliamentary Under Secretary of State, by the authority of the Lord Chancellor.

The amendments to the Pre-Action Protocol for Possession Claims based on Mortgage or Home Purchase Plan Arrears in respect of Residential Property are approved by the Master of the Rolls as Head of Civil Justice.

The new Practice Direction and amendments to the existing Practice Directions and the Pre-Action Protocols, subject to the transitional provisions at the end of this document, come into force as follows—	
PD2B – Allocation of Cases to Levels of Judiciary	6th April 2010
PD3A – Striking out a Statement of Case	6th April 2010
PD3B – Sanctions for Non-payment of Fees	6th April 2010
PD3C – Civil Restraint Orders	6th April 2010
PD3D – Mesothelioma Claims	6th April 2010
PD4 - Forms	6th April 2010
PD5A - Court documents	6th April 2010
PD5B – Electronic Communication and Filing of Documents	6th April 2010
PD5C – Electronic Working Scheme	1st April 2010
PD6A – Service Within the United Kingdom	6th April 2010
PD6B - Service out of the Jurisdiction	6th April 2010
PD7A - How to Start Proceedings - The Claim Form	6th April 2010
PD7B – Consumer Credit Act 2006 – Unfair Relationships	6th April 2010
PD7C - Production Centre	6th April 2010
PD7D – Claims for the Recovery of Taxes and Duties	6th April 2010
PD7E - Money Claim Online	6th April 2010

PD8 – Alternative Procedure for Claims	6th April 2010
PD10 – Acknowledgement of Service	6th April 2010
PD12 – Default Judgment	10th January 2010 (paragraph 4.3) and 6th April 2010 (title and paragraphs 1 and 4.2)
PD14 - Admissions	6th April 2010
PD15 – Defence and Reply	6th April 2010
PD16 - Statements of Case	6th April 2010
PD17 – Amendments to Statement of Case	6th April 2010
PD18 – Further Information	6th April 2010
PD19A – Addition and Substitution of Parties	6th April 2010
PD19B – Group Litigation	6th April 2010
PD19C – Derivative Claims	6th April 2010
PD20 – Counterclaims and other Additional Claims	6th April 2010
PD21 – Children and Protected Parties	6th April 2010
PD22 – Statements of Truth	6th April 2010
PD23A – Applications	6th April 2010
PD23B – Applications under Particular Statutes	6th April 2010
PD24 – The Summary Disposal of Claims	6th April 2010
PD25A - Interim Injunctions	6th April 2010
PD25B – Interim Payment	6th April 2010
PD26 – Case Management – Preliminary Stage: Allocation and Re-allocation	6th April 2010
PD – Pilot Scheme for Mediation in Central London County Court	6th April 2010
PD27 – Small Claims Track	6th April 2010
PD28 – The Fast Track	6th April 2010

PD 29 - The Multi-Track	6th April 2010
PD30 - Transfer	6th April 2010
PD31 – Disclosure and Inspection	6th April 2010
PD32 – Evidence	1 st February 2010 (paragraph 9.1) and 6 th April 2010 (paragraphs 1.3, 3.1, 17.1, 20.3, 26.3 and 28.1)
PD33 – Civil Evidence Act 1995	6th April 2010
PD34A - Depositions and Court attendance by Witnesses	6th April 2010
PD34B – Fees for examiners of the court	6th April 2010
PD35 - Experts and Assessors	6th April 2010
PD36A – Offers to Settle	6th April 2010
PD36B	6th April 2010
PD37 - Miscellaneous Provisions about Payments into Court	6th April 2010
PD39A - Miscellaneous Provisions Relating to Hearings	6th April 2010
PD39B – Court Sittings	6th April 2010
PD40A – Accounts, Inquiries etc	6th April 2010
PD40B - Judgments and Orders	6th April 2010
PD40D – 1. Court’s powers in relation to Land. 2. Conveyancing Counsel of Court.	6th April 2010
PD40E – Reserved Judgments	6th April 2010
PD41A - Provisional Damages	6th April 2010
PD41B – Periodical Payments under the Damages Act 1996	6th April 2010
PD42 – Change of Solicitor	6th April 2010
The Costs Practice Direction	6th April 2010
PD49A - Applications under the Companies Acts and Related Legislation	6th April 2010

PD51A – Transitional Arrangements	6th April 2010
PD51B - Automatic Orders Pilot Scheme	6th April 2010
PD51C – Electronic Working Pilot Scheme	1st April 2010
PD51D – Defamation Proceedings Costs Management Scheme	6th April 2010
PD52 - Appeals	15th February 2010 (paragraphs 1, 20.1, 21.7, 21.7A, the table after paragraph 20.3, 21.7B and Section V) and 6th April 2010 (paragraphs 5, 13, 15, 16, 18 and 22)
PD53 – Defamation Claims	6th April 2010
PD54A – Judicial Review	15th February 2010 (paragraph 6.2) and 6th April 2010 (paragraphs 2, 5 and 8)
PD54B – Applications for Statutory Review under Section 103A of the Nationality, Immigration and Asylum Act 2002	15th February 2010
PD55A - Possession Claims	6th April 2010
PD55B – Possession Claims Online	6th April 2010
PD56 – Landlord and Tenant Claims and Miscellaneous Provisions about Land	6th April 2010
PD57 – Probate	6th April 2010
PD58 – Commercial Court	6th April 2010
PD59 – Mercantile Courts	6th April 2010
PD60 – Technology and Construction Court Claims	6th April 2010

PD61 – Admiralty Claims	6th April 2010
PD62 - Arbitration	6th April 2010
PD63 - Intellectual Property Claims	6th April 2010
PD64A – Estates, Trusts and Charities	6th April 2010
PD64B - Applications to the High Court for directions by Trustees in relation to the administration of the Trust	6th April 2010
PD65 - Anti-Social Behaviour and Harassment	6th April 2010
PD66 – Crown Proceedings	6th April 2010
PD67 - Proceedings relating to Solicitors	6th April 2010
PD69 - Court’s Power to Appoint a Receiver	6th April 2010
PD70 – Enforcement of Judgments and Orders	6th April 2010
PD71 – Orders to Obtain information from Judgment Debtors	6th April 2010
PD72 – Third Party Debt Orders	6th April 2010
PD73 – Charging Orders, Stop Orders and Stop Notices	6th April 2010
PD74A - Enforcement of Judgments in Different Jurisdictions	10th January 2010 (paragraphs 3, 6A, 7.5 and 9.4) and 6th April 2010 (title)
PD74B – European Enforcement Orders	6th April 2010
PD75 – Traffic Enforcements	6th April 2010
PD77 – Applications for and relating to Serious Crime Prevention Orders	6th April 2010
PD78 – European Order for Payment and European Small Claims Procedures	6th April 2010
PD RSC 46 and CCR 26 - Execution	6th April 2010
PD RSC 52 and CCR 29 – Committal Applications	6th April 2010
PD RSC 54 – Application for writ of habeas corpus	6th April 2010
PD RSC 115 – Restraint Order and Appointment of Receivers in connection with Criminal Proceedings and Investigations	6th April 2010

PD - Pre-Action Conduct	6th April 2010
PD - Insolvency Proceedings	6th April 2010
PD – Directors Disqualification Proceedings	6th April 2010
PD - Civil Recovery Proceedings	6th April 2010
Pre-action Protocol for Possession Claims based on Mortgage or Home Purchase Plan Arrears in respect of Residential Property	6th April 2010

The Right Honourable The Lord Neuberger of Abbotsbury
Master of the Rolls and Head of Civil Justice

Signed by authority of the Lord Chancellor:

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Parliamentary Under Secretary of State
Ministry of Justice

PRACTICE DIRECTION 2B — ALLOCATION OF CASES TO LEVELS OF JUDICIARY

In paragraph 11.1(a) for “the Practice Direction to Part 8” substitute “Practice Direction 8”.

PRACTICE DIRECTION — STRIKING OUT A STATEMENT OF CASE

- (1) In the title to this practice direction insert “3A” after “PRACTICE DIRECTION”.
- (2) In paragraph 5.1 for “the practice direction that supplements it” substitute “Practice Direction 23A”.

- (3) In paragraph 6.1 for “the practice direction that supplements it” substitute “Practice Direction 24”.

PRACTICE DIRECTION — SANCTIONS FOR NON-PAYMENT OF FEES

In the title to this practice direction insert “3B” after “PRACTICE DIRECTION”.

PRACTICE DIRECTION — CIVIL RESTRAINT ORDERS

In the title to this practice direction insert “3C” after “PRACTICE DIRECTION”.

PRACTICE DIRECTION — MESOTHELIOMA CLAIMS

In the title to this practice direction insert “3D” after “PRACTICE DIRECTION”.

PRACTICE DIRECTION — FORMS

- (1) In the title to this practice direction insert “4” after “PRACTICE DIRECTION”.
- (2) In paragraph 2.1 for “the Admiralty Claims practice direction” substitute “Practice Direction 61”.
- (3) In paragraph 3.2 for “the Practice Direction supplementing Part 36” substitute “Practice Direction 36A”.

PRACTICE DIRECTION — COURT DOCUMENTS

In the title to this practice direction insert “5A” after “PRACTICE DIRECTION”.

PRACTICE DIRECTION — ELECTRONIC COMMUNICATION AND FILING OF DOCUMENTS

- (1) In the title to this practice direction insert “5B” after “PRACTICE DIRECTION”.
- (2) In paragraph 3.3 for “the Practice Direction which supplements Part 52” substitute “Practice Direction 52”.

- (3) In the first parenthesis below paragraph 3.3A for “the Practice Direction which supplements CPR Part 52” substitute “Practice Direction 52”.
- (4) In the second parenthesis below paragraph 3.3A for “Practice Direction A supplementing Part 6” substitute “Practice Direction 6A”.
- (5) In the parenthesis below paragraph 5.2 for “the Practice Direction which supplements CPR Part 52” substitute “Practice Direction 52”.

PRACTICE DIRECTION 5C ELECTRONIC WORKING SCHEME

In Part 5 after Practice Direction 5B insert the Practice Direction at Annex A.

PRACTICE DIRECTION — SERVICE WITHIN THE UNITED KINGDOM

- (1) In the title to this practice direction insert “6A” after “PRACTICE DIRECTION”.
- (2) In the parenthesis below paragraph 1.1 for “Practice Direction B supplementing Part 6” substitute “Practice Direction 6B”.

PRACTICE DIRECTION — SERVICE OUT OF THE JURISDICTION

- (1) In the title to this practice direction insert “6B” after “PRACTICE DIRECTION”.
- (2) In the parenthesis below paragraph 1.1 for “Practice Direction A supplementing Part 6” substitute “Practice Direction 6A”.
- (3) In paragraph 7.1 omit “or order” after “application notice”.

PRACTICE DIRECTION — HOW TO START PROCEEDINGS — THE CLAIM FORM

- (1) In the title to this practice direction insert “7A” after “PRACTICE DIRECTION”.
- (2) In the parenthesis below paragraph 2.4 for “the practice direction supplementing Part 30” substitute “Practice Direction 30”.
- (3) In paragraph 3.5 for “B supplementing Part 6” substitute “6B”.

- (4) In the parenthesis below paragraph 4.1 for “the Practice Direction to Part 16” substitute “Practice Direction 16”.
- (5) In the parenthesis below paragraph 5B.3 for “the Practice Direction supplementing Part 10” substitute “Practice Direction 10”.
- (6) In the parenthesis below paragraph 6.2 for “the practice direction which supplements it” substitute “Practice Direction 16”.
- (7) In the parenthesis below paragraph 8.2—
 - (a) for “the practice direction which supplements it” immediately after “Part 32 and” substitute “Practice Direction 32”; and
 - (b) for “the practice direction which supplements it” immediately after “Part 6 and” insert “Practice Directions 6A and 6B”.

PRACTICE DIRECTION — CONSUMER CREDIT ACT 2006 – UNFAIR RELATIONSHIPS

In the title to this practice direction insert “7B” after “PRACTICE DIRECTION”.

PRACTICE DIRECTION — PRODUCTION CENTRE

- (1) In the title to this practice direction insert “7C” after “PRACTICE DIRECTION”.
- (2) In paragraph 1.4(3A) for “practice direction 16 (statements of case)” substitute “Practice Direction 16”.
- (3) In paragraph 1.4(4) for “The practice direction supplementing Part 22 (statements of truth)” substitute “Practice Direction 22”.
- (4) In paragraph 1.4(4)(c) for “the practice direction supplementing Part 22” substitute “Practice Direction 22”.

PRACTICE DIRECTION — CLAIMS FOR THE RECOVERY OF TAXES AND DUTIES

In the title to this practice direction insert “7D” after “PRACTICE DIRECTION”.

PRACTICE DIRECTION — MONEY CLAIM ONLINE

- (1) In the title to this practice direction insert “7E” after “PRACTICE DIRECTION”.
- (2) In paragraph 5.2A for “practice direction 16 (statements of case)” substitute “Practice Direction 16”.
- (3) In paragraph 9.3(1) for “the practice direction supplementing Part 22” substitute “Practice Direction 22”.

PRACTICE DIRECTION — ALTERNATIVE PROCEDURE FOR CLAIMS

- (1) In the title to this practice direction insert “8” after “PRACTICE DIRECTION”.
- (2) In paragraph 4.1 for “the practice direction which supplements it” substitute “Practice Direction 7A”.
- (3) In the parenthesis below paragraph 7.2—
 - (a) for “the practice direction that supplements it” immediately after “Part 22 and” substitute “Practice Direction 22”; and
 - (b) for “the practice direction that supplements it” immediately after “Part 32 and” substitute “Practice Direction 32”.
- (4) In the parenthesis below paragraph 7.4 for “the practice direction that supplements it” substitute “Practice Direction 23A”.
- (5) In paragraph 22.3 omit “(Administrative Court (Venue))”.

PRACTICE DIRECTION — ACKNOWLEDGEMENT OF SERVICE

- (1) In the title to this practice direction insert “10” after “PRACTICE DIRECTION”.
- (2) In the parenthesis below paragraph 5.5 for “A supplementing Part 6” substitute “6A”.

PRACTICE DIRECTION — DEFAULT JUDGMENT

- (1) In the title to this practice direction insert “12” after “PRACTICE DIRECTION”.

- (2) In the parenthesis below paragraph 1.1 for “the practice direction which supplements it” substitute “Practice Direction 10” and for “the practice directions which supplement them” substitute “Practice Directions 15 and 16”.
- (3) In footnote 6 to paragraph 4.2(1) for “the practice direction which supplements Part 21” substitute “Practice Direction 21”.
- (4) In paragraph 4.3—
 - (a) in subparagraph (1) after “the Civil Jurisdiction and Judgments Act 1982,” insert “or the Lugano Convention”;
 - (b) in subparagraph (2)(b) after “the Act” insert “or the Lugano Convention”; and
 - (c) in subparagraph (2)(c) delete “or 3c” and before “paragraph 15” insert “Article 26 of the Lugano Convention,”.

PRACTICE DIRECTION — ADMISSIONS

In the title to this practice direction insert “14” after “PRACTICE DIRECTION”.

PRACTICE DIRECTION — DEFENCE AND REPLY

- (1) In the title to this practice direction insert “15” after “PRACTICE DIRECTION”.
- (2) In the parenthesis below paragraph 1.4 for “the practice direction which supplements it” substitute “Practice Direction 16”.
- (3) In the parenthesis below paragraph 2.3 for “the practice direction which supplements it” substitute “Practice Direction 22”.
- (4) In the parenthesis below paragraph 3.4 for “A supplementing Part 6” substitute “6A”.

PRACTICE DIRECTION —STATEMENTS OF CASE

- (1) In the title to this practice direction insert “16” after “PRACTICE DIRECTION”.
- (2) In the parenthesis below paragraph 2.6 for “the practice direction which supplements it” substitute “Practice Direction 7A”.

- (3) In the parenthesis below paragraph 4.4 for “the practice direction which supplements it” substitute “Practice Direction 41A”.
- (4) In the parenthesis below paragraph 5.3 for “the practice direction which supplements it” substitute “Practice Direction 37”.
- (5) In the parenthesis below paragraph 6.1 for “the practice direction relating to consumer credit claims (which supplements Part 7)” substitute “Practice Direction 7B”.
- (6) In paragraph 13.2 for “the practice direction which supplements Part 37” substitute “Practice Direction 37”.
- (7) In the parenthesis below paragraph 15.1 for “The practice direction to Part 19” substitute “Practice Direction 19A”.

PRACTICE DIRECTION — AMENDMENTS TO STATEMENTS OF CASE

- (1) In the title to this practice direction insert “17” after “PRACTICE DIRECTION”.
- (2) In the parenthesis below paragraph 2 for “the practice direction which supplements it” substitute “Practice Direction 19A”.

PRACTICE DIRECTION — FURTHER INFORMATION

- (1) In the title to this practice direction insert “18” after “PRACTICE DIRECTION”.
- (2) In paragraph 1.7 for “A supplementing Part 6” substitute “6A”.
- (3) In paragraph 5.1 for “the Practice Direction which supplements that Part” substitute “Practice Direction 23A”.

PRACTICE DIRECTION — ADDITION AND SUBSTITUTION OF PARTES

- (1) In the title to this practice direction insert “19A” after “PRACTICE DIRECTION”.

- (2) In the parenthesis below paragraph 5.2 for “the practice direction supplementing Part 17” substitute “Practice Direction 17”.
- (3) In paragraph 6.3 for “The practice direction to CPR Part 16” substitute “Practice Direction 16”.
- (4) In the parenthesis below paragraph 6.4 for “the practice direction to Part 66” substitute “Practice Direction 66”.

PRACTICE DIRECTION — GROUP LITIGATION

In the title to this practice direction insert “19B” after “PRACTICE DIRECTION”.

PRACTICE DIRECTION — DERIVATIVE CLAIMS

In the title to this practice direction insert “19C” after “PRACTICE DIRECTION”.

Practice Direction — Counterclaims and Other Additional Claims

- (1) For the title to this practice direction substitute—
“PRACTICE DIRECTION 20 – COUNTERCLAIMS AND OTHER ADDITIONAL CLAIMS”.
- (2) In the parenthesis below paragraph 2.1 for “the practice direction which supplements Part 32” substitute “Practice Direction 32”.
- (3) In paragraph 4.2 for “the practice direction supplementing Part 22” substitute “Practice Direction 22”.
- (4) In paragraph 7.1 for “the practice direction supplementing Part 7” substitute “Practice Direction 7A”.

PRACTICE DIRECTION — CHILDREN AND PROTECTED PARTIES

- (1) In the title to this practice direction insert “21” after “PRACTICE DIRECTION”.

- (2) In paragraph 5.1(6)(c) for “the practice direction which supplements Part 16 (statements of case)” substitute “Practice Direction 16”.
- (3) In the parenthesis below paragraph 5.6 for “the practice direction which supplements it” substitute “Practice Direction 41A”.
- (4) In paragraph 12 for “the practice direction supplementing Part 40 (Judgments and Orders)” substitute “Practice Direction 40A”.
- (5) In the parenthesis below paragraph 13.4 for “the practice direction supplementing Part 37” substitute “Practice Direction 37”.

PRACTICE DIRECTION — STATEMENTS OF TRUTH

- (1) In the title to this practice direction insert “22” after “PRACTICE DIRECTION”.
- (2) In paragraph 1.3 for “the practice direction which supplements Part 35” substitute “Practice Direction 35”.
- (3) In footnote 4 to paragraph 3.4 for “A supplementing Part 6” substitute “6A”.
- (4) In paragraph 5 for “the practice direction supplementing Part 32” substitute “Practice Direction 32”.

PRACTICE DIRECTION — Applications

- (1) For the title to this practice direction substitute—
“PRACTICE DIRECTION 23A - APPLICATIONS”.
- (2) In paragraph 4.1—
 - (a) after “paragraph 3” insert “or paragraph 4.1A”; and
 - (b) after “at least 3” omit “clear”.
- (3) After paragraph 4.1 insert—

“4.1A Where there is to be a telephone hearing the application notice must be served as soon as practicable after it has been issued and in any event at least 5 days before the date of the hearing.”.

(4) After paragraph 4.2 insert—

“(Rule 2.8 explains how to calculate periods of time expressed in terms of days.)”.

(5) For paragraphs 6.11 and 6.12, substitute—

“6.11 Where a document is required to be filed and served the party or the designated legal representative must do so no later than 4pm at least 2 days before the hearing.

6.12 A case summary and draft order must be filed and served in—

(a) multi-track cases; and

(b) small and fast track cases if the court so directs.

6.13 Any other document upon which a party seeks to rely must be filed and served in accordance with the period specified in paragraph 6.11.

(Rule 2.8 explains how to calculate period of time expressed in terms of days.)”.

(6) In paragraph 13.1 for “costs practice direction” substitute “Costs Practice Direction”.

PRACTICE DIRECTION — Applications under Particular Statutes

For the title to this practice direction substitute—

“PRACTICE DIRECTION 23B – APPLICATIONS UNDER PARTICULAR STATUTES”.

PRACTICE DIRECTION — THE SUMMARY DISPOSAL OF CLAIMS

(1) In the title to this practice direction insert “24” after “PRACTICE DIRECTION”.

(2) In the parenthesis below paragraph 6 for “The Accounts practice direction supplementing Part 40” substitute “Practice Direction 40A”.

PRACTICE DIRECTION — INTERIM INJUNCTIONS

- (1) In the title to this practice direction insert “25A” after “PRACTICE DIRECTION”.
- (2) In the parenthesis below paragraph 3.4 for “the practice direction that supplements it” substitute “Practice Direction 32”.
- (3) In the Annex, in the two paragraphs entitled “COMMUNICATIONS WITH THE COURT”—
 - (a) for “Room TM 505” substitute “Room TM 5.07”; and
 - (b) for “0207 947 6754” substitute “020 7947 6322”.

PRACTICE DIRECTION — INTERIM PAYMENTS

- (1) In the title to this practice direction insert “25B” after “PRACTICE DIRECTION”.
- (2) In paragraph 5.6 for “A practice direction supplementing Part 40” substitute “Practice Direction 40B”.

PRACTICE DIRECTION — CASE MANAGEMENT— PRELIMINARY STAGE: ALLOCATION AND RE-ALLOCATION

- (1) In the title to this practice direction insert “26” after “PRACTICE DIRECTION”.
- (2) In paragraph 5.2 for “The practice direction ‘Summary Disposal of Claims’” substitute “Practice Direction 24”.
- (3) In paragraph 8.2(2) for “the practice direction supplementing Part 27” substitute “Practice Direction 27”.
- (4) In paragraph 9.2(2) for “The practice direction supplementing Part 28” substitute “Practice Direction 28”.
- (5) In paragraph 10.3 for “the practice direction supplementing that Part” substitute “Practice Direction 29”.

- (6) In paragraph 12.5(1)(a) for “costs practice direction” substitute “Costs Practice Direction”.

PRACTICE DIRECTION — PILOT SCHEME FOR MEDIATION IN CENTRAL LONDON COUNTY COURT

Omit the whole of this Practice Direction.

PRACTICE DIRECTION — SMALL CLAIMS TRACK

- (1) In the title to this practice direction insert “27” after “PRACTICE DIRECTION”.
- (2) In paragraph 7.3(2)—
- (a) for “the Practice Direction supplementing CPR Part 26” substitute “Practice Direction 26”;
 - (b) for “5.1(3)” substitute “15.1(3)”; and
 - (c) for “Directions relating to CPR Part 44” substitute “Practice Direction”.
- (3) In paragraph 8.1 for “the accompanying practice direction” substitute “Practice Direction 52”.

PRACTICE DIRECTION — THE FAST TRACK

- (1) In the title to this practice direction insert “28” after “PRACTICE DIRECTION”.
- (2) In paragraph 1.2 for “the practice direction supplementing it” substitute “Practice Direction 19A”.
- (3) In paragraph 3.7(2) for “the practice direction supplementing Part 18” substitute “Practice Direction 18”.
- (4) In the parenthesis below the paragraph of the Appendix headed “Expert Evidence” for “practice direction” substitute “Practice Direction”.

PRACTICE DIRECTION — THE MULTI-TRACK

- (1) In the title to this practice direction insert “29” after “PRACTICE DIRECTION”.

- (2) In paragraph 2.7 for “the practice direction on transfer (Part 30)” substitute “Practice Direction 30”.
- (3) In paragraph 3.1(1)(b) for “The practice direction supplementing Part 26” substitute “Practice Direction 26”.
- (4) In paragraph 4.8(2) for “the practice direction supplementing Part 18” substitute “Practice Direction 18”.
- (5) In the parenthesis below paragraph 4.8(4) for “practice direction” substitute “Practice Direction”.

PRACTICE DIRECTION — TRANSFER

- (1) In the title to this practice direction insert “30” after “PRACTICE DIRECTION”.
- (2) In paragraph 2 for “the Practice Direction on Part 29 (the multi-track)” substitute “Practice Direction 29”.
- (3) In paragraph 6.2 for “the practice direction which supplements it” substitute “Practice Direction 23A”.

PRACTICE DIRECTION — DISCLOSURE AND INSPECTION

- (1) In the title to this practice direction insert “31” after “PRACTICE DIRECTION”.
- (2) In paragraph 8 for “the practice direction supplementing Part 32” substitute “Practice Direction 32”.

PRACTICE DIRECTION — EVIDENCE

- (1) In the title to this practice direction insert “32” after “PRACTICE DIRECTION”.
- (2) In the parenthesis below paragraph 1.3 for “the practice direction which supplements it” substitute “Practice Direction 34A”.

- (3) In paragraph 3.1 for “the practice direction supplementing Part 7” substitute “Practice Direction 7A” and for “the practice direction supplementing Part 20” substitute “Practice Direction 20”.
- (4) In paragraph 9.1—
- (a) after “affidavits”, for “.” substitute “—”;
 - (b) in sub-paragraph (1), for “Commissioners for oaths⁶,” substitute “a commissioner for oaths⁶”;
 - (c) omit subparagraph (2) and the footnote to that paragraph;
 - (d) in subparagraphs (3) to (6), for “,” substitute “;”;
 - (e) for the footnote to subparagraph (3) substitute—
“Sections 12 and 18 of, and Schedules 2 and 4 to, the Legal Services Act 2007.”.
- (5) In paragraph 17.1 for “the practice direction supplementing Part 7” substitute “Practice Direction 7A” and for “the practice direction supplementing Part 20” substitute “Practice Direction 20”.
- (6) In paragraph 20.3 for “the practice direction to Part 22” substitute “Practice Direction 22”.
- (7) In first parenthesis below paragraph 26.3 for “the practice direction which supplements it” substitute “Practice Direction 22”.
- (8) In the second parenthesis below paragraph 26.3 for “Practice Directions supplementing Parts 7, 9 and 17” substitute “Practice Directions 7A and 17”.
- (9) In the parenthesis below paragraph 28.1(2) for “The practice direction to RSC Order 52 (Schedule 1) and CCR Order 29 (Schedule 2)” substitute “Practice Direction RSC 52 and CCR 29”.

PRACTICE DIRECTION — Civil Evidence Act 1995

For the title to this practice direction substitute—

“PRACTICE DIRECTION 33 – CIVIL EVIDENCE ACT 1995”.

PRACTICE DIRECTION — DEPOSITIONS AND COURT ATTENDANCE BY WITNESSES

- (1) In the title to this practice direction insert “34A” after “PRACTICE DIRECTION”.
- (2) In the parenthesis below paragraph 6.8 for “the practice direction which supplements it” substitute “Practice Direction 32”.

PRACTICE DIRECTION — FEES for examiners of the court

For the title to this practice direction substitute—
“PRACTICE DIRECTION 34B – FEES FOR EXAMINERS OF THE COURT”.

PRACTICE DIRECTION — EXPERTS AND ASSESSORS

- (1) In the title to this practice direction insert “35” after “PRACTICE DIRECTION”.
- (2) In paragraph 13.5(ii) of the Annex to this practice direction for “practice direction 35” substitute “Practice Direction 35”.

PRACTICE DIRECTION — OFFERS TO SETTLE

In the title to this practice direction insert “36A” after “PRACTICE DIRECTION”.

PRACTICE DIRECTION

THIS PRACTICE DIRECTION SUPPLEMENTS CPR PART 36

In the title to this practice direction insert “36B” after “PRACTICE DIRECTION”.

PRACTICE DIRECTION — MISCELLANEOUS PROVISIONS ABOUT PAYMENTS INTO COURT

- (1) In the title to this practice direction insert “37” after “PRACTICE DIRECTION”.
- (2) In the parenthesis below paragraph 2.2 for “the practice direction supplementing Part 21” substitute “Practice Direction 21”.
- (3) In the parenthesis below paragraph 3.4 for “B supplementing Part 36” substitute “36B”.

PRACTICE DIRECTION — MISCELLANEOUS PROVISIONS RELATING TO HEARINGS

- (1) In the title to this practice direction insert “39A” after “PRACTICE DIRECTION”.
- (2) In paragraph 1.7 for “the practice direction which supplements Part 27” substitute “Practice Direction 27”.
- (3) In paragraph 1.7A for “the practice direction supplementing Part 52” substitute “Practice Direction 52”.

PRACTICE DIRECTION — COURT SITTINGS

In the title to this practice direction insert “39B” after “PRACTICE DIRECTION”.

PRACTICE DIRECTION — ACCOUNTS, INQUIRIES ETC

- (1) In the title to this practice direction insert “40A” after “PRACTICE DIRECTION”.
- (2) In the parenthesis below paragraph 3.3 for “the practice direction that supplements it” substitute “Practice Direction 22”.

PRACTICE DIRECTION — JUDGMENTS AND ORDERS

- (1) In the title to this practice direction insert “40B” after “PRACTICE DIRECTION”.
- (2) In the parenthesis below paragraph 2 for “the Sale of Land practice direction supplementing CPR Part 40” substitute “Practice Direction 40D”.
- (3) In paragraph 11.1 for “costs practice direction” substitute “Costs Practice Direction”.
- (4) In paragraph 14.3 for “the practice direction which supplements Part 4 (Forms)” substitute “Practice Direction 4”.
- (5) In the notes which follow paragraph 14.4—
 - (a) in note (1) for “the practice direction which supplements it” substitute “Practice Direction 41A”;

- (b) in note (2) for “the practice direction which supplements it” substitute “Practice Direction 21”;
- (c) omit note (4); and
- (d) in note (5) for “(5)” substitute “(4)” and for “the separate practice direction supplementing Part 40” substitute “Practice Direction 40A”.

PRACTICE DIRECTION — 1. COURT’S POWERS IN RELATION TO LAND. 2. CONVEYANCING COUNSEL OF COURT

In the title to this practice direction insert “40D” after “PRACTICE DIRECTION”.

PRACTICE DIRECTION — RESERVED JUDGMENTS

In the title to this practice direction insert “40E” after “PRACTICE DIRECTION”.

PRACTICE DIRECTION — PROVISIONAL DAMAGES

- (1) In the title to this practice direction insert “41A” after “PRACTICE DIRECTION”.
- (2) In paragraph 1.1 for “the practice direction which supplements it” substitute “Practice Direction 16”.

PRACTICE DIRECTION — PERIODICAL PAYMENTS UNDER THE DAMAGES ACT 1996

- (1) In the title to this practice direction insert “41B” after “PRACTICE DIRECTION”.
- (2) In paragraph 5, for “2004” substitute “2005”.
- (3) In paragraph 7 for “the Practice Direction which supplements Part 21” substitute “Practice Direction 21”.

PRACTICE DIRECTION — CHANGE OF SOLICITOR

- (1) In the title to this practice direction insert “42” after “PRACTICE DIRECTION”.
- (2) In footnote 6 to paragraph 3.2 for “the Practice Direction which supplements it” substitute “Practice Direction 23A”.

- (3) In footnote 7 to paragraph 3.2 for “the Practice Direction which supplements it” substitute “Practice Direction 32”.

- (4) For paragraph 5.1 substitute—

“New address for service where order made under rules 42.3 or 42.4

5.1 Where the court has made an order under rule 42.3 that a solicitor has ceased to act or under rule 42.4 declaring that a solicitor has ceased to be the solicitor for a party, the party for whom the solicitor was acting must give a new address for service to comply with rules 6.23(1) and 6.24.

(Rule 6.23 provides that a party must give an address for service within the United Kingdom or where a solicitor is acting for a party, an address for service either in the United Kingdom or any other EEA state.)

(Until such time as a new address for service is given rule 6.9 will apply.)”.

PRACTICE DIRECTION ABOUT COSTS SUPPLEMENTING PARTS 43 TO 48 OF THE CIVIL PROCEDURE RULES

- (1) For the title to this practice direction substitute “THE COSTS PRACTICE DIRECTION
This Practice Direction supplements CPR Parts 43 to 48”.
- (2) In paragraph 1.5 for “the Practice Direction supplementing Part 22” substitute “Practice Direction 22”.
- (3) In the parenthesis below paragraph 1.5 for “The Practice Direction supplementing Part 22” substitute “Practice Direction 22”.
- (4) In paragraph 4.7—
- (a) in subparagraph (1), after “letters out”, insert “e-mails out”; and
 - (b) in subparagraph (3), for “should”, substitute “must”.
- (5) In paragraph 4.16—
- (a) in subparagraph (1)—
 - (i) after “letters out” where it first occurs, insert “routine e-mails out”;

- (ii) after “letters out” where it occurs for the second time, insert “and e-mails out”;
- (iii) after “relevant letters in”, insert “or e-mails in”;
- (iv) before “no separate charge”, insert “accordingly”;
- (v) after “no separate charge”, for “should” insert “is to”; and
- (vi) at end, insert “or e-mails”;

(b) for subparagraph (2), substitute—

“(2) The court may, in its discretion, allow an actual time charge for preparation of electronic communications other than e-mails sent by solicitors, which properly amount to attendances provided that the time taken has been recorded.”; and

(c) in subparagraph (6)—

- (i) for “a principal solicitor and his agent”, substitute “principal solicitors and their agents”; and
- (ii) for “should”, in both places where it occurs, substitute “must”.

(6) In paragraph 6.4(1)—

(a) in subparagraph (1)—

- (i) in (a), for “the small claims track” substitute “either the small claims track or the fast track”;
- (ii) in (b), delete “,or under Part 8,”;
- (iii) before “must also file”, for “he”, substitute “that party”;
- (iv) before “legal representative”, for “the” substitute “that party’s”; and
- (v) for “an estimate on the party he represents”, substitute “a copy of the estimate on that party”;

(b) in subparagraph (2)—

- (i) before “is required”, insert “who”;
- (ii) after “Rule 44.15(3)”, delete “, if that party”;
- (iii) after “is represented”, insert “,”; and
- (iv) for “the party he represents”, substitute “that party”; and

(c) in subparagraph (6)—

- (i) for “a principal solicitor and his agent”, substitute “principal solicitors and their agents”; and

- (ii) for “should”, in both places where it occurs, substitute “must”.
- (7) In paragraph 8.2 for “the practice direction supplementing Part 57” substitute “Practice Direction 57”.
- (8) In paragraph 11.7, for “Subject to paragraph 17.8(2), when”, substitute “When”.
- (9) In subparagraph 13.2(3) for “the Practice Direction supplementing Part 52 (Appeals)” substitute “Practice Direction 52”.
- (10) In paragraph 13.5—
- (a) in subparagraph (2), for “the costs he intends to claim”, substitute “those costs”;
 - (b) in subparagraph (3), for “his”, substitute “the party’s”; and
 - (c) in subparagraph (4), for the second sentence substitute —
“The statement of costs must be filed and the copies of it must be served as soon as possible and in any event—
- (a) for a fast track trial, not less than 2 days before the trial; and
 - (b) for all other hearings, not less than 24 hours before the time fixed for the hearing.”.
- (11) In the parenthesis below paragraph 15.1(3)(i) for “the practice direction supplementing CPR Part 26” substitute “Practice Direction 26”.
- (12) In paragraph 17.8, delete sub-paragraph (2).
- (13) In paragraph 23.2A(1)—
- (a) after “Clerkenwell” insert “and Shoreditch”; and
 - (b) after “Romford,”, delete “Shoreditch,”.
- (14) In paragraph 25A.6—
- (a) after “Clerkenwell” insert “and Shoreditch”; and
 - (b) after “Romford,”, delete “Shoreditch,”.

- (15) In paragraph 26.3(b) for “12.8” substitute “12.4” and for “the Practice Direction which supplements Part 26 (Case Management – Preliminary Stage)” substitute “Practice Direction 26”.
- (16) In paragraph 31.1A—
- (a) in subparagraph (1)—
 - (i) after “Clerkenwell” insert “and Shoreditch”; and
 - (ii) after “Romford,”, delete “Shoreditch,”; and
 - (b) for subparagraph (2) substitute—

“(2) Where this paragraph applies:—

 - (i) the receiving party must file any request for a detailed assessment hearing in the Costs Office and, for all purposes relating to that detailed assessment (other than the issue of default costs certificates and applications to set aside default costs certificates), the Costs Office will be treated as the appropriate office in that case;
 - (ii) default costs certificates should be issued and applications to set aside default costs certificates should be issued and heard in the relevant county court; and
 - (iii) unless an order is made under rule 47.4(2) directing that the Costs Office as part of the High Court shall be the appropriate office, an appeal from any decision made by a costs judge shall lie to the Designated Civil Judge for the London Group of County Courts or such judge as he shall nominate. The appeal notice and any other relevant papers should be lodged at the Central London Civil Justice Centre.”.
- (17) In paragraph 32.3, for “£250”, substitute “£500”.
- (18) For paragraph 32.5, substitute—
- “32.5 The relevant details of an additional liability are as follows:
- (1) In the case of a conditional fee agreement with a success fee:
 - (a) a statement showing the amount of costs which have been summarily assessed or agreed; and the percentage increase which has been claimed in respect of those costs;
 - (b) where the conditional fee agreement was entered into before 1st November 2005, a statement of the reasons for the percentage

increase given in accordance with regulation 3(1)(a) of the Conditional Fee Agreements Regulations 2000 or regulation 5(1)(c) of the Collective Conditional Fee Agreements Regulations 2000 [Both sets of regulations were revoked by the Conditional Fee Agreements (Revocation) Regulations 2005 but continue to have effect in relation to conditional fee agreements and collective conditional fee agreements entered into before 1st November 2005.];

- (c) where the conditional fee agreement was entered into on or after 1st November 2005 (except in cases where the percentage increase is fixed by CPR Part 45, sections II to V), either a statement of the reasons for the percentage increase or a copy of the risk assessment prepared at the time that the conditional fee agreement was entered into;
- (d) if the conditional fee agreement is not disclosed (and the Court of Appeal has indicated that it should be the usual practice for a conditional fee agreement, redacted where appropriate, to be disclosed for the purpose of costs proceedings in which a success fee is claimed), a statement setting out the following information contained in the conditional fee agreement so as to enable the paying party and the court to determine the level of risk undertaken by the solicitor—
 - (i) the definition of ‘win’ and, if applicable, ‘lose’;
 - (ii) details of the receiving party’s liability to pay costs if that party wins or loses; and
 - (iii) details of the receiving party’s liability to pay costs if that party fails to obtain a judgment more advantageous than a Part 36 offer.

(2) If the additional liability is an insurance premium, a copy of the insurance certificate showing—

- (a) whether the policy covers—
 - (i) the receiving party’s own costs;
 - (ii) the receiving party’s opponent’s costs;
 - (iii) the receiving party’s own costs and opponent’s costs; and
- (b) the maximum extent of that cover; and
- (c) the amount of the premium paid or payable.

- (3) If the receiving party claims an additional amount under section 30 of the Access to Justice Act 1999, a statement setting out the basis upon which the receiving party's liability for the additional amount is calculated.”.
- (19) In paragraph 35.7(2) for “the Practice Direction Supplementing that part” substitute “Practice Direction 18”.
- (20) In paragraph 39.1—
- (a) in subparagraph (1), for “Where the receiving party wishes to serve a reply, he”, substitute “A receiving party wishing to serve a reply to some or all of the points of dispute”;
 - (b) in subparagraph (2)—
 - (i) for “(i)” and “(ii)” respectively substitute “(a)” and “(b)”;
 - (ii) for “his”, substitute “the receiving party’s”;
 - (c) in subparagraph (3), for “his” substitute “that party’s”.
- (21) After paragraph 39.1 insert—
- “39.2 Where there is a dispute about the insurance premium in a staged policy (which has the same meaning as in paragraph 19.4(3A)) it will normally be sufficient for the receiving party to set out in any reply the reasons for choosing the particular insurance policy and the basis on which the insurance premium is rated whether block rated or individually rated.” .
- (22) In paragraph 43.3, renumber the existing text as sub-paragraph (1) and—
- (a) for “£250”, substitute “£500”;
 - (b) after sub-paragraph (f), insert “and”;
 - (c) delete sub-paragraph (g);
 - (d) renumber sub-paragraph (h) as (g), and in that sub-paragraph—
 - (i) for “his”, substitute “the solicitor’s”;
 - (ii) after “fax number”, insert “, e-mail address where available”; and
 - (e) at the end insert—
- “(2) The relevant papers in support of the bill as described in paragraph 40.12 must only be lodged if requested by the costs officer.”.

- (23) In paragraph 47.1 for “the Practice Direction which supplements that Part” substitute “Practice Direction 52”.
- (24) In paragraph 56.2 for “the Practice Direction supplementing Part 67” substitute “Practice Direction 67”.
- (25) In paragraph 57.2 for “the Practice Direction which supplements Part 51 (Transitional Arrangements)” substitute “Practice Direction 51A”.

PRACTICE DIRECTION 49A – APPLICATIONS UNDER THE COMPANIES ACT AND RELATED LEGISLATION

In the parenthesis below paragraph 2 for “the practice direction supplementing Part 19” substitute “Practice Direction 19C”.

PRACTICE DIRECTION — TRANSITIONAL ARRANGEMENTS

- (1) In the title to this practice direction insert “51A” after “PRACTICE DIRECTION”.
- (2) In the parenthesis below paragraph 18 for “costs practice direction” substitute “Costs Practice Direction”.

PRACTICE DIRECTION 51B — AUTOMATIC ORDERS PILOT SCHEME

- (1) In paragraph 2(2) for “(Case Management – Preliminary Stage: Allocation and Re-allocation) supplementing Part 26” substitute “26”.
- (2) In paragraph 2(4) for “the Practice Direction supplementing Part 28” substitute “Practice Direction 28”.

PRACTICE DIRECTION 51C — ELECTRONIC WORKING PILOT SCHEME

Omit Practice Direction 51C.

PRACTICE DIRECTION 51D— DEFAMATION PROCEEDINGS COSTS MANAGEMENT SCHEME

- (1) In paragraph 2(1) for “The practice direction supplementing Part 29” substitute “Practice Direction 29” and for “practice direction 51D” substitute “Practice Direction 51D”.
- (2) In paragraph 2(3) for “cost practice direction” substitute “Costs Practice Direction” and for “practice direction 51D” substitute “Practice Direction 51D”.

PRACTICE DIRECTION — APPEALS

- (1) In the title to this practice direction insert “52” after “PRACTICE DIRECTION”.
- (2) For paragraph 1.1 substitute—

“1.1 This Practice Direction is divided into five sections:

Section I – General provisions about appeals

Section II – General provisions about statutory appeals and appeals by way of case stated

Section III – Provisions about specific appeals

Section IV – Provisions about reopening appeals

Section V – Transitional provisions relating to the abolition of the Asylum and Immigration Tribunal.”.
- (3) In paragraph 5.1A(2) for “the practice direction supplementing Part 16” substitute “Practice Direction 16”.
- (4) In paragraph 5.1A(3) for “the practice direction supplementing Part 16” substitute “Practice Direction 16”.
- (5) In paragraph 5.1B for “the practice direction supplementing it” substitute “Practice Direction 19A”.
- (6) In the parenthesis below paragraph 5.1B for “The practice direction to Part 19” substitute “Practice Direction 19A”.
- (7) In paragraph 13.5 for “the Practice Direction which supplements Part 21” substitute “Practice Direction 21”.

(8) In paragraph 15.12 for “The Practice Direction supplementing Part 40 (Reserved Judgments)” substitute “Practice Direction 40E”.

(9) For paragraph 15.5 substitute—

“Master in the Court of Appeal, Civil Division

15.5 The Master of the Rolls may designate an eligible officer to exercise judicial authority under rule 52.16 as Master. Other eligible officers may also be designated by the Master of the Rolls to exercise judicial authority under rule 52.16 and shall then be known as Deputy Masters.”.

(10) For paragraph 16.1 substitute—

“16.1 This Section contains general provisions about statutory appeals (paragraphs 17.1-17.11) and appeals by way of case stated (paragraphs 18.1-18.20).”.

(11) For paragraph 16.2 substitute—

“16.2 Where any of the provisions in this Section provide for documents to be filed at the appeal court, these documents are in addition to any documents required under Part 52 or section 1 of this Practice Direction.”.

(12) For paragraph 18.18 substitute—

“18.18 An application to the court for an order directing a Minister or tribunal etc. to—
(1) state a case for determination by the court; or
(2) refer a question of law to the court by way of case stated, must be made in accordance with Part 23.”.

(13) For paragraph 18.20 substitute—

“18.20 The application notice must be filed at the appeal court and served on—
(1) the Minister, department, secretary of the tribunal or other person as the case may be; and
(2) every party to the proceedings to which the application relates, within 14 days after the appellant receives notice of the refusal of his request to state a case.”.

(14) For paragraph 20.1 substitute—

“20.1 This Section of this Practice Direction provides special provisions about the appeals to which the following table refers. This section is not exhaustive and does not create, amend or remove any right of appeal.”.

(15) For the Table on Appeals to the Court of Appeal after 20.3 substitute—

APPEALS TO THE COURT OF APPEAL	Paragraph
Articles 81 and 82 of the EC Treaty and Chapters I and II of Part I of the Competition Act 1998	21.10A
Asylum and Immigration Appeals	21.7
Civil Partnership – conditional order for dissolution or nullity	21.1
Competition Appeal Tribunal	21.10
Contempt of Court	21.4
Court of Protection	21.12
Decree nisi of divorce	21.1
Lands Tribunal	21.9
Nullity of marriage	21.1
Patents Court on appeal from Comptroller	21.3
Proscribed Organisations Appeal Commission	21.11
Revocation of patent	21.2
Special Commissioner (where the appeal is direct to the Court of Appeal)	21.8
Value Added Tax and Duties Tribunals (where the appeal is direct to the Court of Appeal)	21.6

(16) For paragraph 21.7(1) substitute—

“Asylum and Immigration Appeals

21.7(1) This paragraph applies to appeals from the Immigration and Asylum Chamber of the Upper Tribunal under section 13 of the Tribunals, Courts and Enforcement Act 2007.”.

(17) For paragraph 21.7(4) substitute—

“(4) The appellant must serve the appellant's notice in accordance with rule 52.4(3) on —

- (a) the persons to be served under that rule; and
- (b) the Immigration and Asylum Chamber of the Upper Tribunal.”.

(18) For paragraph 21.7(5) substitute—

“(5) On being served with the appellant's notice, the Immigration and Asylum Chamber of the Upper Tribunal must send to the Court of Appeal copies of the documents which were before the relevant Tribunal when it considered the appeal.”.

(19) Omit paragraph 21.7A.

(20) For paragraph 21.7B(1) substitute—

“21.7B

(1) This paragraph applies to appeals from the Immigration and Asylum Chamber of the Upper Tribunal which –

- (a) would otherwise be treated as abandoned under section 104(4A) of the Nationality, Immigration and Asylum Act 2002 (the ‘2002 Act’); but
- (b) meet the conditions set out in section 104(4B) or section 104(4C) of the 2002 Act.”.

(21) For paragraph 22.6B substitute—

“Appeals from decisions of the Law Society or the Solicitors Disciplinary Tribunal to the High Court

22.6B

(1) This paragraph applies to appeals from the Law Society or the Solicitors Disciplinary Tribunal (“the Tribunal”) to the High Court under the Solicitors Act 1974, the Administration of Justice Act 1985, the

Courts and Legal Services Act 1990, the European Communities (Lawyer's Practice) Regulations 2000 or the European Communities (Recognition of Professional Qualifications) Regulations 2007.

- (2) The appellant must file the appellant's notice in the Administrative Court.
- (3) The appellant must, unless the court orders otherwise, serve the appellant's notice on—
 - (a) every party to the proceedings before the Tribunal; and
 - (b) the Law Society.”.

(22) After Section IV insert—

“Section V

Transitional Provisions relating to the abolition of the Asylum and Immigration Tribunal

- (1) Rules 52.7 and 54.28 to 54.36, paragraphs, paragraphs 21.7, 21.7A and 21.7B of Practice Direction 52 and the whole of Practice Direction 54B in force immediately before the 15 February 2010 will continue to apply to the applications, references, orders and cases, as appropriate, set out in paragraphs 5, 7, 9, 10, 11 and 13(1) (c) of Schedule 4 to the Transfer of Functions of the Asylum and Immigration Tribunal Order 2009 as if—
 - (i) rule 52.7 and paragraphs 21.7 and 21.7B of Practice Direction 52 had not been amended; and
 - (ii) paragraph 21.7A of Practice Direction 52, rules 54.28 to 54.36 and Practice Direction 54B had not been revoked.
- (2) For the purpose of service of any claim form issued before 15 February 2010 paragraph 6.2 of Practice Direction 54A shall apply with modification so that the reference in that paragraph to the Immigration and Asylum Chamber of the First-tier Tribunal shall be treated as a reference to the Asylum and Immigration Tribunal.
- (3) For ease of reference, the amended and revoked provisions are reproduced below in italics:

Stay

52.7 *Unless –*

- (a) *the appeal court or the lower court orders otherwise; or*
 - (b) *the appeal is from the Asylum and Immigration Tribunal,*
- an appeal shall not operate as a stay of any order or decision of the lower court.*

Applications for Statutory Review under Section 103A of the Nationality, Immigration and Asylum Act 2002

Scope and Interpretation

54.28

- (1) *This Section of this Part contains rules about applications to the High Court under section 103A of the Nationality, Immigration and Asylum Act 2002 for an order requiring the Asylum and Immigration Tribunal to reconsider its decision on an appeal.*
- (2) *In this Section –*
 - (a) *‘the 2002 Act’ means the Nationality, Immigration and Asylum Act 2002;*
 - (b) *‘the 2004 Act’ means the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004;*
 - (c) *‘appellant’ means the appellant in the proceedings before the Tribunal;*
 - (d) *‘applicant’ means a person applying to the High Court under section 103A;*
 - (e) *‘asylum claim’ has the meaning given in section 113(1) of the 2002 Act;*
 - (ea) *‘fast track case’ means any case in relation to which an order made under section 26(8) of the 2004 Act provides that the time period for making an application under section 103A(1) of the 2002 Act or giving notification under paragraph 30(5) of Schedule 2 to the 2004 Act is less than 5 days;*
 - (f) *‘filter provision’ means paragraph 30 of Schedule 2 to the 2004 Act;*
 - (g) *‘order for reconsideration’ means an order under section 103A(1) requiring the Tribunal to reconsider its decision on an appeal;*
 - (h) *‘section 103A’ means section 103A of the 2002 Act;*
 - (i) *‘Tribunal’ means the Asylum and Immigration Tribunal.*
- (3) *Any reference in this Section to a period of time specified in –*
 - (a) *section 103A(3) for making an application for an order under section 103A(1); or*

- (b) *paragraph 30(5)(b) of Schedule 2 to the 2004 Act for giving notice under that paragraph, includes a reference to that period as varied by any order under section 26(8) of the 2004 Act.*
- (4) *Rule 2.8 applies to the calculation of the periods of time specified in –*
 - (a) *section 103A(3); and*
 - (b) *paragraph 30(5)(b) of Schedule 2 to the 2004 Act.*
- (5) *Save as provided otherwise, the provisions of this Section apply to an application under section 103A regardless of whether the filter provision has effect in relation to that application.*

Representation of applicants while filter provision has effect

54.28A

- (1) *This rule applies during any period in which the filter provision has effect.*
- (2) *An applicant may, for the purpose of taking any step under rule 54.29 or 54.30, be represented by any person permitted to provide him with immigration advice or immigration services under section 84 of the Immigration and Asylum Act 1999.*
- (3) *A representative acting for an applicant under paragraph (2) shall be regarded as the applicant's legal representative for the purpose of rule 22.1 (Documents to be verified by a statement of truth) regardless of whether he would otherwise be so regarded.*

Service of documents on appellants within the jurisdiction

54.28B

- (1) *In proceedings under this Section, rules 6.7 and 6.23(2)(a) do not apply to the service of documents on an appellant who is within the jurisdiction.*
- (2) *Where a representative is acting for an appellant who is within the jurisdiction, a document must be served on the appellant by –*
 - (a) *serving it on the appellant's representative; or*
 - (b) *serving it on the appellant personally or sending it to the appellant's address by first class post (or an alternative service which provides for delivery on the next business day),**but if the document is served on the appellant under sub-paragraph (b), a copy must also at the same time be sent to the appellant's representative.*

Application for review

54.29

- (1) *Subject to paragraph (5), an application for an order for reconsideration must be made by filing an application notice –*
 - (a) *during a period in which the filter provision has effect, with the Tribunal at the address specified in the relevant practice direction; and*
 - (b) *at any other time, at the Administrative Court Office.*
- (2) *During any period in which the filter provision does not have effect, the applicant must file with the application notice –*
 - (a) *the notice of the immigration, asylum or nationality decision to which the appeal related;*
 - (b) *any other document which was served on the appellant giving reasons for that decision;*
 - (c) *the grounds of appeal to the Tribunal;*
 - (d) *the Tribunal's determination on the appeal; and*
 - (e) *any other documents material to the application which were before the Tribunal.*
- (2A) *During any period in which the filter provision has effect, the applicant must file with the application notice a list of the documents referred to in paragraph (2)(a) to (e).*
- (3) *The applicant must also file with the application notice written submissions setting out –*
 - (a) *the grounds upon which it is contended that the Tribunal made an error of law which may have affected its decision; and*
 - (b) *reasons in support of those grounds.*
- (4) *Where the applicant –*
 - (a) *was the respondent to the appeal; and*
 - (b) *was required to serve the Tribunal's determination on the appellant,*

the application notice must contain a statement of the date on which, and the means by which, the determination was served.
- (5) *Where the applicant is in detention under the Immigration Acts, the application may be made either –*
 - (a) *in accordance with paragraphs (1) to (3); or*
 - (b) *by serving the documents specified in paragraphs (1) to (3) on the person having custody of him.*

- (6) *Where an application is made in accordance with paragraph (5)(b), the person on whom the application notice is served must –*
 - (a) *endorse on the notice the date that it is served on him;*
 - (b) *give the applicant an acknowledgment in writing of receipt of the notice; and*
 - (c) *forward the notice and documents within 2 days*
 - (i) *during a period in which the filter provision has effect, to the Tribunal; and*
 - (ii) *at any other time, to the Administrative Court Office.*

Application to extend time limit

54.30

An application to extend the time limit for making an application under section 103A(1) must –

- (a) *be made in the application notice;*
- (b) *set out the grounds on which it is contended that the application notice could not reasonably practicably have been filed within the time limit; and*
- (c) *be supported by written evidence verified by a statement of truth.*

Procedure while filter provision has effect

54.31

- (1) *This rule applies during any period in which the filter provision has effect.*
- (2) *Where the applicant receives notice from the Tribunal that it –*
 - (a) *does not propose to make an order for reconsideration; or*
 - (b) *does not propose to grant permission for the application to be made outside the relevant time limit,**and the applicant wishes the court to consider the application, the applicant must file a notice in writing at the Administrative Court Office in accordance with paragraph 30(5)(b) of Schedule 2 to the 2004 Act.*
- (2A) *The applicant must file with the notice –*
 - (a) *a copy of the Tribunal's notification that it does not propose to make an order for reconsideration or does not propose to grant permission for the application to be made outside the relevant time limit (referred to in CPR rule 54.31(2));*

- (b) *any other document which was served on the applicant by the Tribunal giving reasons for its decision in paragraph (a);*
 - (c) *written evidence in support of any application by the applicant seeking permission to make the application outside the relevant time limit, if applicable;*
 - (d) *a copy of the application for reconsideration under section 103A of the 2002 Act (Form AIT/103A), as submitted to the Tribunal (referred to in Rule 54.29(1)(a).*
- (3) *Where the applicant –*
- (a) *was the respondent to the appeal; and*
 - (b) *was required to serve the notice from the Tribunal mentioned in paragraph (2) on the appellant,*
- the notice filed in accordance with paragraph 30(5)(b) of Schedule 2 to the 2004 Act must contain a statement of the date on which, and the means by which, the notice from the Tribunal was served.*
- (4) *A notice which is filed outside the period specified in paragraph 30(5)(b) must –*
- (a) *set out the grounds on which it is contended that the notice could not reasonably practicably have been filed within that period; and*
 - (b) *be supported by written evidence verified by a statement of truth.*
- (5) *If the applicant wishes to respond to the reasons given by the Tribunal for its decision that it –*
- (a) *does not propose to make an order for reconsideration; or*
 - (b) *does not propose to grant permission for the application to be made outside the relevant time limit,*
- the notice filed in accordance with paragraph 30(5)(b) of Schedule 2 to the 2004 Act must be accompanied by written submissions setting out the grounds upon which the applicant disputes any of the reasons given by the Tribunal and giving reasons in support of those grounds.*

Procedure in fast track cases while filter provision does not have effect

54.32

- (1) *This rule applies only during a period in which the filter provision does not have effect.*

- (2) *Where a party applies for an order for reconsideration in a fast track case –*
 - (a) *the court will serve copies of the application notice and written submissions on the other party to the appeal; and*
 - (b) *the other party to the appeal may file submissions in response to the application not later than 2 days after being served with the application.*

Determination of the application by the Administrative Court

54.33

- (1) *This rule, and rules 54.34 and 54.35, apply to applications under section 103A which are determined by the Administrative Court.*
- (2) *The application will be considered by a single judge without a hearing.*
- (3) *Unless it orders otherwise, the court will not receive evidence which was not submitted to the Tribunal.*
- (4) *Subject to paragraph (5), where the court determines an application for an order for reconsideration, it may –*
 - (a) *dismiss the application;*
 - (b) *make an order requiring the Tribunal to reconsider its decision on the appeal under section 103A(1) of the 2002 Act; or*
 - (c) *refer the appeal to the Court of Appeal under section 103C of the 2002 Act.*
- (5) *The court will only make an order requiring the Tribunal to reconsider its decision on an appeal if it thinks that –*
 - (a) *the Tribunal may have made an error of law; and*
 - (b) *there is a real possibility that the Tribunal would make a different decision on reconsidering the appeal (which may include making a different direction under section 87 of the 2002 Act).*
- (6) *Where the Court of Appeal has restored the application to the court under section 103C(2)(g) of the 2002 Act, the court may not refer the appeal to the Court of Appeal.*
- (7) *The court's decision shall be final and there shall be no appeal from that decision or renewal of the application.*

Service of order

54.34

- (1) *The court will send copies of its order to –*
 - (a) *the applicant and the other party to the appeal, except where paragraph (2) applies; and*
 - (b) *the Tribunal.*
- (2) *Where the appellant is within the jurisdiction and the application relates, in whole or in part, to an asylum claim, the court will send a copy of its order to the Secretary of State.*
- (2A) *Paragraph (2) does not apply in a fast track case.*
- (3) *Where the court sends an order to the Secretary of State under paragraph (2), the Secretary of State must –*
 - (a) *serve the order on the appellant; and*
 - (b) *immediately after serving the order, notify –*
 - (i) *the court; and*
 - (ii) *where the order requires the Tribunal to reconsider its decision on the appeal, the Tribunal,*
on what date and by what method the order was served.
- (4) *The Secretary of State must provide the notification required by paragraph (3)(b) no later than 28 days after the date on which the court sends him a copy of its order.*
- (5) *If, 28 days after the date on which the court sends a copy of its order to the Secretary of State in accordance with paragraph (2), the Secretary of State has not provided the notification required by paragraph (3)(b)(i), the court may serve the order on the appellant.*
- (5A) *Where the court serves an order for reconsideration under paragraph (5), it will notify the Tribunal of the date on which the order was served.*
- (6) *If the court makes an order under section 103D(1) of the 2002 Act, it will send copies of that order to –*
 - (a) *the appellant's legal representative; and*
 - (b) *the Legal Services Commission.*
- (7) *Where paragraph (2) applies, the court will not serve copies of an order under section 103D(1) of the 2002 Act until either –*
 - (a) *the Secretary of State has provided the notification required by paragraph (3)(b); or*
 - (b) *28 days after the date on which the court sent a copy of its order to the Secretary of State,*
whichever is the earlier.

Costs

54.35

The court shall make no order as to the costs of an application under this Section except, where appropriate, an order under section 103D(1) of the 2002 Act.

Continuing an application in circumstances in which it would otherwise be treated as abandoned

54.36

- (1) *This rule applies to an application under section 103A of the 2002 Act which –
 - (a) *would otherwise be treated as abandoned under section 104(4A) of the 2002 Act; but*
 - (b) *meets the conditions set out in section 104(4B) or section 104(4C) of the 2002 Act.**
- (2) *Where section 104(4A) of the 2002 Act applies and the applicant wishes to pursue the application, the applicant must file a notice at the Administrative Court Office –
 - (a) *where section 104(4B) of the 2002 Act applies, within 28 days of the date on which the applicant received notice of the grant of leave to enter or remain in the United Kingdom for a period exceeding 12 months; or*
 - (b) *where section 104(4C) of the 2002 Act applies, within 28 days of the date on which the applicant received notice of the grant of leave to enter or remain in the United Kingdom.**
- (3) *Where the applicant does not comply with the time limits specified in paragraph (2), the application will be treated as abandoned in accordance with section 104(4) of the 2002 Act.*
- (4) *The applicant must serve the notice filed under paragraph (2) on the other party to the appeal.*
- (5) *Where section 104(4B) of the 2002 Act applies, the notice filed under paragraph (2) must state –
 - (a) *the applicant's full name and date of birth;*
 - (b) *the Administrative Court reference number;*
 - (c) *the Home Office reference number, if applicable;*
 - (d) *the date on which the applicant was granted leave to enter or remain in the United Kingdom for a period exceeding 12 months; and**

- (e) *that the applicant wishes to pursue the application insofar as it is brought on grounds relating to the Refugee Convention specified in section 84(1)(g) of the 2002 Act.*
- (6) *Where section 104(4C) of the 2002 Act applies, the notice filed under paragraph (2) must state –*
 - (a) *the applicant's full name and date of birth;*
 - (b) *the Administrative Court reference number;*
 - (c) *the Home Office reference number, if applicable;*
 - (d) *the date on which the applicant was granted leave to enter or remain in the United Kingdom; and*
 - (e) *that the applicant wishes to pursue the application insofar as it is brought on grounds relating to section 19B of the Race Relations Act 1976 specified in section 84(1)(b) of the 2002 Act.*
- (7) *Where an applicant has filed a notice under paragraph (2) the court will notify the applicant of the date on which it received the notice.*
- (8) *The court will send a copy of the notice issued under paragraph (7) to the other party to the appeal.*

PRACTICE DIRECTION 52-APPEALS

Asylum and Immigration Appeals

21.7

- (1) *This paragraph applies to appeals –*
 - (a) *from the Immigration Appeal Tribunal under section 103 of the Nationality, Immigration and Asylum Act 2002 ('the 2002 Act');*
and
 - (b) *from the Asylum and Immigration Tribunal under the following provisions of the 2002 Act –*
 - (i) *section 103B (appeal from the Tribunal following reconsideration); and*
 - (ii) *section 103E (appeal from the Tribunal sitting as a panel).*
- (2) *The appellant is not required to file an appeal bundle in accordance with paragraph 5.6A of this practice direction, but must file the documents specified in paragraphs 5.6(2)(a) to (f) together with a copy of the Tribunal's determination.*

- (3) *The appellant's notice must be filed at the Court of Appeal within 14 days after the appellant is served with written notice of the decision of the Tribunal to grant or refuse permission to appeal.*
- (4) *The appellant must serve the appellant's notice in accordance with rule 52.4(3) on –*
 - (a) *the persons to be served under that rule; and*
 - (b) *the Asylum and Immigration Tribunal.*
- (5) *On being served with the appellant's notice, the Asylum and Immigration Tribunal must send to the Court of Appeal copies of the documents which were before the relevant Tribunal when it considered the appeal.*

21.7A

- (1) *This paragraph applies to appeals from the Asylum and Immigration Tribunal referred to the Court of Appeal under section 103C of the Nationality, Immigration and Asylum Act 2002.*
- (2) *On making an order referring an appeal to the Court of Appeal, the High Court shall send to the Court of Appeal copies of –*
 - (a) *that order and any other order made in relation to the application for reconsideration; and*
 - (b) *the application notice, written submissions and other documents filed under rule 54.29*
- (3) *Unless the court directs otherwise, the application notice filed under rule 54.29 shall be treated as the appellant's notice.*
- (4) *The respondent may file a respondent's notice within 14 days after the date on which the respondent is served with the order of the High Court referring the appeal to the Court of Appeal.*
- (5) *The Court of Appeal may give such additional directions as are appropriate.*

21.7B

- (1) *This paragraph applies to appeals from the Asylum and Immigration Tribunal which –*
 - (a) *would otherwise be treated as abandoned under section 104(4A) of the Nationality, Immigration and Asylum Act 2002 (the '2002 Act'); but*
 - (b) *meet the conditions set out in section 104(4B) or section 104(4C) of the 2002 Act.*

- (2) *Where section 104(4A) of the 2002 Act applies and the appellant wishes to pursue his appeal, the appellant must file a notice at the Court of Appeal –*
- (a) *where section 104(4B) of the 2002 Act applies, within 28 days of the date on which the appellant received notice of the grant of leave to enter or remain in the United Kingdom for a period exceeding 12 months; or*
 - (b) *where section 104(4C) of the 2002 Act applies, within 28 days of the date on which the appellant received notice of the grant of leave to enter or remain in the United Kingdom.*
- (3) *Where the appellant does not comply with the time limits specified in paragraph (2) the appeal will be treated as abandoned in accordance with section 104(4) of the 2002 Act.*
- (4) *The appellant must serve the notice filed under paragraph (2) on the respondent.*
- (5) *Where section 104(4B) of the 2002 Act applies, the notice filed under paragraph (2) must state –*
- (a) *the appellant's full name and date of birth;*
 - (b) *the Court of Appeal reference number;*
 - (c) *the Home Office reference number, if applicable;*
 - (d) *the date on which the appellant was granted leave to enter or remain in the United Kingdom for a period exceeding 12 months; and*
 - (e) *that the appellant wishes to pursue the appeal in so far as it is brought on the ground relating to the Refugee Convention specified in section 84(1)(g) of the 2002 Act.*
- (6) *Where section 104(4C) of the 2002 Act applies, the notice filed under paragraph (2) must state –*
- (a) *the appellant's full name and date of birth;*
 - (b) *the Court of Appeal reference number;*
 - (c) *the Home Office reference number, if applicable;*
 - (d) *the date on which the appellant was granted leave to enter or remain in the United Kingdom; and*
 - (e) *that the appellant wishes to pursue the appeal in so far as it is brought on the ground relating to section 19B of the Race Relations Act 1976 specified in section 84(1)(b) of the 2002 Act.*

- (7) *Where an appellant has filed a notice under paragraph (2) the Court of Appeal will notify the appellant of the date on which it received the notice.*
- (8) *The Court of Appeal will send a copy of the notice issued under paragraph (7) to the respondent.*

Practice direction 54A- Rule 54.7 – Service of claim form

6.2

Where the defendant or interested party to the claim for judicial review is –

- (a) *the Asylum and Immigration Tribunal, the address for service of the claim form is the Asylum and Immigration Tribunal, Official Correspondence Unit, PO Box 6987, Leicester, LE1 6ZX or fax number 0116 249 4131;*
- (b) *the Crown, service of the claim form must be effected on the solicitor acting for the relevant government department as if the proceedings were civil proceedings as defined in the Crown Proceedings Act 1947.*

(The practice direction supplementing Part 66 gives the list published under section 17 of the Crown Proceedings Act 1947 of the solicitors acting in civil proceedings (as defined in that Act) for the different government departments on whom service is to be effected, and of their addresses.)

(Part 6 contains provisions about the service of claim forms.)

***PRACTICE DIRECTION 54B-APPLICATIONS FOR STATUTORY REVIEW
UNDER SECTION 103A OF THE NATIONALITY, IMMIGRATION AND ASYLUM
ACT 2002***

This Practice Direction supplements Section III of CPR Part 54

Contents of this Practice Direction

Title

The Court

Title

Access to court orders served on the appellant by the Secretary of State

Referral to Court of Appeal

1

Attention is drawn to:

- (1) Sections 103A, 103C and 103D of the Nationality, Immigration and Asylum Act 2002 (inserted by section 26(6) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004); and
- (2) Paragraph 30 of Schedule 2 to the 2004 Act.

The Court

2.1

Applications for review under section 103A(1) of the 2002 Act are dealt with in the Administrative Court, subject to the transitional filter provision in paragraph 30 of Schedule 2 of the 2004 Act which provides that they shall initially be considered by a member of the Tribunal.

2.2

During any period in which the filter provision has effect, the address for filing section 103A applications shall be the Asylum and Immigration Tribunal, P.O. Box 6987, Leicester LE1 6ZX.

2.3

Where a fast track order within the meaning of Rule 54.32(3) applies to a section 103A application, paragraph 2.2 shall not apply and the address for filing the application shall be the address specified in the Tribunal's determination of the appeal.

Access to court orders served on the appellant by the Secretary of State

3.1

Where the court sends a copy of its order on a section 103A application to the Secretary of State but not the appellant in accordance with Rule 54.34(2), then Rules 5.4(3)(b) and 5.4(5)(a)(ii) are modified as follows.

3.2

Neither the appellant nor any other person may obtain from the records of the court a copy of the court's order on the section 103A application, or of any order made under section 103D(1) of the 2002 Act in relation to that application, until either the Secretary of State has given the court the notification required by Rule 54.34(3)(b) or 28 days after the date on which the court sent a copy of the order to the Secretary of State, whichever is the earlier.

Referral to Court of Appeal

4.1

Where the court refers an appeal to the Court of Appeal, its order will set out the question of law raised by the appeal which is of such importance that it should be decided by the Court of Appeal.

4.2

Paragraph 21.7A of the practice direction supplementing Part 52 makes provision about appeals which are referred to the Court of Appeal.”.

PRACTICE DIRECTION — DEFAMATION CLAIMS

- (1) In the title to this practice direction insert “53” after “PRACTICE DIRECTION”.
- (2) In paragraph 5.1(2) for “the practice direction to Part 24” substitute “Practice Direction 24”.

PRACTICE DIRECTION 54A — JUDICIAL REVIEW

- (1) In the parenthesis below paragraph 2.1 omit “(Administrative Court (Venue))”.
- (2) In paragraph 5.3 for “the practice direction supplementing Part 16” substitute “Practice Direction 16”.
- (3) For paragraph 6.2 substitute—

“6.2

Where the defendant or interested party to the claim for judicial review is—

- (a) the Immigration and Asylum Chamber of the First-tier Tribunal, the address for service of the claim form is Official Correspondence Unit, PO Box 6987, Leicester, LE1 6ZX or fax number 0116 249 4240;
- (b) the Crown, service of the claim form must be effected on the solicitor acting for the relevant government department as if the proceedings were civil proceedings as defined in the Crown Proceedings Act 1947.

(Practice Direction 66 gives the list published under section 17 of the Crown Proceedings Act 1947 of the solicitors acting in civil proceedings (as defined in that Act) for the different government departments on whom service is to be effected, and of their addresses.)

(Part 6 contains provisions about the service of claim forms.)”.

- (4) In paragraph 8.2 for “the Practice Direction supplementing Section 1 of Part 19” substitute “Practice Direction 19A”.

PRACTICE DIRECTION 54B — APPLICATIONS FOR STATUTORY REVIEW UNDER SECTION 103A OF THE NATIONALITY, IMMIGRATION AND ASYLUM ACT 2002

Omit Practice Direction 54B – Applications for Statutory Review under section 103A of the Nationality, Immigration and Asylum Act 2002.

PRACTICE DIRECTION — POSSESSION CLAIMS

- (1) In the title to this practice direction insert “55A” after “PRACTICE DIRECTION”.
- (2) In paragraph 1.5 for “Part 4 Practice Direction” substitute “Practice Direction 4”.
- (3) In paragraph 10.8 for “the Practice Direction supplementing Part 23” substitute “Practice Direction 23A”.

PRACTICE DIRECTION — POSSESSION CLAIMS ONLINE

- (1) In the title to this practice direction insert “55B” after “PRACTICE DIRECTION”.

- (2) In paragraph 8.3(1) for “the practice direction supplementing CPR Part 22” substitute “Practice Direction 22”.
- (3) In paragraph 8.3(2) for “the practice direction supplementing CPR Part 22” substitute “Practice Direction 22”.

PRACTICE DIRECTION — LANDLORD AND TENANT CLAIMS AND MISCELLANEOUS PROVISIONS ABOUT LAND

In the title to this practice direction insert “56” after “PRACTICE DIRECTION”.

PRACTICE DIRECTION — PROBATE

In the title to this practice direction insert “57” after “PRACTICE DIRECTION”.

PRACTICE DIRECTION — COMMERCIAL COURT

- (1) In the title to this practice direction insert “58” after “PRACTICE DIRECTION”.
- (2) In paragraph 6(1) for “the practice direction supplementing Part 12” substitute “Practice Direction 12”.
- (3) In paragraph 6(2) for “the practice direction supplementing Part 14” substitute “Practice Direction 14”.
- (4) In paragraph 8 for “the practice direction supplementing Part 17” substitute “Practice Direction 17”.
- (5) In paragraph 10.1 for “the practice direction supplementing Part 29” substitute “Practice Direction 29”.
- (6) In paragraph 12 for “the practice direction supplementing Part 20” substitute “Practice Direction 20”.
- (7) In paragraph 14.1 for “the practice direction supplementing Part 23” substitute “Practice Direction 23A”.

- (8) In paragraph 14.2 for “the practice direction supplementing Part 23” substitute “Practice Direction 23A”.
- (9) In Appendix A, after the heading “Endorsement”, in paragraphs (1), (5)(c), (5)(d), and (5)(e), for “the Commercial Court practice direction” substitute “Practice Direction 58”.

PRACTICE DIRECTION — MERCANTILE COURT

- (1) In the title to this practice direction insert “59” after “PRACTICE DIRECTION”.
- (2) In paragraph 5(1) for “the practice direction supplementing Part 12” substitute “Practice Direction 12”
- (3) In paragraph 5(2) for “the practice direction supplementing Part 14” substitute “Practice Direction 14”.
- (4) In paragraph 7.1 for “the practice direction supplementing Part 29” substitute “Practice Direction 29”.

PRACTICE DIRECTION — TECHNOLOGY AND CONSTRUCTION COURT CLAIMS

- (1) In the title to this practice direction insert “60” after “PRACTICE DIRECTION”.
- (2) In paragraph 10 for “its practice direction” substitute “Practice Direction 29”.

PRACTICE DIRECTION — ADMIRALTY CLAIMS

- (1) In the title to this practice direction insert “61” after “PRACTICE DIRECTION”.
- (2) In paragraph 1.1 for “The practice direction supplementing Part 58 (Commercial Claims)” substitute “Practice Direction 58”.

PRACTICE DIRECTION — ARBITRATION

In the title to this practice direction insert “62” after “PRACTICE DIRECTION”.

PRACTICE DIRECTION 63 — INTELLECTUAL PROPERTY CLAIMS

In paragraph 5.1 for “the practice direction supplementing Part 29” substitute “Practice Direction 29”.

PRACTICE DIRECTION 64A — ESTATES, TRUSTS AND CHARITIES

- (1) In paragraph 8 for “the Practice Direction supplementing Part 66” substitute “Practice Direction 66”.
- (2) In paragraph 10 for “the practice direction supplementing Part 52” substitute “Practice Direction 52”.

PRACTICE DIRECTION 64B — APPLICATIONS TO THE COURT FOR DIRECTIONS BY TRUSTEES IN RELATION TO THE ADMINISTRATION OF THE TRUST

- (1) In paragraph 3 for “the practice direction supplementing Part 39” substitute “Practice Direction 39A”.
- (2) In paragraph 7.11 for “the Practice Direction supplementing Part 2: Allocation of Cases to Levels of Judiciary” substitute “Practice Direction 2B”.

PRACTICE DIRECTION — ANTI-SOCIAL BEHAVIOUR AND HARASSMENT

- (1) In the title to this practice direction insert “65” after “PRACTICE DIRECTION”.
- (2) In paragraph 1.1 for “the practice direction that supplements Part 8” substitute “Practice Direction 8”.
- (3) In paragraph 6.2 for “the Part 4 practice direction” substitute “Practice Direction 4”.

PRACTICE DIRECTION — CROWN PROCEEDINGS

- (1) In the title to this practice direction insert “66” after “PRACTICE DIRECTION”.
- (2) For the list of Authorised Government Departments at Annex 2 substitute the List of Authorised Government Departments set out in Annex B.

PRACTICE DIRECTION — PROCEEDINGS RELATING TO SOLICITORS

- (1) In the title to this practice direction insert “67” after “PRACTICE DIRECTION”.
- (2) After paragraph 2.2 insert—

“2.2A Where a claim under section 70 or 71 of the Act is made by Part 8 claim form in the Costs Office, the court will fix a date for the hearing of the claim when the claim form is issued.”.
- (3) In paragraph 3.3 for “the practice direction supplementing Part 23” substitute “Practice Direction 23A”.

PRACTICE DIRECTION — COURT’S POWERS TO APPOINT A RECEIVER

- (1) In the title to this practice direction insert “69” after “PRACTICE DIRECTION”.
- (2) In paragraph 3.2 for “The second practice direction supplementing Part 2 (Allocation of Cases to Levels of Judiciary)” substitute “Practice Direction 2B”.

PRACTICE DIRECTION — ENFORCEMENT OF JUDGMENTS AND ORDERS

- (1) In the title to this practice direction insert “70” after “PRACTICE DIRECTION”.
- (2) In the parenthesis below paragraph 1.2(1) for “The practice direction on committal applications” substitute “Practice Direction RSC 52 and CCR 29”.
- (3) In the parenthesis below paragraph 2.4 for “its practice direction” substitute “Practice Direction 52”.
- (4) In paragraph 4.1, after “Form N322B” insert “or, where paragraph 4.1A applies, in practice form N471”.
- (5) After paragraph 4.1, insert—

“4.1A

This paragraph applies, and practice form N471 is to be used, where—

- (a) the decision to be enforced is a decision of an employment tribunal in England and Wales; and

(b) the party seeking to enforce the decision wishes to enforce by way of a writ of *facias*.”.

PRACTICE DIRECTION — ORDERS TO OBTAIN INFORMATION FROM JUDGMENT DEBTORS

In the title to this practice direction insert “71” after “PRACTICE DIRECTION”.

PRACTICE DIRECTION — THIRD PARTY DEBT ORDERS

In the title to this practice direction insert “72” after “PRACTICE DIRECTION”.

PRACTICE DIRECTION — CHARGING ORDERS, STOP ORDERS AND STOP NOTICES

In the title to this practice direction insert “73” after “PRACTICE DIRECTION”.

PRACTICE DIRECTION — ENFORCEMENT OF JUDGMENTS IN DIFFERENT JURISDICTIONS

(1) In the title to this practice direction insert “74A” after “PRACTICE DIRECTION”.

(2) In paragraph 3(1)—

- (a) at the end of subparagraph (c) delete “or”;
- (b) at the end of subparagraph (d) insert “or”; and
- (c) after subparagraph (d) insert—

“(e) the Lugano Convention.”.

(3) In paragraph 3(2) after “the Judgments Regulation” insert “and article 54 of the Lugano Convention”.

(4) After paragraph 6 insert—

“Evidence in support of an application under the Lugano Convention: rule 74(4)

- 6A.1 Where a judgment is to be recognised or enforced in a Contracting State which is a State bound by the Lugano Convention, that Convention applies.
- 6A.2 As a consequence of article 38(2) of the Lugano Convention the provisions of Title III of that Convention relating to declaring judgments enforceable are the equivalent, in the United Kingdom, of provisions relating to registering judgments for enforcement.
- 6A.3 Title III of, and Annex V to, the Lugano Convention are annexed to this Practice Direction. They were originally published in the official languages of the European Community in the *Official Journal of the European Communities* by the Office for Official Publications of the European Communities.
- 6A.4 Sections 2 and 3 of Title III of the Lugano Convention (in particular articles 40, 53, 54 and annex V) set out the evidence needed in support of an application.
- 6A.5 The Civil Jurisdiction and Judgments (England and Wales and Northern Ireland) Regulations 2009 make amendments to the Civil Jurisdiction and Judgments Act 1982 in respect of the Lugano Convention.”.
- (5) After paragraph 7.4 insert—
- “7.5 In an application under the Lugano Convention, the certificate will be in the form of Annex V to the Convention.”.
- (6) At the end of paragraph 9.4 insert “After the commencement on 17 December 2009 of EC Regulation 593/2008 (“the Rome I Regulation”) this Convention and Protocol will only apply to contracts concluded before that date.”.

PRACTICE DIRECTION — EUROPEAN ENFORCEMENT ORDERS

In the title to this practice direction insert “74B” after “PRACTICE DIRECTION”.

PRACTICE DIRECTION — TRAFFIC ENFORCEMENT

In the title to this practice direction insert “75” after “PRACTICE DIRECTION”.

PRACTICE DIRECTION — APPLICATIONS FOR AND RELATING TO SERIOUS CRIME PREVENTION ORDERS

In the title to this practice direction insert “77” after “PRACTICE DIRECTION”.

PRACTICE DIRECTION — EUROPEAN ORDER FOR PAYMENT AND EUROPEAN SMALL CLAIMS PROCEDURES

In the title to this practice direction insert “78” after “PRACTICE DIRECTION”.

PRACTICE DIRECTION — EXECUTION

In the title to this practice direction insert “RSC 46 and CCR 26” after “PRACTICE DIRECTION”.

PRACTICE DIRECTION — COMMITTAL APPLICATIONS

In the title to this practice direction insert “RSC 52 and CCR 29” after “PRACTICE DIRECTION”.

PRACTICE DIRECTION — Schedule 1, Order 54 (Application for writ of habeas corpus)

- (1) In the title to this practice direction insert “RSC 54” after “PRACTICE DIRECTION” and omit “Schedule 1, Order 54”.
- (2) In paragraph 3.1 for “the Forms practice direction” substitute “Practice Direction 4”.

PRACTICE DIRECTION — RESTRAINT ORDERS AND APPOINTMENT OF RECEIVERS IN CONNECTION WITH CRIMINAL PROCEEDINGS AND INVESTIGATIONS

- (1) In the title to this practice direction insert “RSC 115” after “PRACTICE DIRECTION”.
- (2) In paragraph 8.1 for “the practice supplementing that Part” substitute “Practice Direction 69”.
- (3) In paragraph 8.2 for “the practice direction supplementing Part 69” substitute “Practice Direction 69”.

PRACTICE DIRECTION — PRE-ACTION CONDUCT

In paragraph 1(2) of Annex C for “the Practice Direction supplementing Part 35” substitute “Practice Direction 35”.

PRACTICE DIRECTION — INSOLVENCY PROCEEDINGS

- (1) In paragraph 10.5 for “the practice direction supplementing Section III of CPR Part 6” substitute “Practice Direction 6B”.
- (2) In paragraph 16.8 for “the Practice Direction relating to CPR Part 44” substitute “the Costs Practice Direction”.
- (3) In paragraph 17.2(2) omit “its” before “Practice Direction” and insert “52” after “Practice Direction”.
- (4) In paragraph 17.4 omit “its” before “Practice Direction” and insert “52” after “Practice Direction” and for “Forms” substitute “the forms required by them”.
- (5) In paragraph 17.7 omit “its” before “Practice Direction” and insert “52” after “Practice Direction” and for “Forms” substitute “the forms required by them”.
- (6) In paragraph 17.22(1)(aa) for “the Practice Direction supplementing CPR Part 52” substitute “Practice Direction 52”.
- (7) In paragraph 17.22(8) for “4.44” substitute “13.4” and for “Practice Direction to CPR 44” substitute “Costs Practice Direction”.
- (8) In paragraph 17.23 for “the Practice Direction to CPR Part 52” substitute “Practice Direction 52”.

PRACTICE DIRECTION — DIRECTORS DISQUALIFICATION PROCEEDINGS

- (1) In paragraph 17.1 for “the Part 23 Practice Direction” substitute “Practice Direction 23A”.
- (2) In paragraph 24.1 for “the Part 23 practice direction (General Rules about Applications for Court Orders)” substitute “Practice Direction 23A”.

- (3) In paragraph 35.2 for “the practice direction supplementing that Part” substitute “Practice Direction 52”.

PRACTICE DIRECTION — CIVIL RECOVERY PROCEEDINGS

- (1) In paragraph 5.5 for “its practice direction” substitute “Practice Direction 69”.
- (2) In paragraph 5.5(1) for “the practice direction supplementing CPR Part 69” substitute “Practice Direction 69”.
- (3) In paragraph 5.5A for “the Practice Direction supplementing CPR Part 69” substitute “Practice Direction 69”.
- (4) In paragraph 7.3(2) for “Practice Direction supplementing CPR Parts 43-48 (Costs)” substitute “Costs Practice Direction”.
- (5) In paragraph 7B.2 for “Practice Direction supplementing CPR Parts 43-48 (Costs)” substitute “Costs Practice Direction”.

PRE-ACTION PROTOCOL FOR POSSESSION CLAIMS BASED ON MORTGAGE OR HOME PURCHASE PLAN ARREARS IN RESPECT OF RESIDENTIAL PROPERTY

- (1) In paragraph 4.1, delete “and” at the end of sub-paragraph (3), and at the end of sub-paragraph (4) insert—

“; and

(5) “Mortgage Rescue Scheme” means the shared equity and mortgage to rent scheme established either—

- (a) by the UK Government to help certain categories of vulnerable borrowers avoid repossession of their property in England, announced in September 2008 and opened in January 2009; or
- (b) by the Welsh Assembly Government to help certain categories of vulnerable borrowers avoid repossession of their property in Wales, first announced in June 2008.”

- (2) In paragraph 6.1—

- (a) at the end of sub-paragraph (1)(b) delete “,” and insert—

“; or

- (c) a participating local authority for support under a Mortgage Rescue Scheme,”;

(b) in sub-paragraph (2) after “insurer” insert “or support from the local authority”;

(c) in sub-paragraph (3), after “insurer” insert “in relation to a claim under paragraph 6.1(1)(a) or (b)”.

TRANSITIONAL PROVISIONS

The amendments to paragraph 4 and 6 of Practice Direction 23A do not apply to a telephone hearing listed before 14th April 2010. Paragraphs 4 and 6 in force immediately before 6th April 2010 will continue to apply to such telephone hearings.

ANNEX A

PRACTICE DIRECTION 5C – ELECTRONIC WORKING SCHEME

This Practice Direction supplements CPR rules 5.5 and 7.12

Contents of this Practice Direction

General	Paragraph 1
Security	Paragraph 2
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General

1.1

- (1) This Practice Direction is made under rules 5.5 and 7.12 of the Civil Procedure Rules (“CPR”). It provides for a scheme (“Electronic Working”) to—
- (a) operate from 1st April 2010;
 - (b) operate in the Admiralty, Commercial and London Mercantile Courts, the Technology and Construction Court, and the Chancery Division of the High Court at the Royal Courts of Justice, including in the case of the Chancery Division the Patents Court and the Bankruptcy and Companies courts. It is intended that this Practice Direction should

continue to apply to those jurisdictions when they transfer to the Rolls Building, and to the Bankruptcy jurisdiction of the Central London County Court (the Rolls Building jurisdictions); and

- (c)
 - (i) apply to claims started on or after 1st April 2010; and
 - (ii) apply to claims started or continued electronically under the Electronic Working Pilot Scheme between 1st April 2009 and 31st March 2010.
- (2) Where the provisions of this Practice Direction conflict with the provisions of Practice Direction 5B this Practice Direction shall take precedence.
- (3) In this Practice Direction “document key” means the unique alpha-numeric identifier set out on the court form to obtain the relevant document where there is no electronic link.

1.2

- (1) This Practice Direction provides for a scheme of electronic working by which:
 - (a) proceedings may be started and all subsequent steps may be taken electronically; and
 - (b) proceedings which have not been started electronically, may be continued electronically after documents in paper format in those proceedings have been converted to an electronic format by means of a scanning procedure by the Court and the proceedings shall then continue under the scheme as if they had been started electronically.
- (2) As an electronic system, the Electronic Working scheme will operate 24 hours a day all year round, including weekends and bank holidays. This will enable claim forms to be issued and documents to be filed in electronic format out of normal court office opening hours. However, there will be two exceptions to this—
 - (a) planned “down-time”: as with all electronic systems, there will be some planned periods for system maintenance and upgrades when Electronic Working will not be available; and
 - (b) unplanned “down-time”: in the event of unplanned periods during which Electronic Working will not be available due, for example, to a system failure or power outage.

1.3

The Electronic Working scheme will be subject to the following provisions of the CPR, unless specifically excluded or revised by this Practice Direction:

- Part 57 (Probate Actions)
- Part 58 (Commercial Court claims)
- Part 59 (Mercantile Court claims)
- Part 60 (Technology and Construction Court claims)
- Part 61 (Admiralty claims)
- Part 62 (Arbitration claims)
- Part 63 (Patent claims)

(Litigants will need to give careful consideration to:

- The Chancery Guide
- The Queen's Bench Division Guide
- The Admiralty and Commercial Courts Guide
- The Technology and Construction Court Guide
- and
- The Patents Court Guide)

1.4

- (1) This Practice Direction enables claimants to start or continue electronically claims in the Rolls Building jurisdictions.
- (2) Where a claim has been started or is continuing electronically any party may file electronically all forms and documents, using where necessary, the multi purpose form.

1.5

Any form or document which is filed electronically—

- (a) must not be filed in paper format unless this is required by a court order, rule, or practice direction;
- (b) must consist of one copy only with no further copies unless required by a court order, rule or practice direction; and
- (c) will receive an automated response to acknowledge receipt.

1.6

- (1) Persons wishing to use the Electronic Working scheme are required, wherever possible, to communicate with the court by means of e-mail. For the purposes of e-mail communications a person using the Electronic Working scheme must—

- (a) provide the court with at least one and not more than three e-mail address(es) at which that person can be contacted;
 - (b) use the e-mail address provided by the court to file documents at the court; and
 - (c) use the document keys where provided by the court, to populate the subject line of the e-mail or use the electronic link to obtain the relevant document.
- (2) Where persons using the Electronic Working scheme include their e-mail address on any court form, document or statement of case this is not confirmation or agreement that they are prepared to accept service by e-mail of documents between the parties to the proceedings unless they expressly agree to do so. Paragraph 4.1(2)(c) of Practice Direction 6A does not apply.

1.7

- (1) A claim filed electronically under the Electronic Working scheme will be issued by the Admiralty Court, the Commercial Court, the London Mercantile Court, the Technology and Construction Court, or the Chancery Division of the High Court as appropriate and the claim will proceed in that court unless it is transferred to another court.
- (2) If the claim is transferred to another court which is not operating the Electronic Working scheme it will come out of the scheme and this Practice Direction shall not apply to the proceedings in relation to any step taken after the date of transfer.

(Paragraph 15 contains further provisions about the transfer of proceedings.)

1.8

Unless the court orders otherwise, any form, statement of case, document or order issued or filed by any party under the Rolls Building jurisdiction whether in electronic or paper format, which is required to be served shall be served by the party who requested it.

Security

2.1

Her Majesty's Courts Service will take such measures as it thinks fit to ensure the security of steps taken or information communicated or stored electronically. These may include requiring persons using Electronic Working to—

- (1) enter a customer identification and/or password;

- (2) provide personal information for identification purposes; and
- (3) comply with any other security measures, as may from time to time be required before taking any of the steps mentioned in paragraph 1. 4 or 1.5.

2.2

Her Majesty's Courts Service may provide such method of encryption to promote security of e-mail communications as may be deemed appropriate.

(Paragraph 8.7 of Practice Direction 5B (Electronic communications and filing of documents) contains provisions concerning the transmission of documents or correspondence electronically.)

Fees

3.1

Where this Practice Direction provides for a fee to be paid, it may be paid by any method which Her Majesty's Courts Service may permit including any online or offline payment facility.

3.2

In certain circumstances, a party may be entitled to a remission or part remission of fees. Her Majesty's Courts Service website contains guidance as to when this entitlement might arise. A party, who wishes to apply for remission or part remission of fees, must do so prior to taking any step which requires a fee to be paid.

3.3

- (1) On issuing or filing electronically any form or document which requires the payment of a fee, the person issuing or filing that document shall—
 - (a) pay the appropriate fee; or
 - (b) apply for fee remission in accordance with paragraph 3.2.
- (2) The form or document will be subject to an initial automated validation to ensure all mandatory fields have been completed.
- (3) Once validated the form or document will be issued, sealed where appropriate, and returned to the person filing or requesting the issue of the same.

(Paragraph 7 contains provisions about the filing of counterclaims and other Part 20 claims)

Forms

4.1

Persons using the Electronic Working scheme must ensure that all forms, documents, schedules and other attachments filed at court are in PDF format.

4.2

Persons using the Electronic Working scheme must, where they are available, use the PDF forms which have been created by Her Majesty's Courts Service specifically for Electronic Working.

4.3

Persons using the Electronic Working scheme and wishing to file any document which has not been created specifically for Electronic Working must before filing that document—

- (1) convert the document to PDF format if it is already in an electronic form or if it is only available in paper copy scan the document into PDF format; and
- (2) attach the document to the multi purpose form for that case which has been created specifically for Electronic Working.

Scope of Electronic Working

5

The Electronic Working scheme may be used to start claims pursuant to Part 7, Part 8 and Part 20 and also Arbitration claims and Admiralty proceedings as appropriate in the Admiralty and Commercial Court, the London Mercantile Court, the Technology and Construction Court, and in the Chancery Division of the High Court.

Starting a claim

6.1

A claimant may request the issue of a claim form by—

- (a) obtaining the electronic claim form from Her Majesty's Courts Service in the following manner:
 - (i) typing in the form number the claimant requires in the subject line of an e-mail; and
 - (ii) sending the e-mail to getform@justice.gsi.gov.uk;
- (b) completing and sending the electronic claim form and such other forms or documents as may be required to start the claim by e-mail to submit@justice.gsi.gov.uk; and
- (c) paying the appropriate issue fee.

(The Annex to this Practice Direction lists and contains relevant forms)

6.2

The particulars of claim may be included in or attached to the electronic claim form, or may be filed separately in accordance with rules 58.5, 59.4, 61.3 or 7.4, where applicable, by attaching the particulars of claim to the electronic multi purpose form.

6.3

When a claim form is received electronically at the address provided by the court—

- (1) subject to the automated validation referred to in paragraph 3.3, the claim form will be issued, sealed and returned to the claimant for service; but
- (2) if the form fails the automated validation it will be returned to the claimant together with notice of the reasons for failure.

6.4

- (1) The court will accept receipt of claim forms filed through Electronic Working out of normal court office opening hours. Claim forms received by the court up to midnight will bear the date they are received as the issue date.
- (2) When the court issues a claim form through Electronic Working following a validated request under paragraphs 6.1 and 6.3 —
 - (a) the court will seal the claim form with the date on which the claim form was received by the court through Electronic Working and this shall be the issue date; and
 - (b) the court will keep a record of when claim forms filed through Electronic Working are received.

(Paragraph 1.2(2) contains provisions about system “down-time” which may prevent immediate issue of claim forms.)

6.5

- (1) When the court issues a claim form through Electronic Working the court will—
 - (a) return an electronic sealed version in PDF format for service by the claimant; and
 - (b) return a further electronic version in PDF format which must be retained by the claimant in case the form needs to be amended.

- (2) It is a party's responsibility to print and serve any form requiring service by that party unless the party or parties to be served have agreed to accept service by email or other electronic means.

(Paragraph 1.6(2) contains provisions for service by email and paragraph 1.8 contains provisions about the service of forms and documents.)

6.6

A document key or electronic link will be printed on the sealed claim form and this will allow the party by whom it is served to obtain and file the acknowledgment of service through Electronic Working, together with other document keys or electronic links which will then allow the parties to obtain other forms required for the purposes of the proceedings.

Electronic Working response

7.1

A party wishing to file—

- (a) an acknowledgment of service under Part 10;
- (b) an admission or part admission;
- (c) a defence or defence and counterclaim under Part 15;
- (d) a Part 20 claim; or
- (e) any other document,

may obtain the Electronic Working version of the following documents or forms—

- (i) requests for judgment on acceptance of an admission of the whole of the amount claimed;
- (ii) statements of case and any amended statements of case;
- (iii) requests for further information and any replies;
- (iv) applications for an order, whether before or after the start of proceedings;
- (v) witness statements or affidavits and exhibits;
- (vi) draft orders and orders for sealing;
- (vii) case summaries, lists of issues, chronologies, skeleton arguments, case management information sheets, progress monitoring information sheets, allocation questionnaires where appropriate and pre-trial checklists;
- (viii) statements of costs;

by using the document keys referred to in paragraph 6.6 and file the same

electronically.

7.2

Where a party files a form or document through Electronic Working—

- (a) the form or document is not filed until it is acknowledged as received by the court, notwithstanding when it may have been sent;
- (b) the defendant may file forms and documents electronically through Electronic Working out of normal court office opening hours; and
- (c) a form acknowledged as received electronically out of normal court office opening hours but before midnight will be treated as having been filed the same day.

7.3

When a document is issued or filed electronically by a party an automated response will be sent to acknowledge receipt.

7.4

- (1) The electronic copy must:
 - (a) be filed electronically by email;
 - (b) be formatted as one PDF document with bookmarks for each document and where appropriate with section headings within the document;
 - (c) not exceed such size in megabytes as HMCS may from time to time specify.
- (2) In the event that the bundle exceeds the maximum limit in 1(c) it shall be filed on CD Rom, DVD, or such other removable storage media as may be acceptable to HMCS.

Statement of truth

8.1

Part 22 and Practice Direction 22 which requires certain documents and forms to be verified by a statement of truth shall apply to any Electronic Working forms filed electronically.

8.2

The statement of truth for documents and forms in Electronic Working must be in the form—

“[I believe][The claimant believes] that the facts stated in this claim form (or as the case may be) are true.”; or

“[I believe][The defendant believes] that the facts stated in this defence (or as the case may be) are true.”, as appropriate.

8.3

Rule 32.14, which sets out the consequences of making, or causing to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth, applies to any false statement in a statement of truth in a document filed electronically.

Signature

9

Any provision of the CPR which requires a document (other than an affidavit) to be signed by any person is satisfied by that person or an authorised person typing his or her name on an electronic version of the form.

Request for judgment or issue of warrant

10.1

If, in proceedings under the Electronic Working scheme—

(1) the claimant wishes to apply for judgment in default in accordance with Part 12; or

(2) the defendant has filed or served an admission of the whole of the claim in accordance with rule 14.4,

the claimant may request judgment to be entered in default or on the admission (as the case may be) by completing and sending the electronic version of the appropriate form to the e-mail address which will be provided to the parties.

10.2

When judgment has been entered following a request under paragraph 10.1 and the claimant is entitled to the issue of a warrant of execution without requiring the

permission of the court, the claimant may request the issue of a warrant of execution by—

- (1) completing and sending an Electronic Working request form to the e-mail address which will be provided by the court to the parties; and
- (2) paying the appropriate fee in accordance with paragraph 3.1.

10.3

A request under paragraph 10.1 or 10.2 will be treated as being filed—

- (1) on the day the court acknowledges receipt of the request, if it receives it before 10 a.m. on a working day (which is any day on which the court office is open);
- (2) otherwise, on the next working day after the court receives the request.

Inspecting the case record

11.1

The parties shall be entitled to inspect an electronic record of the proceedings and obtain documents in the electronic court file.

(Rule 5.4B contains provisions about the supply to a party to the proceedings of documents from the court record.)

11.2

The record of proceedings will be automatically updated.

11.3

Information concerning the availability of this facility under the Electronic Working scheme will be communicated by Her Majesty's Courts Service in such manner as is deemed appropriate including the HMCS website.

Applications in proceedings

12

- (1) Where prior to the commencement of, or in the course of proceedings under, the Electronic Working scheme a party to those proceedings issues an application for an order electronically, whether a hearing is required or not, the party issuing the application shall lodge an application bundle with the court.
- (2) The application bundle must:
 - (a) be filed in both paper copy and electronic format;

- (b) contain the application notice and the evidence in support, including exhibits together with such other documents as may be required by any rule, practice direction, order of the court or court guide; and
 - (c) be filed in accordance with the time limits required by any applicable rule, practice direction, or order of the court.
- (3) The electronic copy must:
 - (a) be filed electronically by e-mail using the multi purpose form available to the parties;
 - (b) be formatted as one PDF document with bookmarks as appropriate for each document and with section headings within the document;
 - (c) not exceed such size in megabytes as HMCS may from time to time specify; and
 - (d) be updated as required and filed in compliance with sub-paragraphs (a) to (c).
- (4) In the event that the bundle exceeds the maximum limit in 3(c) it shall be filed on CD Rom, DVD, or such other removable storage media as may be acceptable to HMCS.
- (5) The copy in paper format should be indexed and should correspond exactly to the electronic version of the bundle including sequential pagination.
- (6) Unless the judge otherwise directs the paper copy shall be returned to the parties at the conclusion of the hearing.

Allocation and Case Management

13.1

Where a rule, practice direction or order of the court requires an allocation questionnaire to be filed with the court and a party wishes to file the allocation questionnaire electronically—

- (1) the allocation questionnaire together with any other forms required by a rule, practice direction, or order of the court must be filed in both paper and electronic format; and
- (2) the paper copy of the allocation questionnaire should be accompanied by other relevant documents including all statements of case, draft directions or case summaries and costs schedules in paper format.

13.2

- (1) Where—
 - (a) a rule, practice direction, or order of the court requires:
 - (i) the court to give case management or other directions; or

- (ii) a bundle to be filed with the court in connection with case management or other directions; and
- (b) a party wishes to file the bundle electronically, the bundle must contain:
 - (i) such documents as are required; and
 - (ii) in all Part 8 claims, the statements of case and evidence in support.
- (2) The bundle must be filed in both paper copy and electronic format.
- (3) The electronic copy must—
 - (a) be filed electronically by e-mail, using the multi purpose form available to the parties;
 - (b) be formatted as one PDF document with bookmarks for each document and where appropriate with section headings within the document;
 - (c) not exceed such size in megabytes as HMCS may from time to time specify; and
 - (d) be updated as required and filed in compliance with sub-paragraphs (a) to (c).
- (4) In the event that the bundle exceeds the maximum limit in 3(c) the electronic copy must be filed on CD Rom, DVD, or such other removable storage media as may be acceptable to HMCS.
- (5) The paper copy should be indexed and should correspond exactly with the electronic version of the bundle with sequential pagination.
- (6) Unless the judge otherwise directs, the paper copy shall be returned to the parties at the conclusion of the hearing.

Trial Bundles

14.1

The trial bundle must be filed with the court in paper format.

14.2

An electronic version of the trial bundle must also be filed if the court so orders, in which case it must comply with the requirements of paragraph 13.2(3) and the paper copy must comply with paragraph 13.2(5).

14.3

The court will retain any electronic copy of the trial bundle for a period of two months after judgment has been delivered, after which it may be deleted.

14.4

The time in paragraph 14.3 may be extended by order of the court at the request of a party or on the court's own initiative.

Transfer of proceedings

15.1

If proceedings under the Electronic Working scheme are subsequently transferred to a court not operating under the scheme the parties must ensure that a version of the court file in paper format is made available to that court.

15.2

If proceedings which have not been started under the Electronic Working scheme are transferred to a court operating under the scheme all subsequent steps may be taken electronically after documents in paper format in those proceedings have been converted to an electronic format pursuant to paragraph 1.2(1)(b).

Public kiosk Service

16.1

A version of the electronic court file allowing access only to those documents which are available to non-parties pursuant to rule 5.4C(1) or 5.4C(1A) and subject to rule 5.4C(4) will be made available through a public kiosk service.

(Part 5 contains provisions about access to court documents by non-parties.)

16.2

Persons wishing to obtain copies of documents available to non-parties—

- (1) may select the documents they require using the computer facilities provided by the public kiosk service; and
- (2) must pay the appropriate fee.

16.3

Electronic copies of the documents will be sent by e-mail to an address supplied by the person applying for copies.

Scanning documents filed in paper format

17.1

Proceedings issued after 1st April 2010 in the Admiralty and Commercial Court, the London Mercantile Court, the Technology and Construction Court, and the Chancery Division of the High Court will be stored by the court in electronic format. Any claims which are not started by issuing a claim form electronically will be converted to an

electronic format by means of a scanning procedure by the court and the provisions of paragraph 1.2(1)(b) shall apply to those proceedings.

17.2

Documents which the parties wish to file with the court may be lodged either by using the Electronic Working scheme or by lodging copies in paper format.

17.3

In the event that a party lodges a document in paper format the court will:

- (1) where appropriate seal the paper copy of the document;
- (2) obtain payment of any fee due;
- (3) enter the relevant information for the document onto an electronic equivalent to create or update an electronic working case file;
- (4) convert the document to an electronic format and automatically attach this scanned copy to the electronic working case file;
- (5) where the party filing has given an e-mail address, send by email to that address:
 - (a) a scanned image of the original document; and
 - (b) an electronic version of the document submitted on paper as entered onto the system by the Court; and
- (6) return the sealed copy of the document originally lodged.

ANNEX B

List of Authorised Government Departments