
STATUTORY INSTRUMENTS

2012 No. 505 (L. 2)

**SENIOR COURTS OF ENGLAND AND WALES
COUNTY COURTS, ENGLAND AND WALES**

The Civil Procedure (Amendment) Rules 2012

Made - - - - 23rd February 2012
Laid before Parliament 27th February 2012
Coming into force - - 19th March 2012

The Civil Procedure Rule Committee makes the following Rules in exercise of the power conferred by section 2 of the Civil Procedure Act 1997(1) to make rules of court under section 1 of that Act, after consulting in accordance with section 2(6)(a) of that Act—

Citation, commencement and interpretation

1. These Rules may be cited as the Civil Procedure (Amendment) Rules 2012 and come into force on 19th March 2012.
2. In these Rules, a reference to a Part or rule by number alone means the Part or rule so numbered in the Civil Procedure Rules 1998(2).

Amendments to the Civil Procedure Rules 1998

3. In Part 71, in rule 71.2(2), for subparagraph (b) substitute—
 - “(b) must be issued in the court which made the judgment or order which it is sought to enforce, except that—
 - (i) if the proceedings have since been transferred to a different court, it must be issued in that court; or
 - (ii) subject to subparagraph (b)(i), if it is to enforce a judgment made in Northampton County Court in respect of a designated money claim, it must be issued in accordance with section 2 of Practice Direction 70.”.
4. In Part 72, in rule 72.3(1), for subparagraph (b) substitute—

(1) 1997 c.12. Section 2 was amended by the Constitutional Reform Act 2005 (c.4), section 15(1) and Schedule 4, Part 1, paragraphs 261, 263(1) and (2).
(2) S.I. 1998/3132, to which there have been amendments not relevant to this instrument.

- “(b) must be issued in the court which made the judgment or order which it is sought to enforce, except that—
- (i) if the proceedings have since been transferred to a different court, it must be issued in that court; or
 - (ii) subject to subparagraph (b)(i), if it is to enforce a judgment made in Northampton County Court in respect of a designated money claim, it must be issued in accordance with section 2 of Practice Direction 70.”.
5. In Part 73, in rule 73.3(2)—
- (a) in subparagraph (b), for “case” substitute “event”;
 - (b) in subparagraph (c)—
 - (i) for “case” substitute “event”; and
 - (ii) at the end, omit “or”;
 - (c) in subparagraph (d), at the end, for “.” substitute “; or”; and
 - (d) after subparagraph (d), insert—
 - “(e) the application is to enforce a judgment made in Northampton County Court in respect of a designated money claim, in which event the application must be issued in accordance with section 2 of Practice Direction 70.”.
6. In Schedule 2, in Order 27, in Rule 3—
- (a) in paragraph (1), for “(2) and (3)” substitute “(2), (3) and (4)”;
 - (b) in paragraph (2)—
 - (i) for “If” substitute “Subject to paragraph (4), if”; and
 - (ii) for “he” substitute “the debtor”;
 - (c) in paragraph (3), for “Where” substitute “Subject to paragraph (4), where”; and
 - (d) after paragraph (3), insert—
 - “(4) Where the judgment was made in Northampton County Court in respect of a designated money claim and the proceedings have not since been transferred to a different court, the application must be made in accordance with section 2 of Practice Direction 70.”.

*Neuberger of Abbotsbury, M.R.
Martin Moore-Bick, L.J.
Peter Coulson, J.
Launcelot Henderson, J.
HHJ Stephen Stewart Q.C.
William Featherby Q.C.
Professor David Grant
Edward Pepperall
Katy Peters*

I allow these rules
Signed by authority of the Lord Chancellor

23rd February 2012

J Djanogly
Parliamentary Under Secretary of State
Ministry of Justice

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

These Rules amend the Civil Procedure Rules 1998 (“the Rules”).

The amendments are consequential upon the centralisation of some basic administrative functions at the National Civil Business Centre (“the Business Centre”) in respect of designated money claims issued in the county court under Part 7 of the Rules. Provision for the centralisation of these functions was made by [S.I. 2011/3103](#).

Northampton County Court will be the sole court of issue for all such claims. The Business Centre will act as its administrative office and will manage the preliminary stages of all such claims up to the filing by the parties of their completed allocation questionnaires, including applications for judgments. However, with the exception of the issue of warrants, the Business Centre will not perform any function in relation to the enforcement of a judgment once it is made.

The Rules provide that applications for orders to obtain information from judgment debtors (Part 71), third party debt orders (Part 72) charging orders (Part 73) and, in some cases, attachment of earnings orders (Order 27 in Schedule 2 to the Rules) must be made in the court which made the judgment, unless the proceedings have previously been transferred. Consequently, without amendment of the Rules, any such application which concerns a judgment made in respect of a designated money claim under Part 7 would be required to be made in Northampton County Court, to be processed by the Business Centre.

The effect of these Rules is to provide that, by way of exception to the above, where a judgment has been made in respect of a designated money claim issued under Part 7, an application for an order to obtain information or enforcement of the judgment must be made in accordance with section 2 of Practice Direction 70 (*enforcement of judgments and orders*), which provides for such applications to be filed in the court for the district in which the judgment debtor or judgment creditor either resides or carries on business, as appropriate. Practice Direction 70 also provides for the automatic transfer of the proceedings from Northampton County Court to the relevant court in these circumstances.