
Notes to Accompany 1st October 2010 53rd Update

Coming into force

All the amendments in this update come into force on 1st October 2010 with the following exception:

Amendments providing rules for applications for gang-violence related injunctions – come into force when Part 4 of the Policing and Crime Act 2009 commences.

Introduction

The 53rd Update to the Civil Procedure Rules introduces changes in a large number of areas:

Part 31 Disclosure and Inspection of Documents and new PD31B Disclosure of Electronic Documents

A new Practice Direction is introduced to regulate the approach practitioners should take when considering material relevant to a case which is stored electronically. The new provisions support the PD by confirming that the questionnaire in the PD may be treated as a disclosed document. Form N150 is amended.

Part 55 Possession Claims and CCR O.26 Warrants of Execution, Delivery and Possession

Amendments are made to allow unauthorised tenants living in a mortgaged property to apply to the court for postponement of the date of delivery of possession. Amendments are also made requiring a lender to notify all tenants/occupiers of a property before taking steps to enforce a possession order. An unauthorised tenant may then apply to the lender for a delay in execution to allow the tenant time to find another home. If the lender does not agree to an extension of time the unauthorised tenant may apply to the court for a decision. Form N325 is amended.

Part 63 Intellectual Property Claims and PD63 Intellectual Property Claims

The Rules and Practice Direction are amended to provide a simpler route for lower value claims including scale costs for each stage of the process capped at £50,000.00 for a claim relating to liability and £25,000 for an inquiry as to damages or account of profits.

Part 65 Proceedings relating to Anti-Social Behaviour and Harassment

Amendments are made to allow police and local authorities to apply to the court to obtain an injunction against a gang member, where the applicant shows that the individual has engaged in, encouraged or assisted gang-related violence. Where an injunction is breached the individual may be found to be in contempt of court and liable to be punished in accordance with the Contempt of Court Act 1981.

Part 77 Miscellaneous Provisions in Support of Criminal Justice

RSC Order 116 Criminal Procedure and Investigations Act 1996 is updated and transferred from Schedule 1 to the main part of the CPR.

RSC O.115 Confiscation and Forfeiture in Connection with Criminal Proceedings

Amendments are made to allow for application for a domestic freezing order certificate in conjunction with a restraint order where proceedings have been started against an individual for an offence under sections 15-18 of the Terrorism Act 2000. Amendments are also made to allow for the consideration, on receipt from the Secretary of State, of an overseas freezing order and for the court to give effect to and register that order. Provisions are also made to allow any individual who is the subject of, or affected by, a domestic or overseas freezing order to make an application to the court to vary or discharge the order.

RSC O.116 omitted

PD39B Court Sittings

Amendments are made to allow for the late commencement of the Easter term in 2011.

PD51B Automatic Orders Pilot Scheme

The scheme is extended for a six month period until 31 March 2011.

PD51D Defamation Proceedings Costs Management Scheme

The scheme is extended for a six month period until 31 March 2011.

PD51E County Court Provisional Assessment Pilot Scheme

A pilot scheme to allow for a streamlined procedure for the assessment of Bills of Cost under £25,000 in three county courts for a period of one year is introduced. The intention is to ascertain the viability of assessing lower value bills of costs on paper in the first instance. Parties will be able to request an oral hearing if they are dissatisfied with the outcome of the assessment.

PD62 Arbitration

Amendments are made to the Practice Direction to regulate the material submitted in connection with the permission to appeal process.

PD70 Enforcement of Judgments and Orders

A streamlined process to allow enforcement of settlements which have been negotiated by ACAS, which have not been honoured, is introduced. The creditor will be able to instruct a High Court Enforcement Officer to issue proceedings for a Writ of Fieri Facias on their behalf, and to undertake enforcement of the Writ. Form N471A is introduced.

PD74A Enforcement of judgments in Different Jurisdictions and PD74B European Enforcement Orders

Amendments are made to include Registrars sitting in the Chancery Division in the list of judiciary that can approve applications for certified copies of judgments or Certificates of Judgment.

PD75 Traffic Enforcement

Amendment to the Rules relating to operation of the Traffic Enforcement Centre to ensure the terminology used mirrors the procedure where a court officer's decision is reviewed by the judge rather than an appeal being lodged.

PAP for the Resolution of Clinical Disputes

The Pre-Action Protocol for the Resolution of Clinical Disputes is amended to extend the time the defendant has to reply to a letter of claim from three to four months, and to include a provision that any letter of claim to an NHS Trust or Independent Sector Treatment Centre is copied to the NHS Litigation Authority.

PD Proceedings under Enactments relating to Equality

The Practice Direction is amended to reflect the implementation of the Equalities Act 2010 which consolidates and harmonises the existing discrimination in a single piece of legislation.

Changes to forms

N471A and N325 is introduced

Form N150 has been amended

Rules

Part 30	New text substituted in Rule 30.3(2)(f)
Part 31	New text inserted in the Table of Contents New text inserted in heading to Rule 31.22 New text inserted after Rule 31.22(3)
Part 45	New text inserted in the Table of Contents New section inserted after Rule 45.40
Part 52	New text substituted in Rule 52.4(3) New text inserted after Rule 52.4(3) New text inserted after Rule 52.5(6)
Part 55	New text inserted after Rule 55.10(4)
Part 63	Text omitted in the Table of Contents New text inserted in the Table of Contents Rule 63.4 omitted New section inserted after Rule 63.16
Part 65	New text inserted in the Table of Contents Text omitted in Rule 65.1(f) New text inserted in Rule 65.1(g) New text inserted after Rule 65.1(g) New section inserted after Rule 65.41
Part 77	New text substituted in the Table of Contents New text inserted in Table of Contents New text substituted for Rule 77.1 New section inserted after Rule 77.5

Practice Directions

Practice Direction 2B	New text substituted in paragraph 8.1(b) Text omitted in paragraph 8.1(d)(i) New text substituted in paragraph 8.1(d)(ii) New text inserted after paragraph 8.1(d)(ii) New text substituted in paragraph 8.3
Practice Direction 8A	New text substituted in table in paragraph 9.4 Text omitted in table in paragraph 9.4
Practice Direction 30	New text inserted after paragraph 8.9
Practice Direction 31A	New text inserted in title to PD New text substituted for paragraph 2A.2 to 2A.5

Practice Direction 31B	New Practice Direction inserted after PD31A
Practice Direction 39B	New text inserted in paragraph 1.1(1)(c) New text inserted after paragraph 1.1(2)
Costs Practice Direction	New text inserted after paragraph 25B.1
Practice Direction 51B	New text substituted in paragraph 1.1B(1)
Practice Direction 51D	New text substituted in paragraph 1.1(1)
Practice Direction 51E	New Practice Direction inserted after PD51D
Practice Direction 52	New text inserted in paragraph 5.1 New text substituted in paragraph 5.9(1) New text inserted in paragraph 5.9(2) New text inserted after paragraph 5.9(2)
Practice Direction 62	New text substituted for paragraphs 12.1 to 12.6
Practice Direction 63	New text inserted in Table of Contents New text substituted in paragraph 1.1 New text inserted in paragraph 1.1 New text substituted in paragraph 17.1 New text inserted after paragraph 26.2
Practice Direction 65	Insert Table of Contents New text inserted in heading to Section 1 Text omitted in paragraph 1.1 New text inserted in paragraph 1.1 New text inserted after paragraph 1.1 New text inserted in heading to paragraph 2.1 New text inserted in paragraph 2.1 New text substituted in paragraph 2.1 New text inserted in paragraph 3.1 New text substituted in paragraph 3.1(2) New text substituted in paragraph 3.2(3) New text substituted in paragraph 3.2(4) New text inserted in paragraph 4.1
Practice Direction 70	New text substituted in paragraph 4.1(a) New text substituted in paragraph 4.1A
Practice Direction 74A	New text inserted in paragraph 4.2(1) New text inserted in paragraph 4.3(1)
Practice Direction 74B	New text inserted in paragraph 2.1(1)
Practice Direction 75	New text substituted in paragraph 7.2

Other Practice Directions

Practice Direction Proceedings under Enactments relating to Equality	Practice Direction substituted
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Schedule 1

RSC Order 115	Paragraphs renumbered in Rule 24(ba), (c) Text omitted in renumbered Rule 24(c) New text inserted after renumbered Rule 24(c) New text substituted in Rule 25 New text inserted in heading to Rule 26 New text substituted in Rule 26(1) New text substituted in Rule 26(2)(c) New text inserted after Rule 26(2)
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New text substituted in Rule 26(4)
New text substituted in Rule 27(2)
New text inserted after Rule 27(3)
New text substituted in heading to Rule 28
New text inserted in Rule 28(3)(c)
New text inserted after Rule 28(5)
New text inserted in heading to Rule 29
New text inserted in heading to Rule 30
New text substituted in Rule 30
New text substituted in heading to Rule 31
New text substituted in Rule 31(1)
New text substituted in heading to Rule 32
New text inserted in heading to Rule 33
New text substituted in Rule 33(1)
New text substituted in heading to Rule 34
New text substituted in Rule 34
New text substituted in heading to Rule 35
New text inserted in the title to Rule 36
New text substituted in Rule 36
New text inserted after Rule 36

Practice Direction RSC 115

New text inserted and substituted in Table of Contents
New text substituted in paragraph 2
New section inserted after paragraph 8.4
New text substituted in Appendix 1

RSC Order 116

Omitted

Schedule 2

CCR Order 26

New text substituted in Rule 17(2)
Text omitted in Rule 17(2)
New text inserted after Rule 17(2)

Pre Action Protocols

Pre-Action Protocol for Resolution of Clinical Disputes

New text inserted in paragraph 3.15
New text substituted in paragraph 3.25

Forms

New versions of N150 and N325 are made available.

New form N471A is made available.

