

2013 No. 1412 (L. 14)

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

The Civil Procedure (Amendment No. 4) Rules 2013

<i>Made</i> - - - -	<i>4th June 2013</i>
<i>Laid before Parliament</i>	<i>10th June 2013</i>
<i>Coming into force</i> - -	<i>1st July 2013</i>

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

Citation, commencement and interpretation

1. These Rules may be cited as the Civil Procedure (Amendment No. 4) Rules 2013 and come into force on 1 July 2013.

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(b).

Amendments to the Civil Procedure Rules 1998

3. In Part 52, in rule 52.15, in paragraph (1A), after “High Court” insert “or where permission to apply for judicial review has been refused and recorded as totally without merit in accordance with rule 23.12”.

4. In Part 54—

(a) in rule 54.5—

(i) before paragraph (1), insert—

“(A1) In this rule—

“the planning acts” has the same meaning as in section 336 of the Town and Country Planning Act 1990(c);

“decision governed by the Public Contracts Regulations 2006(d)” means any decision the legality of which is or may be affected by a duty owed to an economic operator by virtue of regulation 47A of those Regulations (and for this purpose it does not matter that the claimant is not an economic operator); and

(a) 1997 c.12.

(b) S.I. 1998/3132, as amended in particular by S.I. 2012/2208.

(c) 1990 c. 8.

(d) S.I. 2006/5, as amended in particular by S.I. 2009/2992 and S.I. 2011/2053.

“economic operator” has the same meaning as in regulation 4 of the Public Contracts Regulations 2006.”;

(ii) in paragraph (2), for “limit” substitute “limits”; and

(iii) after paragraph (3), insert—

“(4) Paragraph (1) does not apply in the cases specified in paragraphs (5) and (6).

(5) Where the application for judicial review relates to a decision made by the Secretary of State or local planning authority under the planning acts, the claim form must be filed not later than six weeks after the grounds to make the claim first arose.

(6) Where the application for judicial review relates to a decision governed by the Public Contracts Regulations 2006, the claim form must be filed within the time within which an economic operator would have been required by regulation 47D(2) of those Regulations (and disregarding the rest of that regulation) to start any proceedings under those Regulations in respect of that decision.”; and

(b) in rule 54.12—

(i) in paragraph (3), for “The” substitute “Subject to paragraph (7), the”; and

(ii) after paragraph (6), insert—

“(7) Where the court refuses permission to proceed and records the fact that the application is totally without merit in accordance with rule 23.12, the claimant may not request that decision to be reconsidered at a hearing.”.

Transitional Provision

5.—(1) The amendments made to rules 52.15 and 54.12 do not apply to an application for judicial review where the claim form was filed before 1 July 2013.

(2) The amendments made to rule 54.5 do not apply to an application for judicial review where the grounds arose before 1 July 2013.

*The Right Honourable Lord Dyson, MR
Stephen Richards, LJ
Philip Sales, J
Stephen Stewart, J
Master Barbara Fontaine
District Judge Suzanne Burn
District Judge Christopher Lethem
Edward Pepperall, QC
Professor David Grant*

I allow these rules

Signed by the authority of the Lord Chancellor

4th June 2013

Helen Grant
Parliamentary Under Secretary of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

These Rules amend Parts 52 and 54 of the Civil Procedure Rules 1998 (S.I. 1998/3132) to implement the proposals contained in the response to engagement exercise Judicial Review: Proposals for Reform(a) published by the Ministry of Justice on 23 April 2013.

(a) <https://consult.justice.gov.uk/digital-communications/judicial-review-reform>

These amendments—

- reduce the time limits for filing a claim form for judicial review to six weeks in relation to a decision under the “planning acts” (the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990 and the Planning (Consequential Provisions) Act 1990) and to 30 days in relation to a decision in a procurement regulated by the Public Contracts Regulations 2006; and
- provide that where an application for judicial review is recorded as totally without merit under rule 23.12, the claimant will not be able to request an oral reconsideration of the refusal of permission and that any appeal of that decision is to the Court of Appeal on the papers only.

An impact assessment has been published and is available on the Ministry of Justice consultation website.

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STATUTORY INSTRUMENTS

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