
Notes to Accompany October 2006 42nd Update

Coming into force

All of the amendments included in this update come into force on 2nd October 2006, with the following exception;

1 July 2006

PD4

PD55

Introduction

The 42nd Update to the Civil Procedure Rules introduces changes in a large number of areas.

Part 5 is amended to alter the regime surrounding access by non-parties to documents filed at court. Non-parties will now have access to all statements of case (subject to the usual protections of rule 5.4). Parties or persons identified in statements of case may apply to restrict release of that document.

Part 7, Part 73, PD 7, PD 10, PD 70, PD 72 and PD 73 are amended to incorporate provision for claims made by or against partnerships into the CPR. **RSC O.81, CCR O.5 and CCR O.25 r 9 and 10** are also revoked as a consequence.

Part 27 is amended to apply the small claims track costs regime to appeals from cases allocated to that track.

Part 52 is amended to give the Court of Appeal power to refuse permission for an oral hearing where permission to appeal is denied without a hearing and the application to appeal is considered totally without merit.

Part 54 is amended to add a procedure for notifying the Administrative Court that an appellant in an asylum and immigration appeal wishes his appeal to continue in circumstances in which it would otherwise be treated as abandoned, in accordance with section 9 of the Immigration, Asylum and Nationality Act 2006. Other minor amendments clarify procedure and update references to the Immigration Appeal Tribunal.

PD5B (and subsequently **PD52 15.1B**) is amended to make provision for an online forms service in the civil appeals office.

PD23B is moved to **PD23C**, and is amended to further facilitate the telephone hearings scheme.

A new **PD23B** is created to incorporate scheduled rules on applications pursuant to miscellaneous statutes into the CPR. **RSC O.93 r 1**, **RSC O.112** and **CCR O.47** are also revoked as a consequence.

PD55 is amended to provide a procedure for and formalise the making of ‘postponed possession orders’ along the lines suggested by the Court of Appeal in its recent judgment in *Hassan*.

A new PD on **Proceedings Under Enactments Relating to Discrimination** is created. This replaces previous scheduled rules on this subject. **CCR O.49 r 17** is also revoked as a consequence.

A new PD on **Applications for a Warrant Under the Enterprise Act 2002** is created.

A new **Pre-Action Protocol for Claims Based on Rent Arrears** is created.

A full list of the changes is set out below.

Rules

Part 5	Rule 5.4, new text substituted for 5.4. Rules 5.4B, 5.4C and 5.4D created.
Part 7	Rule 7.2A, new rule 7.2A inserted after 7.2.
Part 27	Rule 27.14, new text substituted for (2), (3) omitted, (2A) renumbered to (3), paragraph reference amended in (3), new text inserted in (6).
Part 39	Rule 39.8, Omitted.
Part 52	Rule 52.3(4), text amended at the start of (4), new paragraphs (4A) and (4B) inserted. Rule 52.7, reference amended at (b).
Part 54	Rule 54.28B(2), new text inserted after (b) Rule 54.31, new rule 54.31(2A) inserted after 54.31(2). Rule 54.36, new rule added.
Part 59	Rule 59.1(3), new text substituted for (a).
Part 73	Rule 73.22, new rule added.
Part 76	Rule 76.34, references updated.

Practice Directions

Practice Direction 2B	New text substituted at 2.3(d).
Practice Direction 4	New form N28A added to table.
Practice Direction 5	Reference updated at paragraph 4.3, reference updated at paragraph 4.4, new paragraph 4.5 added.
Practice Direction 5B	Signpost added after paragraph 5.2.
Practice Direction 7	New sections 5A, 5B and 5C added.
Practice Direction 10	New text substituted for paragraph 4.4.
Practice Direction 19B	Reference updated at paragraph 6.6(1).
Practice Direction 23	New text substituted for paragraph 6.5(1), paragraph 6.5(5) omitted.
Practice Direction 23B	Current PD23B moved to PD23C. New PD23B created.

- Practice Direction 23C** Text amended at paragraph 1.1.
New information provided in the appendix.
- Practice Direction 25** New text substituted for paragraph 5.1(1).
New paragraph 5.1A inserted.
Standard forms of freezing injunction and search order, court address information updated.
- Practice Direction 27** Text amended at note following directions at Appendix B.
- Practice Direction 39C** Omitted.
- Practice Direction 52** New paragraph 5.10(7) inserted, new text substituted for paragraph 5.19.
New paragraph 15.1B inserted.
Text amended in table following 20.3.
New paragraph 21.7B inserted.
- Practice Direction 54C** New PD created.
- Practice Direction 55** New paragraph 10 added.
- Practice Direction 59** New text substituted for paragraph 1.2(2).
New text substituted at paragraph 2.2, paragraphs 2.3 and 2.4 omitted.
- Practice Direction 61** New text substituted for paragraph 11.
- Practice Direction 62** Final row deleted in table following paragraph 2.
- Practice Direction 64** New text substituted in paragraph 8.
- Practice Direction 70** New paragraph 6A inserted.
- Practice Direction 72** New paragraph 3A inserted.
- Practice Direction 73** New paragraph 4A inserted.
New paragraph 6 created.

Schedule 1

- RSC O.81** Revoked.
- RSC O.93** Rule 1 revoked.
- RSC O.112** Revoked.

Schedule 2

- CCR O.5** Revoked.
- CCR O.25** Rules 9 and 10 revoked.
- CCR O.47** Revoked.
- CCR O.49** Rule 17 revoked.

Other Practice Directions

Proceedings Under Enactments Relating to Discrimination

New PD created.

Application for a Warrant Under the Enterprise Act 2002

New PD created.

Insolvency Proceedings New text substituted for paragraph 17.6, text amended at paragraph 17.11(2)(b).

Civil Recovery Proceedings

Text amended at paragraph 3.2.

Application for a Warrant Under the Competition Act 1998

Text amended at paragraph 9.1

New row added to table at paragraph 5.1.

Pre-Action Protocols

Practice Direction – Protocols

Text amended at fourth and fifth sentences.

Pre-Action Protocol for Judicial Review

Text amended at paragraph 6.

Address changed at Section 2 of Annex A.

Text amended at section 3 of Annex A.

Pre-Action Protocol for Rent Arrears

New Pre-Action Protocol created .

Forms

New versions of N1A, N161, N161A, N225 and N443 are made available.

A new form, N28A, has been created to accompany the new procedure in PD55.