

## 165TH UPDATE – PRACTICE DIRECTION AMENDMENTS

The amendments to the Practice Directions which supplement 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 Lord Bellamy KC, Parliamentary Under-Secretary of State for Justice, by the authority of the Lord Chancellor.

The amendments made by this Update to—

- a) Practice Direction 28 – The Fast Track And The Intermediate Track; and
- b) Practice Direction 45 – Table of Fixed Costs (2024),

come into force on 6th April 2024 and immediately after the amendments made by the 163rd Update, which was approved by Lord Bellamy KC on 30th January 2024.

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The Right Honourable Sir Geoffrey Vos  
Master of the Rolls and Head of Civil Justice:

Signed by authority of the Lord Chancellor:

Lord Bellamy KC

Parliamentary Under-Secretary of State for Justice

Ministry of Justice

Date: 21<sup>st</sup> March 2024

## **PRACTICE DIRECTION 28 – THE FAST TRACK AND THE INTERMEDIATE TRACK**

- 1) In paragraph 3.9(b), for “rules 28.2(3) and (4)” substitute “rule 31.5”.

## **PRACTICE DIRECTION 45 – TABLE OF FIXED COSTS (2024)**

- 2) In Table 1, after section C insert—

“D. Where appropriate, VAT may be recovered in addition to the fixed costs in this Table”.

- 3) After Table 12, insert—

### **“Trial advocacy fees: Table 12(5) and (6)**

In calculating the number of days, rule 2.8(2) shall not apply and any advocacy fee is to be computed by reference to the following examples.

#### Examples

- (1) A claim allocated to the fast track is settled not more than 1 day before the date listed for trial.

The trial date is Monday 23 October.

Settlement not more than 1 day before the date listed for trial, means that the claim was settled on or after Friday 20 October, but before Monday 23 October.

- (2) A claim allocated to the fast track is removed from the list not more than 1 day before the date listed for trial.

The trial date is Thursday 26 October

Removal from the list not more than 1 day before the date listed for trial, means that the claim was removed from the list on Wednesday 25 October.

(3) A claim allocated to the fast track is settled more than 1 day, but not more than 2 days, before the date listed for trial.

(a) The trial date is Monday 23 October.

Settlement more than 1 day, but not more than 2 days, before the date listed for trial, means that the claim was settled on Thursday 19 October.

(b) The trial date is Thursday 26 October.

Settlement more than 1 day, but not more than 2 days, before the date listed for trial, means that the claim was settled on Tuesday 24 October.”.

4) After Table 14—

a) after “**Trial advocacy fees:**” omit “**Table 12(5) and (6) and**”;

b) for “A “day” means a clear day (see rule 2.8(3) and (4))” substitute—

“In calculating the number of days, rule 2.8(2) shall not apply and any advocacy fee is to be computed by reference to the following examples.”; and

c) under the heading “Examples”—

i) for example (1) substitute—

“(1) A claim allocated to the intermediate track is settled not more than 1 day before the date listed for trial.

The trial date is Monday 23 October.

Settlement not more than 1 day before the date listed for trial, means that the claim was settled on or after Friday 20 October, but before Monday 23 October.”; and

ii) after example (2) insert—

“(3) A claim allocated to the intermediate track is removed from the list more than 1 day, but not more than 5 days, before the date listed for trial.

The trial date is Thursday 26 October.

Removal from the list more than 1 day, but not more than 5 days, before the date listed for trial means that the claim was removed from the list on or after Thursday 19 October, but before Wednesday 25 October.”.

5) In Table 15A, after paragraph (2) insert—

“(3) Where appropriate, VAT may be recovered in addition to the fixed costs or the cost of any disbursement in this Table”.
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