

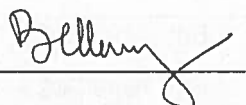
153rd UPDATE – PRACTICE DIRECTION AMENDMENTS

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 to the existing Practice Directions come into force as follows, subject to the transitional provision made in this update—	
Transitional Provision	6th April 2023
The amendments in the Table at the start of this Update	The day after the day on which this Update is approved
Practice Direction 2E – Jurisdiction of the County Court That May Be Exercised by a Legal Adviser	6th April 2023
Practice Direction 3F – Requests for the Appointment of an Advocate to the Court	The day after the day on which this Update is approved
Practice Direction 6A – Service Within The United Kingdom	6th April 2023
Practice Direction 16 – Statements of Case	6th April 2023
Practice Direction 17 – Amendments to Statements of Case	6th April 2023
Practice Direction 19A – Addition and Substitution of Parties	6th April 2023
Practice Direction 19B – Group Litigation	6th April 2023
Practice Direction 19C – Derivative Claims	6th April 2023
Practice Direction 20 – Counterclaims and Other Additional Claims	6th April 2023
Practice Direction 21 – Children and Protected Parties	6th April 2023
Practice Direction 22 – Statements of Truth	6th April 2023
Practice Direction 26 – Case Management – Preliminary Stage: Allocation and Re-Allocation	6th April 2023
Practice Direction 27A – Small Claims Track	6th April 2023
Practice Direction 32 – Evidence	6th April 2023
Practice Direction 37 – Miscellaneous Provisions About Payment Into Court	6th April 2023
Practice Direction 41B – Periodical Payments Under The Damages Act 1996	6th April 2023
Practice Direction 49E – Alternative Procedure For Claims	The day after the day on which this

	Update is approved
Practice Direction 49F – Pre-Action Protocol for Low Value Personal Injury Claims in Road Traffic Accidents and Low Value Personal Injury (Employers' Liability and Public Liability) Claims – Stage 3 Procedure	6th April 2023
Practice Direction 51O – The Electronic Working Pilot Scheme	The day after the day on which this Update is approved
Practice Direction 51R – Online Civil Money Claims Pilot	6th April 2023
Practice Direction 51Y – Video or Audio Hearings During Coronavirus Pandemic	The day after the day on which this Update is approved
Practice Direction 52D – Statutory Appeals and Appeals Subject to Special Provision	The day after the day on which this Update is approved
Practice Direction 54A – Judicial Review	6th April 2023
Practice Direction 55C – Coronavirus: Temporary Provision in Relation to Possession Proceedings	The day after the day on which this Update is approved
Practice Direction 57 – Probate	6th April 2023
Practice Direction 58 – Commercial Court	6th April 2023
Practice Direction 60 – Technology and Construction Court Claims	6th April 2023
Practice Direction 61 – Admiralty Claims	6th April 2023

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: 30 June 2023

TRANSITIONAL PROVISION

1) The amendments to Practice Direction 61 (Admiralty claims) made by paragraphs 2), 3) and 4) apply only to claims where the claim form is issued on or after 6th April 2023.

VARIOUS PRACTICE DIRECTIONS

1) In each row of the Table below, in each place listed in column 1, for the words in column 2 substitute the words in column 3.

LOCATION	FOR	SUBSTITUTE
Practice Direction 2A: paragraph 1; paragraph 2.1(f)	Queen's Bench	King's Bench
Practice Direction 2A: paragraph 3.3 and the footnote	Her Majesty's	His Majesty's
Practice Direction 2B: paragraph 1.1B; paragraph 3.1(c)	Queen's Bench	King's Bench
Practice Direction 2F: in the Table of Contents, in the entry for paragraph 2.5; in paragraph 2.5, in the heading to the paragraph	Queen's Bench	King's Bench
Practice Direction 5A: paragraph 4.1(1)	Queen's Bench	King's Bench
Practice Direction 5B: paragraph 1.3(a)	Her Majesty's	His Majesty's
Practice Direction 7A: paragraph 2.6; paragraph 2.8	Queen's Bench	King's Bench
Practice Direction 7C: paragraph 1.1 (in the definition of "Code of Practice"); paragraph 4.2	Her Majesty's	His Majesty's
Practice Direction 7E: paragraph 1.2(1); paragraph 2; paragraph 3.1(3); paragraph 3.2; paragraph 5.1; paragraph 5.6	Her Majesty's	His Majesty's

Practice Direction 19B: paragraph 3.4; paragraph 3.5; paragraph 11.2	Queen's Bench	King's Bench
Practice Direction 23A: paragraph 6.10(1)	Her Majesty's	His Majesty's
Practice Direction 25A: In the Annex, under the heading "Communications with the Court" in both places where it appears, in the line "Where the order is made in the Queen's Bench Division"	Queen's Bench	King's Bench
Practice Direction 32: paragraph 29.1	Her Majesty's	His Majesty's
Practice Direction 34A: paragraph 5.5; paragraph 9.2; Annex A (draft letter of request), in the words "Senior Master of the Queen's Bench Division" in the two places where they occur (opening paragraph and sign-off at the end); Annex C, table, first line	Queen's Bench	King's Bench
Practice Direction 42: paragraph 2.6(1)	Queen's Bench	King's Bench
Practice Direction 49E: in paragraph 6.5; paragraph 8.4; paragraph 10.5; paragraph 15.3; paragraph 25.4(2)	Queen's Bench	King's Bench
Practice Direction 51O: paragraph 1.1(b)(ii) and (v) and (c)(ii); paragraph 1.2(4); paragraph 2.2; paragraph 2.2B; paragraph 2.4; paragraph 5.5; paragraph 8.2; paragraph 9.3	Queen's Bench	King's Bench

Practice Direction 51O: paragraph 2.3(a); paragraph 5.1(c); paragraph 6.1(1) and (1A); paragraph 9.1(2); paragraph 15.1; paragraph 15.2; paragraph 15.4; paragraph 18	Her Majesty's	His Majesty's
Practice Direction 51R: paragraph 1.1(14); paragraph 14.3(2)	Her Majesty's	His Majesty's
Practice Direction 52A: paragraph 4.A1, in the three places where the words occur in the definition of "Appropriate Presiding or Supervising Judge"; paragraph 4.3(b)	Queen's Bench	King's Bench
Practice Direction 52B: paragraph 2.3 in both places where the words occur	Queen's Bench	King's Bench
Practice Direction 52D: paragraph 23.1(2)(a) and (b)	Her Majesty's	His Majesty's
Practice Direction 54B: paragraph 1.1	Queen's Bench	King's Bench
Practice Direction 54D: paragraph 5.1(2)	Queen's Bench	King's Bench
Practice Direction 55B: paragraph 3.1; paragraph 4.1(3); paragraph 4.2, in the two places where the words occur in the paragraph, and where they occur in words in parentheses after the paragraph; paragraph 6.1(2); paragraph 7.1(2)(b); paragraph 11.2(2); paragraph 12.1; paragraph 13.2(2)	Her Majesty's	His Majesty's

Practice Direction 57AA: paragraph 2.5(1)	Her Majesty's	His Majesty's
Practice Direction 57AB: paragraph 2.5(b)	Queen's Bench	King's Bench
Practice Direction 58: paragraph 1.1; paragraph 1.2(1) and (2); paragraph 2.3	Queen's Bench	King's Bench
Practice Direction 59: paragraph 1.2(2)	Queen's Bench	King's Bench
Practice Direction 63AA: paragraph 1.2(a) and (b); paragraph 2.2	Queen's Bench	King's Bench
Practice Direction 74A: paragraph 4.1 (in the full-out words); paragraph 4.2(1); paragraph 4.3(1)	Queen's Bench	King's Bench
Practice Direction 77: paragraph 4.1	Queen's Bench	King's Bench
Practice Direction – Insolvency Proceedings: paragraph 11.3	Queen's Bench	King's Bench
Practice Direction – Civil Recovery Proceedings: paragraph 2.2, in both places where the words occur; paragraph 2.3	Queen's Bench	King's Bench
Practice Direction RSC 79: rule 8, paragraphs (1) and (2)	Queen's Bench	King's Bench

PRACTICE DIRECTION 2E – JURISDICTION OF THE COUNTY COURT THAT MAY BE EXERCISED BY A LEGAL ADVISER

- 1) In paragraph 1.2(b), at the end of paragraph (iii) insert "or a CILEX lawyer".

PRACTICE DIRECTION 3F – REQUESTS FOR THE APPOINTMENT OF AN ADVOCATE TO THE COURT

- 1) After paragraph 12, in the address for the Attorney General's Office, for (2), for
"5-8 The Sanctuary,
London SW1P 3JS"

substitute—

"102 Petty France,
London SW1H 9EA".

PRACTICE DIRECTION 6A – SERVICE WITHIN THE UNITED KINGDOM

- 1) In paragraph 4.1—
 - a) in sub-paragraph (1)(b), after "e-mail address" insert "or e-mail addresses";
 - b) in sub-paragraph (2)(b), after "e-mail address" both times it occurs insert "or e-mail addresses";
 - c) in sub-paragraph (2)(c), after "e-mail address" insert "or e-mail addresses"; and
 - d) after sub-paragraph (2) insert—

"(3) Where a party has indicated that service by email must be effected by sending a document to multiple e-mail addresses, the document may be served by sending it to any 2 of the e-mail addresses identified."

PRACTICE DIRECTION 16 – STATEMENTS OF CASE

- 1) In paragraph 1.2(2), for "possession claims" substitute "claims for possession".

PRACTICE DIRECTION 17 – AMENDMENTS TO STATEMENTS OF CASE

- 1) For paragraph 1.4 substitute—

"1.4 The amended statement of case should be verified by a statement of truth unless the court orders otherwise."

PRACTICE DIRECTION 19A – ADDITION AND SUBSTITUTION OF PARTIES

- 1) For Practice Direction 19A substitute Practice Direction 19A as set out in the Schedule to this Update.

PRACTICE DIRECTION 19B – GROUP LITIGATION

- 1) In paragraph 2.2—
 - a) for “their number” substitute “that Group”; and
 - b) for “19.13(c)” substitute “19.24(c)”.
- 2) In paragraph 2.3, for “appropriate. In particular he should consider” substitute “appropriate, and in particular”.
- 3) Omit paragraph 3.3.
- 4) In paragraph 3.4—
 - a) for “send to” substitute “seek the consent of”; and
 - b) after “appropriate” insert “, to the making of the GLO and send to them”.
- 5) In paragraph 4—
 - a) omit “obtaining the appropriate consent referred to in paragraph 3.3 and the procedure set out in”; and
 - b) omit the words in parentheses at the end of the paragraph.
- 6) In paragraph 6.3, in the words in parentheses at the end of the paragraph, for “19.10” substitute “19.21”.
- 7) For paragraph 6.5 substitute—

“6.5 The court will normally order that the Group Register be established and maintained by the lead claimant solicitors.”

- 8) In paragraph 6.6(1), for “he” substitute “they”.
- 9) In paragraph 7.1, omit “(as the case may be)”.
- 10) Paragraph 8 is renumbered as paragraph 8.1; and in paragraph 8.1 as so renumbered—
 - a) at the beginning of the second sentence, for “He” substitute “They”; and
 - b) in the second sentence, for “he” substitute “they”.
- 11) After paragraph 8.1 as renumbered insert—

“8.2 When the managing judge has been appointed, the lead claimant solicitors shall provide the name of the managing judge to the same addresses as in paragraph 11 below.”.

12) In paragraph 9.2, omit “(as the case may be)”.

13) In paragraph 11, for sub-paragraph (2) substitute—

“(2) to—

(a) GLO-KBD@justice.gov.uk in respect of GLOs made in the King’s Bench Division; or

(b) GLO-Chancery@justice.gov.uk in respect of GLOs made in the Chancery Division.”

14) In paragraph 12.1, omit the second sentence.

PRACTICE DIRECTION 19C – DERIVATIVE CLAIMS

1) Omit Practice Direction 19C.

PRACTICE DIRECTION 20 – COUNTERCLAIMS AND OTHER ADDITIONAL CLAIMS

1) Omit the three paragraphs immediately above the heading above paragraph 1.1

2) Omit paragraph 1.1.

3) Paragraph 1.2 is renumbered as paragraph 1.1.

4) In paragraph 2.1—

a) at the end of sub-paragraph (3), omit “and”;

b) at the end of sub-paragraph (4), for the full stop substitute “; and”;

c) after sub-paragraph (4) insert—

“(5) an explanation for any relevant delay.”; and

d) omit the words in parentheses at the end of the paragraph.

5) Omit paragraph 2.2.

6) Paragraph 2.3 is renumbered as paragraph 2.2.

7) Omit paragraph 2.4.

8) Omit paragraph 3 and the heading above it.

9) Omit paragraphs 4.1 to 4.3 and the heading above paragraph 4.1.

10) Paragraphs 5.1 to 5.4 are renumbered as paragraphs 3.1 to 3.4.

11) Paragraphs 6.1 and 6.2 are renumbered as paragraphs 4.1 and 4.2.

12) Omit paragraph 7.1.

- 13) Paragraphs 7.2 to 7.11 are renumbered as paragraphs 5.1 to 5.11; and in paragraph 5.1 as so renumbered, for “Subject to paragraph 7.11” substitute “As far as possible”.

PRACTICE DIRECTION 21 – CHILDREN AND PROTECTED PARTIES

- 1) Practice Direction 21 is revoked.

PRACTICE DIRECTION 22 – STATEMENTS OF TRUTH

- 1) In paragraph 1.1(5)—
- a) for “possession claim” substitute “claim for possession”; and
 - b) after “55.3(2)” insert “, 55.32(2)”.

PRACTICE DIRECTION 26 – CASE MANAGEMENT – PRELIMINARY STAGE: ALLOCATION AND RE-ALLOCATION

- 1) In paragraph 2.2(3)(b), for “Part 20 claim” substitute “counterclaim or other additional claim”.
- 2) In the words immediately above paragraph 7.7, for “Part 20” substitute “additional”.
- 3) In paragraph 7.7, for “Part 20 claim” substitute “counterclaim or other additional claim”.
- 4) In paragraph 8.1(1), for paragraph (c) substitute—

“(c) Cases generally suitable for the small claims track will include consumer disputes, accident claims, disputes about the ownership of goods and most disputes between a landlord and contract-holder under the Renting Homes (Wales) Act 2016 or a landlord and tenant other than opposed claims under Part 56, disputed claims for possession under Part 55 and demotion claims or prohibited conduct standard contract order claims both as defined by rule 65.11 whether in the alternative to a claim for possession or under Part 65.”

- 5) In paragraph 9.1(3)(e), for “Part 20” substitute “additional”.
- 6) In paragraph 10.1, after sub-paragraph (1) insert—

“(iA) Renting Homes possession claim as defined by rule 55.30 in the County Court or a prohibited conduct standard contract order claim as defined by rule 65.11 whether in the alternative to a Renting Homes possession claim or under Part 65;”.

PRACTICE DIRECTION 27A – SMALL CLAIMS TRACK

- 1) In Appendix A, for the heading “LANDLORD AND TENANT CLAIMS (where the information or documentation is available)” substitute “LANDLORD AND TENANT CLAIMS, AND LANDLORD AND CONTRACT-HOLDER CLAIMS UNDER THE RENTING HOMES (WALES) ACT 2016 (where the information or documentation is available)”.

PRACTICE DIRECTION 32 – EVIDENCE

- 1) In paragraph 3.1, for “paragraph 7” substitute “paragraph 5”.
- 2) In paragraph 17.1, for “paragraph 7” substitute “paragraph 5”.

PRACTICE DIRECTION 37 – MISCELLANEOUS PROVISIONS ABOUT PAYMENT INTO COURT

- 1) In the words in parentheses after paragraph 2.7(2), for “8 to 13 of Practice Direction 21” substitute “(4) to (10) of rule 21.11”.

PRACTICE DIRECTION 41B – PERIODICAL PAYMENTS UNDER THE DAMAGES ACT 1996

- 1) In paragraph 7, for “Practice Direction 21” substitute “rule 21.10”.

PRACTICE DIRECTION 49E – ALTERNATIVE PROCEDURE FOR CLAIMS

- 1) For the table following paragraph 4.4 substitute—

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Type of Claim or Application	Paragraph of Section	Division	Schedule Rule
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	C		
Application under section 14 of the Bills of Sale Act 1878 (Rectification of register)	Paragraph 6	King's Bench Central Office	
Application under section 15 of the Bills of Sale Act 1878 (Entry of satisfaction)	Paragraph 7	King's Bench Central Office	
Application under section 16 of the Bills of Sale Act 1878 (Search of the bills of sale register)	Paragraph 8	King's Bench Central Office	
Application under the proviso to section 7 of the Bills of Sale Act (1878) Amendment Act 1882 (Restraining removal or sale of goods seized)		King's Bench Central Office	
Application under the Public Trustee Act 1906 (free-standing proceedings)	Paragraph 9	Chancery	
Application under section 7 of the Deeds of Arrangement Act 1914 (Rectification of register)	Paragraph 10	King's Bench Central Office	
Proceedings under the Trustee Act 1925		Chancery	
Applications under section 2(3) of the Public Order Act 1936	Paragraph 11	Chancery	
Proceedings under jurisdiction conferred by section 1 of the Railway and Canal Commission (Abolition) Act 1949	Paragraph 12	Chancery	
Administration of Justice Act 1960 (Applications under the Act)		Divisional Court	RSC O.109, r.1(3)

Administration of Justice Act 1960 (Appeals under section 13 of the Act)		Divisional Court	RSC O.109, r.2(4)
Proceedings under section 14 of the Commons Registration Act 1965		Chancery	
Application under the Mines (Working Facilities and Support) Act 1966	Paragraph 13	Chancery	
Proceedings under section 21 or 25 of the Law of Property Act 1969		Chancery	
Local Government Act 1972 (claims under section 92 – proceedings for disqualification)		King's Bench Central Office	
Application under article 10 of the Mortgaging of Aircraft Order 1972 (Rectification of register)	Paragraph 14	Chancery	
Application to register an assignment of book debts (section 344 of the Insolvency Act 1986)	Paragraph 15	King's Bench Central Office	
Proceedings under the Control of Misleading Advertisements Regulations 1988		Chancery	
Application under section 42 of the Senior Courts Act 1981	Paragraph 16	Administrative Court	
Proceedings in the High Court under the Representation of the People Acts	Paragraphs 17 and 18	King's Bench Central Office	
Applications under Part II of the Mental Health Act 1983	Paragraph 19	Administrative Court	

Applications under section 13 of the Coroners Act 1988	Paragraph 20	Administrative Court	
Application for an injunction to prevent environmental harm under section 187B or 214A of the Town and Country Planning Act 1990; section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990; or section 26AA of the Planning (Hazardous Substances) Act 1990	Paragraph 21	King's Bench	
Application for an injunction under section 12 or 26 of the Energy Act 2008	Paragraph 21	King's Bench	
Confiscation and forfeiture in connection with criminal proceedings (l. Drug Trafficking Act 1994 and Criminal Justice (International Co-operation) Act 1990 – Application for a confiscation order)		King's Bench	RSC O.115, r.2B(1)
Confiscation and forfeiture in connection with criminal proceedings (l. Drug Trafficking Act 1994 and Criminal Justice (International Co-operation) Act 1990 – Application for a restraint order or charging order)		King's Bench	RSC O.115, r.3(1)
Confiscation and forfeiture in connection with criminal proceedings (l. Drug Trafficking Act 1994 and Criminal Justice (International Co-operation) Act 1990 – Realisation of property)		King's Bench	RSC O.115, r.7(1)

Criminal Procedure and Investigations Act 1996 (Application under section 54(3))		Administrative Court	
Confiscation and forfeiture in connection with criminal proceedings (Ill. Terrorism Act 2000 – Application for a restraint order)		King's Bench	RSC O.115, r.26(1)
Proceedings under the Financial Services and Markets Act 2000	Paragraph 22	Chancery	
Stakeholder applications – mode of application, unless there are existing proceedings (Rule 86.2(3))		Chancery or King's Bench	RSC O.17, r.3(1)
Criminal proceedings (estreat of recognizances)		King's Bench	RSC O.79, r.8(2)
Criminal proceedings (bail)		King's Bench	RSC O.79, r.9(2)
Proceedings under The Telecommunications Restriction Orders (Custodial Institutions) (England and Wales) Regulations 2015	Paragraph 23	N/A (County Court)	N/A
Proceedings under the Drug Dealing Telecommunications Restriction Orders Regulations 2017	Paragraph 24	N/A (County Court)	N/A
Proceedings transferred to the High Court from the Magistrates' Court under section 303R of the Proceeds of Crime Act 2002 or under paragraph 10J of Part 4A of	Paragraph 25	King's Bench	N/A

Schedule 1 to the Anti-terrorism, Crime and Security Act 2001			
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- 2) In paragraph 21.5, for “20.4” substitute “21.4”.
- 3) In paragraph 25.3, for “Rules to “apply” substitute “Rules 8.2, 8.2A(2) to (4) and 8.5(8) to (10) do not apply”.

PRACTICE DIRECTION 49F – PRE-ACTION PROTOCOL FOR LOW VALUE PERSONAL INJURY CLAIMS IN ROAD TRAFFIC ACCIDENTS AND LOW VALUE PERSONAL INJURY (EMPLOYERS’ LIABILITY AND PUBLIC LIABILITY) CLAIMS – STAGE 3 PROCEDURE

- 1) In paragraph 2.2(5), for “Part 20 claims” substitute “counterclaims and other additional claims”.

PRACTICE DIRECTION 51O – THE ELECTRONIC WORKING PILOT SCHEME

- 1) In paragraph 1.1(1)(a), for “2023” substitute “2024”.

PRACTICE DIRECTION 51R – ONLINE CIVIL MONEY CLAIMS PILOT

- 1) In paragraph 20.1, in the words in parentheses after sub-paragraph (2), after “Executives” insert “or a CILEX lawyer”.

PRACTICE DIRECTION 51Y – VIDEO OR AUDIO HEARINGS DURING CORONAVIRUS PANDEMIC

- 1) Practice Direction 51Y (so far as still in force) is revoked.

PRACTICE DIRECTION 52D – STATUTORY APPEALS AND APPEALS SUBJECT TO SPECIAL PROVISION

- 1) In paragraph 31.1—
 - a) in sub-paragraph (2)(a)—
 - i) after “Section 56, and” insert “either”; and
 - ii) after “the Act” insert “or the Voter Identification Regulations 2022 (“the 2022 Regulations”)”
 - b) in sub-paragraph (2)(c)(ii), after “2001 Regulations,” insert “by the 2022 Regulations,”; and
 - c) in sub-paragraph (4)(a), after “2001 Regulations,” insert “2022 Regulations,”.
- 2) In paragraph 31.2(1)(b), after “2001” insert “or the notice required by regulation 13 of the Voter Identification Regulations 2022”.
- 3) In paragraph 31.1, after sub-paragraph (1)(a) insert—

“(aa) section 56, and the 2022 Regulations;”.

PRACTICE DIRECTION 54A – JUDICIAL REVIEW

- 1) In paragraph 4.7, for “15” substitute “14.1”.

PRACTICE DIRECTION 55C – CORONAVIRUS: TEMPORARY PROVISION IN RELATION TO POSSESSION PROCEEDINGS

- 1) Practice Direction 55C is revoked.

PRACTICE DIRECTION 57 – PROBATE

- 1) In the words in parentheses following paragraph 2.2, for “Section 32 of the County Courts Act 1984” substitute “Article 2(7B) of the High Court and County Courts Jurisdiction Order 1991”.

PRACTICE DIRECTION 58 – COMMERCIAL COURT

- 1) In the Table of Contents for the practice direction, in the entry for paragraph 12, for “Part 20 claim” substitute “counterclaim or other additional claim”.
- 2) In the heading to paragraph 12, for “Part 20 claim” substitute “counterclaim or other additional claim”.
- 3) In paragraph 12, for “Part 20 claims” substitute “counterclaims or other additional claims”.

PRACTICE DIRECTION 60 – TECHNOLOGY AND CONSTRUCTION COURT CLAIMS

- 1) In paragraph 2.1, after sub-paragraph (g) insert—

“(ga) claims between landlords and contract-holders for breach of obligation to repair dwellings under the Renting Homes (Wales) Act 2016;”.

PRACTICE DIRECTION 61 – ADMIRALTY CLAIMS

- 1) After paragraph 2.5, insert—

“2.6 A personal injury or fatal accident claim must be commenced in the Admiralty Court if it is made in rem or if it arises out of a collision; see CPR rules 61.2(1)(a)(i) and (ii).

2.7 Personal injury and fatal accident claims falling within section 20(2)(f) of the Senior Courts Act 1981 made in personam, if commenced in the High Court, may be commenced in the Admiralty Court. Under its tort and contract jurisdiction and its jurisdiction to determine claims for sums recoverable under statute conferred by sections 15 and 16 of the County Courts Act 1984 respectively, such claims may also be commenced in the County Court.

2.8 Claims within paragraph 2.7 should not be commenced in the Admiralty Court unless they require or would benefit from the specialist knowledge and experience of that court. That is likely to include personal injury claims—

- (a) which involve questions of navigation, seamanship, boat or ship-handling skills and/or acts or omissions relating to sea state;
- (b) which arise out of the shipwreck, capsizing or stranding of the ship, or explosion or fire in the ship;

- (c) which are employer's liability claims relating to or concerning equipment or working practices peculiar to a ship;
- (d) which raise difficult or novel questions of private international law or of the interpretation of the Athens Convention.

Other personal injury claims not raising any such issues should ordinarily be commenced in the County Court or the Central Office of the King's Bench Division of the High Court.

2.9 Where a personal injury or fatal accident claim in personam has been commenced in the Admiralty Court but, at any stage, it appears that it may be more efficiently or proportionately tried in another court, then it may be transferred to that other court on the application of any party or of the court's own motion (see CPR rule 61.2(3)). The County Court has similar powers under CPR rule 30.3, including the power to transfer to the Admiralty Court.”.

- 2) In paragraph 4.2, for sub-paragraph (2), substitute—

“(2) in Part 2 of the form—

(a) full particulars of—

(i) the sequence of material events leading up to the collision;

(ii) all allegations of causative negligence or other fault which the party filing the collision statement of case makes, and

(iii) any other material facts and matters on which that party relies; and

(b) a statement of the relief or remedy which the party filing the collision statement of case claims.”.

- 3) After paragraph 4.5, insert—

“4.5A

(1) In any collision defence, a party must state —

(a) which of the allegations in Part 2 of the collision statement of case the party denies;

(b) which such allegations the party is unable to admit or deny, but requires the other party to prove; and

(c) which such allegations the party admits.

(2) Where a party denies an allegation in Part 2 of the other party's collision statement of case—

(a) the collision defence must state the reasons for doing so; and

(b) if a different version of events from that given by the other party is to be put forward, the collision defence must state that version (which, where appropriate, may be done by reference to the party's own collision statement of case).

(3) A party who—

(a) fails to deal with an allegation in Part 2 of another party's collision statement of case; but

(b) has set out in a collision defence a case in relation to the issue to which that allegation is relevant,

shall be taken to require that allegation to be proved.

(4) Subject to paragraph (3), a party who fails to deal with an allegation in Part 2 of another party's collision statement of case shall be taken to admit that allegation.

4.5B When a collision defence is filed, the party filing must give notice of that filing to every other party.

4.5C Within 14 days after the last collision defence is filed each party must serve a copy of their collision defence on every other party.

4.5D If a collision reply is filed, the party filing must—

(a) give notice of that filing to every other party; and

(b) serve a copy of the collision reply on every other party (i) within 14 days after the last collision reply is filed, or (ii) where no other collision reply is filed, within 35 days after the last collision defence was filed.”.

4) In paragraph 4.6, in sub-paragraphs (2) and (3) for “statement of case”, in both places it appears, substitute “defence”.

SCHEDULE

"PRACTICE DIRECTION 19A – DERIVATIVE CLAIMS"

This Practice Direction supplements CPR Part 19

Contents of this Practice Direction

Title	Number
Application of this practice direction	Paragraph 1
Early intervention by the company	Paragraph 2
Hearing of applications etc.	Paragraph 3
Discontinuance of derivative claim	Paragraph 4

Application of this practice direction

1 This practice direction applies to derivative claims and applications for permission to continue or take over such claims within the scope of rule 19.14(1)

Early intervention by the company

2 The decision whether the claimant's evidence discloses a prima facie case will normally be made without submissions from or (in the case of an oral hearing to reconsider such a decision reached pursuant to rule 19.15(9)) attendance by the company. If without invitation from the court the company volunteers a submission or attendance, the company will not normally be allowed any costs of that submission or attendance.

(Sections 261, 262 and 264 of the Companies Act 2006 contain provisions about disclosing a prima facie case in applications to continue a derivative claim.)

Hearing of applications etc.

3 (1) Where a permission application to which this practice direction applies is made in the High Court it will be assigned to the Chancery Division and decided by a High Court judge.

(2) Where such an application is made in a county court it will be decided by a circuit judge.

Discontinuance of derivative claim

4 The order under rule 19.20 may be appropriate where any future proposal to discontinue or settle might not come to the attention of members who might have an interest in taking over the claim.”

