

163rd 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—	
Practice Direction 3C – Civil Restraint Orders	The day after the day on which this Update is agreed
Practice Direction 23A – Applications	6 April 2024
Practice Direction 28 – The Fast Track and the Intermediate Track	6 April 2024
Practice Direction 44 – General Rules About Costs	6 April 2024
Practice Direction 45 – Tables of Fixed Costs (2023)	6 April 2024
Practice Direction 46 – Costs Special Cases	6 April 2024
Practice Direction 51O – The Electronic Working Pilot Scheme	1 February 2024
Practice Direction 52C – Appeals to the Court Of Appeal	6 April 2024
Practice Direction 52D – Statutory Appeals and Appeals Subject to Special Provision	6 April 2024
Practice Direction 54A – Judicial Review	6 April 2024
Practice Direction 54D – Planning Court Claims	6 April 2024
Practice Direction 57AC – Trial Witness Statements in the Business and Property Courts	6 April 2024

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:

PRACTICE DIRECTION 3C – CIVIL RESTRAINT ORDERS

- 1) For the examples of a limited civil restraint order, extended civil restraint order and general civil restraint order which are annexed at the end of the Practice Direction, substitute the example orders set out below.



N19 Limited civil
restraint order_1223.ç



N19a extended civil
restraint order_1223.ç



N19b general civil
restraint order_1223.ç

PRACTICE DIRECTION 23A – APPLICATIONS

- 1) In paragraph 3(6), for “3.8” substitute “2.8”.

PRACTICE DIRECTION 28 – THE FAST TRACK AND THE INTERMEDIATE TRACK

- 1) In paragraph 3.1, for “28.2(2)”, substitute “28.2”.

PRACTICE DIRECTION 44 – GENERAL RULES ABOUT COSTS

- 1) In paragraph 8.3 omit the second sentence.

PRACTICE DIRECTION 45 – TABLES OF FIXED COSTS (2023)

- 1) In the title heading to this Practice Direction, for “(2023)” substitute “(2024)”.
- 2) In the table of contents, after the entry for Table 15 insert—

“TABLE 15A: rule 45.15A – amount of fixed costs and disbursements in restoration proceedings”.

- 3) For Table 12 substitute—

“TABLE 12: rule 45.44 – amount of fixed costs in the fast track

	Complexity Band			
	1	2	3	4
A. If Parties reach a settlement prior to the claimant issuing proceedings under Part 7				
(1) Where damages are not more than £5,000	£ Nil	The greater of £681 or £124 + an amount equivalent to 20% of the damages	£1,136 + an amount equivalent to 17.5% of the damages	In each case— £2,684 + an amount equivalent to 15% of the damages + £526 per extra defendant
(2) Where damages are	£ Nil	£1,342 + an	£2,271 + an	

more than £5,000, but not more than £10,000		amount equivalent to 15% of damages over £5,000	amount equivalent to 12.5% of damages over £5,000	
(3) Where damages are more than £10,000	£599	£2,374 + an amount equivalent to 10% of damages over £10,000	£3,097 + an amount equivalent to 10% of damages over £10,000	

B. If proceedings are issued under Part 7, but the case settles or is discontinued before trial

(1) On or after the date that the court issues the claim, but before the date that the court allocates the claim under Part 26	£2,168	£1,445 + an amount equivalent to 20% of the damages	£3,303 + an amount equivalent to 20% of the damages	£3,097 + an amount equivalent to 40% of the damages + £785 per extra defendant
(2) On or after the date that the court allocates the claim under Part 26, but before the date that the court lists the claim for trial	£2,581	£2,374 + an amount equivalent to 20% of the damages	£4,129 + an amount equivalent to 25% of the damages	£6,607 + an amount equivalent to 40% of the damages + £785 per extra defendant
(3) On or after the date that the court lists the claim for trial but before	£3,923	£3,303 + an amount equivalent to 20% of the	£5,265 + an amount equivalent to 30% of the	£8,155 + an amount equivalent to 40% of the

trial		damages	damages	damages + £785 per extra defendant
C. If the claim is disposed of at trial				
	£3,923	£3,303 + an amount equivalent to 20% of the damages agreed or awarded	£5,265 + an amount equivalent to 30% of the damages agreed or awarded	£8,155 + an amount equivalent to 40% of the damages agreed or awarded + £785 per extra defendant
D. Trial advocacy fees				
(1) Where the value of the claim is not more than £3,000	£619	£619	£619	£1,652
(2) Where the value of the claim is more than £3,000, but not more than £10,000	£877	£877	£877	£1,652
(3) Where the value of the claim is more than £10,000, but not more than £15,000	£1,342	£1,342	£1,342	£2,168
(4) Where the value of the claim is more than £15,000	£2,168	£2,168	£2,168	£2,994
(5) Where the claim is listed for trial, but is removed from the list or	100% of the applicable trial advocacy fee			

settled— on the day of trial; or not more than 1 day before the date listed for trial	
(6) Where the claim is listed for trial, but is removed from the list or settled more than 1 day, but not more than 2 days, before the date listed for trial	75% of the applicable trial advocacy fee”.

4) For Tables 14 and 15 substitute—

“TABLE 14: rule 45.50 – amount of fixed costs in the intermediate track

Stage	Complexity Band			
	1	2	3	4
S1				
From pre-issue up to and including the date of service of the defence	£1,652 + an amount equivalent to 3% of the damages	£5,162 + an amount equivalent to 6% of the damages	£6,607 + an amount equivalent to 6% of the damages	£9,601 + an amount equivalent to 8% of the damages
S2				
Specialist legal representative providing post-issue advice in writing or in conference or drafting a statement of case	£2,065	£2,065	(a) £2,374; or (b) £3,613 if counsel is also instructed to draft a defence to a	(a) £2,374; or (b) £3,613 if counsel is also instructed to draft a defence to a

			counterclaim	counterclaim
S3				
From the date of service of the defence up to the earlier of the date set for CMC or the order giving directions under 28.2	£4,129 + an amount equivalent to 10% of the damages	£7,949 + an amount equivalent to 12% of the damages	£9,394 + an amount equivalent to 12% of the damages	£13,420 + an amount equivalent to 14% of the damages
S4				
From the end of Stage 3 up to and including the date set by the court for inspection of documents	£4,749 + an amount equivalent to 12% of the damages	£9,704 + an amount equivalent to 14% of the damages	£11,356 + an amount equivalent to 14% of the damages	£16,517 + an amount equivalent to 16% of the damages
S5				
From the end of Stage 4 up to and including the later of the dates set by the court for service of witness statements or expert reports	£5,368 + an amount equivalent to 12% of the damages	£11,356 + an amount equivalent to 16% of the damages	£12,388 + an amount equivalent to 16% of the damages	£20,647 + an amount equivalent to 18% of the damages
S6				
From the end of Stage 5 up to and including the date set for the pre-trial review or up to 14 days before the trial date, whichever is earlier	£6,091 + an amount equivalent to 15% of the damages	£15,485 + an amount equivalent to 16% of the damages	£16,517 + an amount equivalent to 16% of the damages	£24,776 + an amount equivalent to 18% of the damages

S7				
Specialist legal representative advising in writing or in conference following the filing of a defence	£1,445	£1,755	£2,374	£2,994
S8				
From the end of Stage 6 up to the date of the trial	£6,813 + an amount equivalent to 15% of the damages, less £599 if that party did not prepare the trial bundle	£17,550 + an amount equivalent to 20% of the damages, less £898 if that party did not prepare the trial bundle	£19,614 + an amount equivalent to 20% of the damages, less £1,239 if that party did not prepare the trial bundle	£29,938 + an amount equivalent to 22% of the damages, less £1,445 if that party did not prepare the trial bundle
S9				
Attendance of a legal representative (other than the trial advocate) at trial per day, less an amount equivalent to 50% per day where, on any day, the trial lasts no more than half a day	£599	£898	£1,239	£1,445
S10				
Advocacy fee: day 1	£3,303	£3,613	£4,129	£5,988
S11				

Advocacy fees for subsequent days, less an amount equivalent to 50% per day where, on any subsequent day, the trial lasts no more than half a day	£1,445	£1,755	£2,065	£2,994
S12				
Handing down of a reserved judgment and consequential matters, where dealt with separately from the trial	£599	£599	£599	£599
S13				
Alternative Dispute Resolution: additional fee payable once only where a mediation or joint settlement meeting takes place	£1,239	£1,239	£1,239	£1,239
S14				
Alternative Dispute Resolution: additional fee payable once only for specialist legal representative attendance at a mediation or joint settlement meeting covered by S13	£1,445	£1,755	£2,065	£2,374
S15				

Approval of settlement for child, unless the settlement is approved at trial	£1,239	£1,445	£1,755	£2,065
S16				
Advocacy fee—				
(a) where the claim is listed for trial, but is removed from the list or settled— on the day of trial; or not more than 1 day before the date listed for trial;		100% of the applicable advocacy fee in S10		
(b) where the claim is listed for trial, but is removed from the list or settled more than 1 day, but not more than 5 days, before the date listed for trial		75% of the applicable advocacy fee in S10		

Trial advocacy fees: Table 12(5) and (6) and Table 14, S16

A “day” means a clear day (see rule 2.8(3) and (4)).

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 intermediate track is settled more than 1 day, but not more than 5 days, before the date listed for trial.

The trial date is Friday 27 October.

Settlement more than 1 day, but not more than 5 days, before the date listed for trial, means that the claim was settled on or after Friday 20 October, but before Thursday 26 October.

TABLE 15: rule 45.53 – amount of fixed costs in claims for noise induced hearing loss

Stage	1 Defendant	2 Defendants	3 Defendants
A: Pre-Litigation			
2A: Liability admitted, papers not prepared to start proceedings	£2,994	£3,613	£4,129
2B: Liability admitted, papers prepared to start proceedings	£3,613	£4,129	£4,749
3A: Liability disputed, papers not prepared to start proceedings	£4,129	£4,749	£5,368
3B: Liability disputed, papers prepared to start proceedings	£4,749	£5,368	£5,988
B: Post-Litigation			
L1: On or after the date that the court issues the claim, but before the date that the court allocates the claim under Part 26	Add £1,961	Add £2,374	Add £2,787
L2: On or after the date that the court allocates the claim under Part 26, but before the date that	Add a further £1,961	Add a further £2,374	Add a further £2,787

the court lists the claim for trial			
L3 On or after the date that the court lists the claim for trial but before the trial	Add a further £2,271	Add a further £2,684	Add a further £3,097
Maximum possible (3B+L1+L2+L3)	£10,942	£12,800	£14,659
C: Trial advocacy fees			
Single fee irrespective of value or number of defendants	£1,652	£1,652	£1,652

TABLE 15A: rule 45.15A – amount of fixed costs and disbursements in restoration proceedings

(1) Fixed costs under rule 45.15A(2)	£1,280
(2) Disbursements—	
(a) any fees charged by the Government Legal Department or the solicitors to the Duchy of Lancaster or the Duchy of Cornwall;	
(b) any court fees;	
(c) the disc fee; and	
(d) any adjournment fee”.	

5) In Section II omit “, Gravesend”.

PRACTICE DIRECTION 46 – COSTS SPECIAL CASES

- 1) In paragraph 9.4 omit “Section II of”.

PRACTICE DIRECTION 510 – THE ELECTRONIC WORKING PILOT SCHEME

- 1) In paragraph 1.1(1)—
 - a) in paragraph (a), for “6 April 2024” substitute “1 November 2024”;
 - b) in paragraph (b)—
 - i) at the end of sub-paragraph (v), omit “and”;
 - ii) at the end of sub-paragraph (vi), for the full stop substitute “; and”; and
 - iii) after sub-paragraph (vi) insert—

“(vii) the Administrative Court.”; and
 - c) in paragraph (c)—
 - i) at the end of sub-paragraph (v), omit “and”;
 - ii) at the end of sub-paragraph (vi), for the full stop substitute “; and”; and
 - iii) after sub-paragraph (vi) insert—

“(vii) to existing proceedings and proceedings started on or after 1 February 2024 in the Administrative Court, except for urgent applications to which Practice Direction 54B applies.”.
- 2) In paragraph 1.2—
 - a) in sub-paragraph (2), in the list of Parts, below the entry for “Part 52 (Appeals)” insert—

“Part 54 (Judicial review and Statutory Review)”;
 - b) in sub-paragraph (3), in the list of Parts, below the entry for “Part 76 (Proceedings under the Prevention from Terrorism Act 2005)” insert—

“Part 79 (Proceedings under the Counter-Terrorism Act 2008, Part 1 of the Terrorist Asset-Freezing etc. Act 2010 and Part 1 of the Sanctions and Anti-Money Laundering Act 2018)
Part 80 (Proceedings under the Terrorism Investigation and Prevention Measures Act 2011)
Part 82 (Closed material procedure)”;
 - c) in sub-paragraph (4), after “Costs Office Guide” insert “, the Administrative Court Judicial Review Guide”.

- 3) In paragraph 2.2, after “Costs Office,” insert “claims for judicial review except for urgent applications to which Practice Direction 54B applies,”.
- 4) After paragraph 2.2J insert—

“**2.2K** In the Administrative Court from 1 February 2024, for a party who is legally represented, as well as for a party who is not legally represented, Electronic Working may be used by that party to start and/or continue any appeals or applications.”.

PRACTICE DIRECTION 52C – APPEALS TO THE COURT OF APPEAL

- 1) In paragraph 3—
 - a) in sub-paragraph (1), after “(Form N161)” insert “, including grounds of appeal on a separate sheet,”;
 - b) for sub-paragraph (2) substitute—

“(2) If the appellant is legally represented, the appellant’s notice and accompanying documents must be filed using the HMCTS e-filing service.”;
 - c) after sub-paragraph (2) insert—

“(3) If the appellant is not legally represented, the appellant’s notice and accompanying documents must be filed using the HMCTS e-filing service by e-mail, or by post to the Civil Appeals Office Registry, Room E307, Royal Courts of Justice, Strand, London, WC2A 2LL.”
 - d) sub-paragraph (3) is renumbered as sub-paragraph (4), in addition, in sub-paragraph (4) as so renumbered, omit “three copies of the appellant’s notice and”; and
 - e) omit sub-paragraph (4).
- 2) In paragraph 7.1A, at the end insert “,or at the same time as it is filed with the Court, if later”.
- 3) Omit paragraph 10.
- 4) In paragraph 14—
 - a) omit “filing”; and
 - b) after “appeal notice” insert “being sealed by the court”.
- 5) Omit paragraph 17.
- 6) In paragraph 21, in Part 2 of the Timetable, in the first column of the final row, for “7” substitute “14”.

- 7) In paragraph 27(8)(d)(ii) and (iii), after “argument” insert “(see paragraph 1 above for definition)”.

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

- 1) After paragraph 17.1 insert—

“Appeal from Investigatory Powers Tribunal

17.2

(1) An application for leave to appeal to the Court of Appeal must first be made to the Investigatory Powers Tribunal pursuant to rule 16(1) of the Investigatory Powers Tribunal Rules 2018.

(2) The appellant’s notice must be filed at the Court of Appeal within 21 days of the date on which the Investigatory Powers Tribunal’s decision granting or refusing leave to appeal to the Court of Appeal is given.”

PRACTICE DIRECTION 54A – JUDICIAL REVIEW

- 1) In paragraph 6.2(2), for “highlighted” substitute “identified”.
2) After paragraph 6.2 insert—

“Rule 54.8A – Reply to acknowledgment of service

7.1 (1) A Reply should be filed only if necessary for the purpose of the court’s decision to grant permission to apply for judicial review, for example, where a discrete issue not addressed in the Claim Form is raised in the Acknowledgement of Service. A Reply is not the occasion to rehearse matters already referred to in the Claim Form.

(2) A Reply shall be as concise as possible and shall not exceed 5 pages. The court may grant permission to exceed the 5-page limit.

7.2 If a Reply is filed unnecessarily, the court may make any order it considers appropriate, whether as to costs or otherwise.”.

- 3) The paragraphs after paragraph 7.2 as so inserted are renumbered as follows (and the references to those paragraphs in the Table of Contents are renumbered accordingly)—
 - a) Paragraphs 7.1 to 7.7 become paragraphs 8.1 to 8.7;
 - b) Paragraph 8.1 becomes paragraph 9.1;
 - c) Paragraphs 9.1 to 9.2 become paragraphs 10.1 to 10.2;
 - d) Paragraphs 10.1 to 10.3 become paragraphs 11.1 to 11.3;
 - e) Paragraphs 11.1 to 11.4 become paragraphs 12.1 to 12.4;
 - f) Paragraphs 12.1 to 12.7 become paragraphs 13.1 to 13.7;
 - g) Paragraph 3.1 becomes paragraph 14.1;
 - h) Paragraphs 14.1 to 14.7 become paragraphs 15.1 to 15.7;
 - i) Paragraphs 15.1 to 15.5 become paragraphs 16.1 to 16.5;
 - j) Paragraphs 16.1 to 16.4 become paragraphs 17.1 to 17.4;
 - k) Paragraphs 17.1 to 17.4 become paragraphs 18.1 to 18.4;
 - l) Paragraph 18.1 becomes paragraph 19.1.
- 4) In paragraph 17.2 as so renumbered, for “paragraph 16.2” substitute “paragraph 17.2”.
- 5) In paragraph in paragraph 18.3 as so renumbered, for “paragraph 17.2(1)(b) or (c) or (d)” substitute “paragraph 18.2(1)(b) or (c) or (d)” .
- 6) In paragraph 19.1 as so renumbered, for “(b) to the end substitute “(b) identify which of the categories at Rule 54.7A(1)(a) – (c) apply; and (c) set out succinctly the grounds relied on in support of the claim.”.
- 7) Omit paragraph 18.2.

PRACTICE DIRECTION 54D – PLANNING COURT CLAIMS

- 1) After paragraph 4.18 insert—

“Rule 54.8A—Reply to Acknowledgement of Service

4.19 (1) A Reply should be filed only if necessary for the purpose of the court’s decision to grant permission to apply for judicial review, for example, where a discrete issue not addressed in the Claim Form is raised in the Acknowledgement of Service. A Reply is not the occasion to rehearse matters already referred to in the Claim Form.

(2) A Reply shall be as concise as possible and shall not exceed 5 pages. The court may grant permission to exceed the 5-page limit.

4.20 If a Reply is filed unnecessarily, the court may make any order it considers appropriate, whether as to costs or otherwise.”.

- 2) Paragraphs 4.19 to 4.52 are renumbered as paragraphs 4.21 to 4.54 (and the references to those paragraphs in the Table of Contents are renumbered accordingly).
- 3) In paragraph 4.21 as so renumbered, in sub-paragraph (b), for “4.35 to 4.37” substitute “4.37 to 4.39”.
- 4) In paragraph 4.24 as so renumbered, for “4.23 to 4.28” substitute “4.25 to 4.30”.
- 5) In paragraph 4.25 as so renumbered, for “4.33” substitute “4.35”.
- 6) In paragraph 4.26 as so renumbered, for “4.28” substitute “4.30”.
- 7) In paragraph 4.27 as so renumbered—
 - a) for “4.24” substitute “4.26”; and
 - b) For “4.23” substitute “4.25”.
- 8) In paragraph 4.34 as so renumbered, for “4.31” substitute “4.33”.
- 9) In paragraph 4.47 as so renumbered, in sub-paragraph (b), for “4.46 to 4.47” substitute “4.48 to 4.49”.
- 10) In paragraph 4.52 as so renumbered, for “4.48” substitute “4.51”.

PRACTICE DIRECTION 57AC – TRIAL WITNESS STATEMENTS IN THE BUSINESS AND PROPERTY COURTS

- 1) In paragraph 1.3—
 - a) at the end of sub-paragraph (9), for the full stop substitute a semi-colon; and
 - b) after sub-paragraph (9) insert—

“(10) proceedings including a claim for the rectification of pension scheme deeds, rules or other governing documents.”.