

160th UPDATE – PRACTICE DIRECTION AMENDMENTS

The amendments to Practice Direction 51ZB – The Damages Claims Pilot, which supplements 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 come into force at 8 p.m. on 16th November 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: 14th November 2023

PRACTICE DIRECTION 51ZB – THE DAMAGES CLAIMS PILOT

1) In the table of contents, after the entry for Section 8, insert –

“

SECTION 8A – Change of Legal Representation – Notices of Change	Paragraph 8A.1
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2) After paragraph 7.5, insert—

“7.6. (1) CPR 28.4(1) shall apply as if it permits (but does not require) the court, in place of the trial readiness certificate generated by DCP, to send the parties a pre-trial check list (listing questionnaire) for completion and return by the date specified by the court.

(2) CPR PD 28 paragraph 6.1(2) shall similarly apply as if it permits (but does not require) the court to send Forms N170 and N171 to the parties.

7.7. (1) CPR PD28 paragraph 7.2(2)(c) shall have effect as if after “trial bundle” there were inserted “(but only if the parties consider this necessary, in the light of the automatic creation of a trial bundle in DCP)”.

(2) CPR PD28 paragraph 9.4 shall have effect as if after “base its order on those forms” there were inserted “, save that, in the light of the automatic creation of a trial bundle in DCP, a direction for the lodging of a trial bundle should only be made if the court considers such a direction to be necessary”.”.

3) Omit the words in parentheses that appear after paragraph 8.1.

4) For paragraph 8.3A, substitute –

“8.3A (1) Where a claim has not already been transferred out of the DCP but the court, at any stage, concludes that the claim is not suitable for the DCP, or is no longer suitable for it, or is otherwise not appropriate for it –

(a) the court must transfer the claim out of the DCP, if the reason that the claim is not, or is no longer, suitable or appropriate for the pilot is that a party wishes to take a step in proceedings not catered for by the pilot; or

(b) a judge must transfer the claim out.

(2) When the court transfers a claim out of the DCP under paragraph (1)(a), the court must transfer the claim to the CNBC unless the claim had already been transferred to a County Court hearing centre, in which case the court must transfer the claim out of the pilot to that hearing centre.”.

- 5) At the end of paragraph 8.4, after “Part 7” insert “and any of the party’s directions questionnaires or hearing information provided using the DCP is treated as their completed directions questionnaire form N180 completed under Civil Procedure Rules Part 26”.
- 6) Renumber paragraph 8.7 as paragraph 8A.1.
- 7) Before (renumbered) paragraph 8A.1, insert the following heading –

“SECTION 8A – CHANGE OF LEGAL REPRESENTATION – NOTICES OF CHANGE”.