

**2013 No. 515 (L. 3)**

**SENIOR COURTS OF ENGLAND AND WALES**

**COUNTY COURTS, ENGLAND AND WALES**

**The Civil Procedure (Amendment No.2) Rules 2013**

<i>Made</i> - - - -	<i>6th March 2013</i>
<i>Laid before Parliament</i>	<i>11th March 2013</i>
<i>Coming into force</i> - -	<i>1st April 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.2) Rules 2013.
2. These Rules shall come into force on 1<sup>st</sup> April 2013.
3. 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**

4. For rule 3.12(1), substitute—

“(1) This Section and Practice Direction 3E apply to all multi-track cases commenced on or after 1<sup>st</sup> April 2013, except—

  - (a) cases in the Admiralty and Commercial Courts;
  - (b) such cases in the Chancery Division as the Chancellor of the High Court may direct; and
  - (c) such cases in the Technology and Construction Court and the Mercantile Court as the President of the Queen’s Bench Division may direct,

unless the proceedings are the subject of fixed costs or scale costs or the court otherwise orders. This Section and Practice Direction 3E will apply to any other proceedings (including applications) where the court so orders.”.
5. For rule 44.3(7), substitute—

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(a) 1997 c.12. Section 2(1) was substituted by the Constitutional Reform Act 2005 (c.4), section 15 and Schedule 4 Part 1. Section 1(3) was substituted by section 82(1) of the Courts Act 2003 (c.39) and further amended by the Constitutional Reform Act 2005 sections 15, 146, Schedule 4 Part 1 paragraphs 261 and 262 and Schedule 18, Part 2.

(b) S.I. 1998/3132. There are relevant amendments in S.I. 2013/262, rules 5(h) and 16 and the Schedule.

“(7) Paragraphs (2)(a) and (5) do not apply in relation to—  
(a) cases commenced before 1<sup>st</sup> April 2013; or  
(b) costs incurred in respect of work done before 1<sup>st</sup> April 2013,  
and in relation to such cases or costs, rule 44.4.(2)(a) as it was in force immediately before  
1<sup>st</sup> April 2013 will apply instead.”.

*The Right Honourable Lord Dyson, MR  
Stephen Richards, LJ  
Peter Coulson, J  
Philip Sales, J  
Master Barbara Fontaine  
HHJ Stephen Stewart QC  
District Judge Christopher Lethem  
Nicholas Bacon QC  
William Featherby QC  
Edward Pepperall  
Katy Peters  
Amanda Stevens*

I allow these Rules  
Signed by authority of the Lord Chancellor

*Helen Grant*  
Parliamentary Under Secretary of State  
Ministry of Justice

6th March 2013

#### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

These Rules make the following amendments to the Civil Procedure Rules 1998 (CPR)—

- a substitution of rule 3.12(1), so that in addition to not applying to multi-track cases commenced on or after 1<sup>st</sup> April 2013 in the Admiralty and Commercial Courts, Section II of Part 3 of the CPR and Practice Direction 3E will also not apply to—
- such multi-track cases commenced on or after 1<sup>st</sup> April 2013 in the Chancery Division as the Chancellor of the High Court may direct; and
- such multi-track cases commenced on or after 1<sup>st</sup> April 2013 in the Technology and Construction Court and the Mercantile Court as the President of the Queen’s Bench Division may direct; and
- a substitution of rule 44.3(7), so that paragraphs (2)(a) and (5) of that rule will not apply to costs incurred in respect of work done before 1<sup>st</sup> April 2013, as well as not applying to cases commenced before that date.

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