
Notes to Accompany 6th April 2011 54th and 55th Update

Introduction

The 54th and 55th Updates to the Civil Procedure Rules introduced changes in a large number of areas:

55th Update April 2011

Amendments in the 55th Update came into force on 6 April 2011 with the exception of:

Amendments to Part 79 concerning appeals against designations under the Terrorist Asset-Freezing Act etc. 2010 which came into force on 24 December 2010

Amendments to PD65 relating to gang-related violence injunctions, in respect of persons aged 14-17 which come into force on the date that section 39 of the Crime and Security Act 2010 comes into force.

54th Update October 2010

Minor amendments made in the 54th Update in relation to hearings in the Divisional Court (Part 54 and PD52) which came into force on 20 October 2010 have been incorporated into this consolidated version of the Rules.

Please note that amendments made in the 53rd Update in relation to gang-related violence injunctions, in respect of persons aged 18 and over (Part 65 and PD65) come/came into force on 31 January 2011.

Amendments have been made in relation to:

Part 6 Service of Documents and PD6B Service out of the Jurisdiction

Amendments are made to allow an address for service, the address of a European Lawyer in a European Economic Area (EEA) state or, for a litigant in person, the litigant's normal residence or place of business in the UK or failing that any EEA state. Amendments are also made to update references to Civil Procedure Conventions or Treaties which make provision for service of documents. Consequential amendments are made to Parts 10 and 16 and Practice Directions 7C, 7E, 16, 42 and 55B.

Part 45 Fixed Costs and Costs Practice Direction

A new section is inserted to allow the award of fixed costs to HM Revenue and Customs (HMRC) in claims for the recovery of money through a county court where the matter is conducted by an HMRC officer.

Costs Practice Direction

Amendments are made to clarify how VAT should be treated in relation to payments to a third party that are shown as disbursements by the legal representatives in bills of costs. The amendments ensure consistency with the Criminal Costs Practice Direction.

PD51D Defamation Proceedings Cost Management Scheme

The scheme is extended for a six month period to 30 September 2011 to allow collection of further data.

PD53 Defamation Claims

The existing provisions are extended to provide for statements in open court to be made in cases of slander and libel only, to include statements to be made in open court following settlement of claims for malicious falsehood and misuse of private or confidential information.

Part 54 Judicial Review and Statutory Review

Amendments made to Part 54 and consequential amendments to PD52 came into force on 20 October 2010. The Senior Courts Act 1981 provides that any jurisdiction of the High Court shall be exercised only by a single judge of that court except where, by or by virtue of rules of court, the jurisdiction is required to be exercised by a Divisional Court. Directions in appropriate cases requiring listing before a Divisional Court have since 2000 been made in the exercise of broad general powers replacing the explicit provision for such directions made by the former Rules of the Supreme Court. These amendments, in accordance with section 19(3) of the Senior Courts Act 1981, make clear that the jurisdiction of the High Court in relation to judicial review proceedings may be exercised by a Divisional Court where the court so directs.

PD65 Anti-Social Behaviour and Harassment

Amendments are made under which the police or a local authority may apply to a court for an injunction against an individual for the purposes of preventing gang-related violence. The amendments provide that when a person aged 14 to 17 when served with a without notice injunction is made aware of its terms and the consequences of breaching it. The court is required to consider whether to issue directions about an application for a litigation friend, and that a responsible adult be present when a without notice gang injunction is served. On proved breaches of such injunctions, the court may make a supervision order or a detention order. The amendments will come into force on commencement of section 39 of the Crime and Security Act 2010.

PD65 Anti-Social Behaviour and Harassment

Provisions relating to an anti-social behaviour pilot that was not extended nationally following an evaluation of the scheme are removed.

Part 78 and PD78 European Orders for Payment and European Small Claims Procedures

Amendments are made to implement an EU Directive 2008/52/EC (on certain aspects of mediation in civil and commercial matters) to allow enforcement of the content of a written mediation agreement made following a cross-border dispute, whilst maintaining the confidentiality of the agreement. There are consequential amendments to Parts 5, 7, 8, 31 and 32 and PD5A.

Part 79 Proceedings under the Counter-Terrorism Act 2008

A new section is inserted concerning appeals against designations under the Terrorist Asset-Freezing etc. Act 2010 which modifies the application of Part 52 to such appeals. Challenges to

the imposition by the Treasury of financial restrictions on and in relation to certain persons believed or suspected to be, or have been involved in terrorist activities, will be heard by way of appeal to the High Court. Other decisions taken by the Treasury may be reviewed by the High Court judge applying the principles applicable to judicial review.

Pre-Action Protocol (PAP) for the Resolution of Clinical Disputes

A minor amendment to the PAP is made to increase the time for providing a response to a letter of claim. The amendment is to ensure consistency with other time periods in the protocol.

Pre-Action Protocol for Disease and Illness claims

The PAP has been revised to ensure that full information is obtained at the beginning of the claim to improve the speed of the pre-action process payment for compensation claims for mesothelioma and other asbestos related diseases by providing a greater flow of information and documentation between parties to enable earlier decisions to be made on liability.

Pre-Action Protocol for Possession Claims based on Mortgage or Home Purchase Plan Arrears in Respect of Residential Property

Amendments are made to reflect changes introduced to the Mortgage Conduct of Business rules, particularly on dealing fairly with customers in arrears. The protocol has also been strengthened to ensure that courts have the power to insist that repossession is always the last resort.

Changes to forms

Forms N139 has been amended.

Rules

Part 5

New text inserted in Rule 5.4C(1)(b)

New text inserted after Rule 5.4C(1A)

Part 6

New text inserted in the Table of Contents

New text substituted in the Table of Contents

Text omitted in Rule 6.2(c)

New text substituted in Rule 6.2(d)

New text inserted after Rule 6.2(d)

New text inserted in heading to Section II

New text inserted in Rule 6.3(1)

New text substituted in Rule 6.4(1)

New text inserted in Rule 6.6(1)

New text inserted in Rule 6.6(2)

New text substituted for Rule 6.7

New text inserted in heading to Rule 6.8

New text inserted in Rule 6.8

New text substituted in Rule 6.8(a)

New text inserted after Rule 6.8

New text inserted in Rule 6.9(1)(b)

New text inserted after Rule 6.9

New text inserted in Rule 6.14

New text inserted in heading to Section III

New text substituted in Rule 6.20(1)

New text substituted in Rule 6.21(1)

	Text omitted in Rule 6.22(2)(a)
	New text inserted after the end of Rule 6.22
	New text inserted in heading to Rule 6.23
	New text inserted in Rule 6.23(1)
	New text substituted for Rule 6.23(2)
	New text substituted in Rule 6.23(3)
	New text substituted in Rule 6.23(4)
	New text inserted after Rule 6.23
	New text inserted in Rule 6.26
	New text substituted in Rule 6.40(2)
	New text inserted in heading to Rule 6.40(3)
	New text substituted in Rule 6.40(3)
	Text omitted in Rule 6.40(3)
	New text inserted in Rule 6.40(3)(b)
	New text substituted in parentheses following Rule 6.40
	New text substituted in Rule 6.41(1)
	New text substituted in Rule 6.41(2)
	New text substituted in Rule 6.41(3)
	New text inserted in second set of parentheses following Rule 6.41
	New text substituted in Rule 6.42(1)
	Text deleted in Rule 6.42(1)
	New text substituted in Rule 6.42(1)(a)
	New text substituted in Rule 6.42(2)
	Text deleted in Rule 6.42(2)
	New text substituted in Rule 6.42(3)
	New text inserted in Rule 6.42(3)(a)
	New text substituted in Rule 6.42(3)
	New text substituted in Rule 6.43(1)
	New text substituted in Rule 6.43(2)
	New text substituted in Rule 6.43(3)
	New text inserted in Rule 6.43(4)(a)
	New text substituted in Rule 6.43(5)(c)
	New text substituted in Rule 6.44(1)
	New text substituted in Rule 6.44(3)
	New text inserted in Rule 6.44(5)
	New text substituted in Rule 6.45(4)
	New text inserted in Rule 6.45(4)
	New text substituted in Rule 6.45(5)
Part 7	Text omitted in fifth set of parentheses after Rule 7.2
Part 8	New text inserted in second set of parentheses after Rule 8.1
Part 10	New text substituted for first set of parentheses after Rule 10.5
Part 16	New text substituted in second set of parentheses following Rule 16.5
Part 31	Text omitted in Rule 31.3(1)(b)
	New text substituted in Rule 31.3(1)(c)
	New text inserted after Rule 31.3(1)(c)
	New text inserted after the second set of parentheses following Rule 31.1(1)
	New text inserted after the parentheses that follow Rule 31.12(3)
	New text inserted after Rule 31.16
	New text inserted after Rule 31.17

Part 32	New text inserted after Rule 32.7(2)
Part 45	New text inserted in Table of Contents New section inserted after Rule 45.43
Part 54	New text substituted for Rule 54.10(2) New text inserted after Rule 54.12(5)
Part 78	Text omitted in title to Part New text inserted in Table of Contents New text inserted after Rule 78.1(2) New section III inserted after Section II
Part 79	New text inserted in the Title New text substituted in Table of Contents New text inserted in Table of Contents Text omitted in Table of Contents New text substituted in heading to Section I New text substituted for heading and Rule 79.1(1) New text inserted in Rule 79.1(2)(a) New text inserted after Rule 79.1(2)(a) New text inserted in Rule 79.1(2)(b) New text substituted in Rule 79.1(2)(c) New text inserted after Rule 79.1(2)c New text substituted in Rule 79.1(2)(h) New text substituted for heading to Section II New text inserted in Rule 79.3 Heading to Rule 79.4 omitted Text omitted in Rule 79.4 New text inserted in Rule 79.6(3)(a)(ii) Omit Section III after Rule 79.12 New Section III inserted after Rule 79.14 New text inserted in heading to Section IV New text substituted in Rule 79.15 New text inserted after Rule 79.15 New text inserted in Rule 79.17(1)(c) New text inserted after Rule 79.23(1) New text substituted in Rule 79.25(3)(b) New text inserted in Rule 79.31(1) New text inserted in Rule 79.31(2)
Practice Directions	
Practice Direction 5A	New text inserted in paragraph 4.3
Practice Direction 6B	New text substituted in paragraph 4.1
Practice Direction 7C	New text substituted in paragraph 2.3(7)
Practice Direction 7E	New text substituted in paragraph 4(6)
Practice Direction 16	New text inserted in paragraph 2.4
Practice Direction 42	New text substituted in parentheses after paragraph 5.1
Cost Practice Direction	New text substituted for paragraph 5.11 and heading to that paragraph Paragraph 5.12 omitted
Practice Direction 51D	New text substituted in paragraph 1.1(1)

- Practice Direction 52** New text inserted after paragraph 18.20
 New text inserted after paragraph 22.6A(2)
 New text inserted after paragraph 22.6B(3)
- Practice Direction 53** New text substituted in paragraph 6.1(2)
 New text inserted after paragraph 6.1(2)
- Practice Direction 55B** New text substituted in paragraph 5.1(4)
- Practice Direction 65** New text inserted after paragraph 1.1
 New text substituted in paragraph 13.2
 Paragraph 13.3 and heading omitted
- Practice Direction 78** Text omitted in Title to the Practice Direction
 New text inserted after paragraph 21.4

Pre Action Protocols

Pre-Action Protocol for the Resolution of Clinical Disputes

New text substituted in paragraph 3.21

Pre-Action Protocol for Disease and Illness Claims

New text inserted in Table of contents
 New text substituted in paragraph 1.1
 New text inserted in paragraph 1.1
 New text inserted after paragraph 2.2
 Paragraph 2.4, 2.5, 2.6 renumbered
 New text substituted in renumbered paragraph 2.5
 Text omitted in renumbered paragraph 2.6
 New text inserted after renumbered paragraph 2.6
 New text substituted in paragraph 2A.2
 New text inserted in paragraph 2A.2
 New text substituted in paragraph 2A.3
 New text inserted in paragraph 2A.4
 New text substituted for fourth bullet point in paragraph 3.2
 New text substituted for seventh bullet point in paragraph 3.2
 New text substituted for eighth bullet point in paragraph 3.2
 New text inserted after the eighth bullet point
 New text inserted after the first unnumbered paragraph in paragraph 4
 New text substituted for paragraph 4.4
 New text substituted in paragraph 5.1
 New text substituted in paragraph 5.2
 New text inserted in paragraph 5.3
 New text inserted in paragraph 6.2
 Paragraph 6.3 renumbered 6.4
 New text inserted after paragraph 6.2
 Paragraph 6.4 renumbered 6.5
 New text inserted in renumbered paragraph 6.5
 New text inserted after renumbered paragraph 6.5
 Paragraph 6.5 renumbered 6.6
 New text substituted in renumbered paragraph 6.6
 Paragraph 6.6 renumbered 6.7
 New text inserted at end of renumbered 6.7
 Paragraph 6.7 renumbered 6.8
 Paragraph 6.8 renumber 6.9
 Paragraph 6.8 renumber 6.9 Paragraph 6.9 renumbered 6.10

New text substituted in renumbered paragraph 6.10
Paragraph 6.10 renumbered 6.11
New text substituted in renumbered 6.11
Text omitted in paragraph 7.1
New text substituted in paragraph 7.2
New text inserted at the end of paragraph 7.2
New text substituted in paragraph 7.3
New text substituted in paragraph 7.5
New text substituted in paragraph 7.6
New text substituted in paragraph 9.1
New text substituted for paragraph 9.12
New text substituted in paragraph 10.5
Annex B (Template for letter of Claim) PDF
Annexes C and D inserted after Annex B

**Pre-Action Protocol for Possession Claims based on Mortgage or Home Purchase Plan
Arrears in respect of Residential Property**

New text substituted in Table of Contents
New text substituted in paragraph 5.1
New text substituted in paragraph 5.2
New text substituted in paragraph 5.3
New text substituted in paragraph 5.4
New text substituted in paragraph 5.5
New text substituted in paragraph 5.6
New text substituted in paragraph 6.1
New text substituted in paragraph 6.2
New text substituted in paragraph 6.3
New text substituted in paragraph 6.4
New text substituted for paragraph 7.1 and heading to that paragraph
New text substituted in paragraph 8.1
New text substitute in paragraph 8.2
New text substituted in paragraph 9.1
Text omitted in paragraph 9.1

Forms

New form N139 is made available.

