
STATUTORY INSTRUMENTS

2018 No. 239

The Civil Procedure (Amendment) Rules 2018

Amendment of Part 45

3. In Part 45—

(a) in rule 45.42(1), for paragraph (b) substitute—

“(b) filed and served with the claim form a schedule of the claimant’s financial resources, which is verified by a statement of truth and provides details of—

(i) the claimant’s significant assets, liabilities, income and expenditure; and

(ii) in relation to any financial support which any person has provided or is likely to provide to the claimant, the aggregate amount which has been provided and which is likely to be provided.”; and

(b) in rule 45.44—

(i) in paragraph (2), after the words “remove such a limit only” insert “on an application made in accordance with paragraphs (5) to (7) (“an application to vary”) and”; and

(ii) after paragraph (4), above the words in parentheses, insert—

“(5) Subject to paragraph (6), an application to vary must—

(a) if made by the claimant, be made in the claim form and provide the claimant’s reasons why, if the variation were not made, the costs of the proceedings would be prohibitively expensive for the claimant;

(b) if made by the defendant, be made in the acknowledgment of service and provide the defendant’s reasons why, if the variation were made, the costs of the proceedings would not be prohibitively expensive for the claimant; and

(c) be determined by the court at the earliest opportunity.

(6) An application to vary may be made at a later stage if there has been a significant change in circumstances (including evidence that the schedule of the claimant’s financial resources contained false or misleading information) which means that the proceedings would now—

(a) be prohibitively expensive for the claimant if the variation were not made; or

(b) not be prohibitively expensive for the claimant if the variation were made.

(7) An application under paragraph (6) must—

(a) if made by the claimant—

(i) be accompanied by a revised schedule of the claimant’s financial resources or confirmation that the claimant’s financial resources have not changed; and

(ii) provide reasons why the proceedings would now be prohibitively expensive for the claimant if the variation were not made; and

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- (b) if made by the defendant, provide reasons why the proceedings would now not be prohibitively expensive for the claimant if the variation were made.”.