

**2014 No. 2044 (L. 28)**

**SENIOR COURTS OF ENGLAND AND WALES**

**COUNTY COURT, ENGLAND AND WALES**

**The Civil Procedure (Amendment No. 6) Rules 2014**

*Made* - - - - - *29th July 2014*

*Laid before Parliament* *1st August 2014*

*Coming into force* - - - *1st October 2014*

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 and section 9(1) and (2) of the Presumption of Death Act 2013(b), after consulting in accordance with section 2(6)(a) of the Civil Procedure Act 1997, makes the following Rules:

**Citation, commencement and interpretation**

1. These Rules may be cited as the Civil Procedure (Amendment No. 6) Rules 2014.
2. These Rules shall come into force on 1<sup>st</sup> October 2014.
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(c).

**Amendments to the Civil Procedure Rules 1998**

4. In rule 30.5, after paragraph (3) insert—

“(4) An order for transfer of proceedings between the Chancery Division and a Queen’s Bench Division specialist list may only be made with the consent of the Chancellor of the High Court.”.
5. In rule 35.4, after paragraph (3A) insert—

“(3B) In a soft tissue injury claim, permission—

  - (a) may normally only be given for one expert medical report;

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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 and 146 and Schedule 4, Part 1, paragraphs 261 and 262 and Schedule 18, paragraph 2. Section 1(1) was amended by the Crime and Courts Act 2014 (c.22), section 17(5) and Schedule 9, Part 3, paragraph 67(a).

(b) 2013 c. 13.

(c) S.I. 1998/3132, to which there are relevant amendments in S.I. 2000/221, S.I. 2001/1388, S.I. 2002/2058, S.I. 2004/1306, S.I. 2005/3515, S.I. 2006/1689; S.I. 2006/3435, S.I. 2008/2178, S.I. 2009/3390, S.I. 2010/621, S.I. 2010/1953, S.I. 2011/1979, S.I. 2012/2208, S.I. 2013/262, S.I. 2013/1412, S.I. 2013/1695, S.I. 2013/1974 and S.I. 2014/407.

- (b) may not be given initially unless the medical report is a fixed cost medical report. Where the claimant seeks permission to obtain a further medical report, if the report is from a medical expert in any of the following disciplines—
  - (i) Consultant Orthopaedic Surgeon;
  - (ii) Consultant in Accident and Emergency Medicine;
  - (iii) General Practitioner registered with the General Medical Council; or
  - (iv) Physiotherapist registered with the Health and Care Professions Council,
 the report must be a fixed cost medical report.

(3C) In this rule, ‘fixed cost medical report’ and ‘soft tissue injury claim’ have the same meaning as in paragraph 1.1(10A) and (16A), respectively, of the RTA Protocol.”.

**6. In Part 36—**

- (a) in rule 36.10A—
  - (i) in paragraph (4), for “paragraph (5)”, substitute “paragraphs (5), (5A) and (5B)”;
  - (ii) in paragraph (5), for “Where” substitute “Subject to paragraphs (5A) and (5B), where”; and
  - (iii) after paragraph (5)(b) insert—
 

“(5A) In a soft tissue injury claim, if the defendant makes a Part 36 offer before the defendant receives a fixed cost medical report, paragraphs (4) and (5) will only have effect if the claimant accepts the offer more than 21 days after the defendant received the report.

(5B) In this rule, ‘fixed cost medical report’ and ‘soft tissue injury claim’ have the same meaning as in paragraph 1.1(10A) and (16A), respectively, of the RTA Protocol.”;
- (b) in rule 36.14—
  - (i) in paragraph (2), for “paragraph (6)” substitute “paragraphs (6) and (7)”;
  - (ii) after paragraph (6)(c), before the words in parentheses insert—
 

“(7) Paragraph (2) of this rule does not apply to a soft tissue injury claim to which rule 36.14A applies.”;
- (c) in rule 36.14A—
  - (i) in paragraph (2), for “paragraph (3)” substitute “paragraphs (3), (3A) and (3B)”;
  - (ii) in paragraph (3), for “Where” substitute “Subject to paragraphs (3A) and (3B), where”; and
  - (iii) after paragraph (3)(c), below the words in parentheses, insert—
 

“(3A) In a soft tissue injury claim, if the defendant makes a Part 36 offer or Protocol offer before the defendant receives a fixed cost medical report, paragraphs (2) and (3) will only have effect in respect of costs incurred by either party more than 21 days after the defendant received the report.

(3B) In this rule, ‘fixed cost medical report’ and ‘soft tissue injury claim’ have the same meaning as in paragraph 1.1(10A) and (16A), respectively, of the RTA Protocol.”.

**7. In Part 45—**

- (a) in rule 45.19—
  - (i) in paragraph (1), for “The court” substitute “Subject to paragraphs (2A) to (2E), the court”; and
  - (ii) after paragraph (2)(e) insert—
 

“(2A) In a soft tissue injury claim to which the RTA Protocol applies, the only sums (exclusive of VAT) that are recoverable in respect of the cost of obtaining a fixed cost medical report or medical records are as follows—

    - (a) obtaining the first report from any expert permitted under 1.1(12) of the RTA Protocol: £180;

- (b) obtaining a further report where justified from one of the following disciplines—
  - (i) Consultant Orthopaedic Surgeon (inclusive of a review of medical records where applicable): £420;
  - (ii) Consultant in Accident and Emergency Medicine: £360;
  - (iii) General Practitioner registered with the General Medical Council: £180; or
  - (iv) Physiotherapist registered with the Health and Care Professions Council: £180;
- (c) obtaining medical records: no more than £30 plus the direct cost from the holder of the records, and limited to £80 in total for each set of records required. Where relevant records are required from more than one holder of records, the fixed fee applies to each set of records required;
- (d) addendum report on medical records (except by Consultant Orthopaedic Surgeon): £50; and
- (e) answer to questions under Part 35: £80.

(2B) Save in exceptional circumstances, no fee may be allowed for the cost of obtaining a report from a medical expert who—

- (a) has provided treatment to the claimant;
- (b) is associated with any person who has provided treatment; or
- (c) proposes or recommends that they or an associate provide treatment.

(2C) The cost of obtaining a further report from an expert not listed in paragraph (2A)(b) is not fixed, but the use of that expert and the cost must be justified.

(2D) Where appropriate, VAT may be recovered in addition to the cost of obtaining a fixed cost medical report or medical records.

(2E) In this rule, ‘associate’, ‘associated with’, ‘fixed cost medical report’ and ‘soft tissue injury claim’ have the same meaning as in paragraph 1.1(1A), (10A) and (16A), respectively, of the RTA Protocol.”;

- (b) in rule 45.29F(9), after the words “judgment more advantageous than the”, for “claimant’s” substitute “defendant’s”; and
- (c) in rule 45.29I—
  - (i) in paragraph (1), for “The court” substitute “Subject to paragraphs (2A) to (2E), the court”; and
  - (ii) after paragraph (2)(h) insert—

“(2A) In a soft tissue injury claim started under the RTA Protocol, the only sums (exclusive of VAT) that are recoverable in respect of the cost of obtaining a fixed cost medical report or medical records are as follows—

- (a) obtaining the first report from any expert permitted under 1.1(12) of the RTA Protocol: £180;
- (b) obtaining a further report where justified from one of the following disciplines—
  - (i) Consultant Orthopaedic Surgeon (inclusive of a review of medical records where applicable): £420;
  - (ii) Consultant in Accident and Emergency Medicine: £360;
  - (iii) General Practitioner registered with the General Medical Council: £180; or
  - (iv) Physiotherapist registered with the Health and Care Professions Council: £180;
- (c) obtaining medical records: no more than £30 plus the direct cost from the holder of the records, and limited to £80 in total for each set of records required. Where relevant records are required from more than one holder of records, the fixed fee applies to each set of records required;

- (d) addendum report on medical records (except by Consultant Orthopaedic Surgeon): £50; and
- (e) answer to questions under Part 35: £80.

(2B) Save in exceptional circumstances, no fee may be allowed for the cost of obtaining a report from a medical expert who—

- (a) has provided treatment to the claimant;
- (b) is associated with any person who has provided treatment; or
- (c) proposes or recommends that they or an associate provide treatment.

(2C) The cost of obtaining a further report from an expert not listed in paragraph (2A)(b) is not fixed, but the use of that expert and the cost must be justified.

(2D) Where appropriate, VAT may be recovered in addition to the cost of obtaining a fixed cost medical report or medical records.

(2E) In this rule, ‘associate’, ‘associated with’, ‘fixed cost medical report’ and ‘soft tissue injury claim’ have the same meaning as in paragraph 1.1(1A), (10A) and (16A), respectively, of the RTA Protocol.”.

**8. In Part 52—**

- (a) in the table of contents—
  - (i) after the entry for rule 52.5 insert—  
“Transcripts at public expense Rule 52.5A”;
  - (ii) in the entry for rule 52.15, after “Judicial review appeals” insert “from the High Court”; and
  - (iii) after the entry for rule 52.15 insert—  
“Judicial review appeals from the Upper Tribunal Rule 52.15A”;
- (b) in rule 52.3(4), after “Subject to paragraph (4A)” insert “and except where a rule or practice direction provides otherwise”;
- (c) after rule 52.5 insert—

**“Transcripts at public expense**

**52.5A.**—(1) Subject to paragraph (2), the lower court or the appeal court may direct, on the application of a party to the proceedings, that an official transcript of the judgment of the lower court, or of any part of the evidence or the proceedings in the lower court, be obtained at public expense for the purposes of an appeal.

(2) Before making a direction under paragraph (1), the court must be satisfied that—

- (a) the applicant qualifies for fee remission or is otherwise in such poor financial circumstances that the cost of obtaining a transcript would be an excessive burden; and
- (b) it is necessary in the interests of justice for such a transcript to be obtained.”;

- (d) in rule 52.9(3), for “he” substitute “they”;
- (e) in rule 52.15—
  - (i) in the title, after “Judicial review appeals” insert “from the High Court”;
  - (ii) in paragraph (2), after “apply for judicial review” insert “or, in the case of an application under paragraph (1A), within 7 days of service of the order of the High Court refusing permission to apply for judicial review”;
  - (iii) in paragraph (3), after “under paragraph (1)” insert “or (1A)”;
- (f) after rule 52.15 insert—

**“Judicial review appeals from the Upper Tribunal**

**52.15A.**—(1) Where permission to bring judicial review proceedings has been refused by the Upper Tribunal and permission to appeal has been refused by the Upper Tribunal, an application for permission to appeal may be made to the Court of Appeal.

(2) Where an application for permission to bring judicial review proceedings has been recorded by the Upper Tribunal as being completely without merit and an application for permission to appeal is made to the Court of Appeal in accordance with paragraph (1) above, the application will be determined on paper without an oral hearing.

(The time limits for filing an appellant’s notice under rule 52.15A(1) are set out in Practice Direction 52D.)”.

**9.** In rule 54.21(2)(a)(ix), after “rule 54.22(2)” insert “considers appropriate”.

**10.** In Part 57—

(a) for the title to this part, substitute “PROBATE, INHERITANCE AND PRESUMPTION OF DEATH”;

(b) in the Table of Contents, at the end insert—

“SECTION V – PROCEEDINGS UNDER THE PRESUMPTION OF DEATH ACT 2013	
Scope and interpretation	57.17
Proceedings to be in the High Court	57.18
Procedure for claims for a declaration of presumed death or a variation order	57.19
Giving notice of claim	57.20
Advertisement of claim	57.21
Interveners	57.22
Requirement to provide information	57.23”;

(c) in rule 57.1—

(i) at the end of paragraph (1)(c), delete “and”; and

(ii) at the end of paragraph (1)(d), for “.” substitute—

“; and

(e) proceedings under the Presumption of Death Act 2013(a).”;

(d) in rule 57.16—

(i) in paragraph (3), after “must” insert “, except in the circumstances specified in paragraph (3A).”; and

(ii) after paragraph (3) insert—

“(3A) Where no grant has been obtained, the claimant may make a claim without naming a defendant and may apply for directions as to the representation of the estate. The written evidence must—

(a) explain the reasons why it has not been possible for a grant to be obtained;

(b) be accompanied by the original or a copy (if either is available) of the will or other testamentary document in respect of which probate or letters of administration are to be granted; and

(c) contain the following information, so far as known to the claimant—

(i) brief details of the property comprised in the estate, with an approximate estimate of its capital value and any income that is received from it;

(ii) brief details of the liabilities of the estate;

(iii) the names and addresses of the persons who are in possession of the documents relating to the estate; and

(iv) the names of the beneficiaries and their respective interests in the estate.

(3B) Where a claim is made in accordance with paragraph (3A), the court may give directions as to the parties to the claim and as to the representation of the estate either on the claimant's application or on its own initiative.

(Section 4 of the 1975 Act as amended confirms that nothing prevents the making of an application under the Act before representation with respect to the estate of the deceased person is taken out.); and

(e) at the end, insert Section V (Proceedings under the Presumption of Death Act 2013) as set out in the Schedule to these Rules.

**11. In Part 65—**

(a) in the table of contents—

(i) in the entry for Section VIII, after “POLICING AND CRIME ACT 2009” insert “AND UNDER PART 1 OF THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014(a)”; and

(ii) in the entry for rule 65.46, after “2009 Act” insert “or section 10 of the 2014 Act”;

(b) in the heading to Section VIII, after “Policing and Crime Act 2009” insert “and under Part 1 of the Anti-social Behaviour, Crime and Policing Act 2014”;

(c) in rule 65.42—

(i) in paragraph (1), after “(Injunctions: gang-related violence)” insert “and under Part 1 of the Anti-social Behaviour, Crime and Policing Act 2014 (Injunctions)”; and

(ii) for paragraph (2) substitute—

“(2) In this Section—

(a) “the 2009 Act” means the Policing and Crime Act 2009(b)”; and

(b) “the 2014 Act” means the Anti-Social Behaviour, Crime and Policing Act 2014.”;

(d) in rule 65.43, in paragraph (1), after “2009 Act” insert “or Part 1 of the 2014 Act”;

(e) in rule 65.44, in the words in parentheses after paragraph (1), after “2009 Act” insert “and section 4(1)(a) and (b) and (2) of the 2014 Act”;

(f) in rule 65.45, in paragraph (1), after “2009 Act” insert “or section 8(1)(a) and (b) of the 2014 Act”;

(g) in rule 65.46, in the heading, in paragraph (1) and in paragraph (2), after “2009 Act” insert “or section 10 of the 2014 Act”;

(h) in rule 65.47, in paragraph (3), after “2009 Act” insert “or section 9 or 10 of the 2014 Act”;

(i) in rule 65.48, in paragraph (1), after “2009 Act” insert “or paragraph 2(3)(b) of Schedule 1 to the 2014 Act”; and

(j) in rule 65.49, in paragraph (1), after “2009 Act” insert “or section 5 or 6 of the 2014 Act”.

**12. In rule 81.15(1), after “tribunal” insert “, body”.**

**13. In Part 83—**

(a) for rule 83.6 substitute—

**“Writs and warrants – levying execution on certain days**

**83.6.—(1) This rule applies to writs and warrants other than—**

(a) writs of control;

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(a) 2014 c. 12.

(b) 2009 c. 26.

(b) warrants of control; and

(c) writs or warrants in relation to an Admiralty claim in rem.

(2) Where a writ or warrant is not a writ of control or warrant of control but nevertheless confers the power to use the TCG procedure, this rule applies to the parts of the writ or warrant that do not confer the power to use the TCG Procedure.

(3) Unless the court orders otherwise, a writ or warrant to enforce a judgment or order must not be executed on a Sunday, Good Friday or Christmas Day.”; and

(b) in rule 83.9(1), after sub-paragraph (c), insert—

“(ca) where the proceedings are in the Chancery Division, Chancery Chambers;”.

### **Transitional provision**

14. The amendments made by rules 5, 6 and 7 apply only to soft tissue injury claims started under the Pre-Action Protocol for Low Value Personal Injury Claims in Road Traffic Accidents where the Claim Notification Form is sent in accordance with that Protocol on or after 1<sup>st</sup> October 2014.

*The Right Honourable Lord Dyson, MR  
Stephen Richards, LJ  
Philip Sales, J  
Master Barbara Fontaine  
His Honour Judge Martin McKenna  
District Judge Michael Hovington  
District Judge Christopher Lethem  
Edward Pepperall QC  
Andrew Underwood  
Kate Wellington*

I allow these Rules  
Signed by authority of the Lord Chancellor

*Edward Faulks*  
Minister of State  
Ministry of Justice

29th July 2014

# SCHEDULE

Rule 10(e)

## “SECTION V

### *Proceedings under the Presumption of Death Act 2013*

#### **Scope and interpretation**

**57.17.**—(1) This Section contains rules about proceedings under the Presumption of Death Act 2013.

(2) In this Section, terms used in the Presumption of Death Act 2013 Act have the meaning given by that Act, and—

- (a) “the 2013 Act” means the Presumption of Death Act 2013;
- (b) “a claim for a declaration of presumed death” means a claim under section 1 of the 2013 Act for a declaration that a missing person is presumed to be dead;
- (c) “a claim for a variation order” means a claim for an order under section 5 of the 2013 Act varying or revoking a declaration of presumed death.

#### **Proceedings to be in the High Court**

**57.18.**—(1) Proceedings under the 2013 Act must be issued in the High Court in either—

- (a) the Chancery Division; or
- (b) the Family Division.

(2) The Civil Procedure Rules apply to proceedings under the 2013 Act which are brought in the Family Division, except that the provisions of the Family Procedure Rules 2010(a) relating to the drawing up and service of orders apply instead of the provisions in Part 40 and Practice Direction 40B.

#### **Procedure for claims for a declaration of presumed death or a variation order**

**57.19.**—(1) A claim for a declaration of presumed death or for a variation order must be made by issuing a claim form in accordance with Part 8.

(2) In addition to the matters set out in rule 8.2 (contents of the claim form), the claim form must also include or be accompanied by the information required by Practice Direction 57B.

(3) Rules 8.2A, 8.3, 8.4 and 8.5 apply as modified by paragraphs (4) to (7) of this rule (and references elsewhere in these Rules to a defendant and to an acknowledgment of service are, where relevant, to be read as references to the substitute terms in rules 8.2A, 8.3, 8.4 and 8.5 as so modified).

(4) Rule 8.2A (issue of claim form without naming defendants) applies as if for “without naming a defendant” in paragraph (1) there were substituted “without serving notice on any person”.

(5) Rule 8.3 (acknowledgment of service) applies—

- (a) as if, instead of referring to a defendant, it referred to a person giving notice of intention to intervene or applying for permission to intervene, as the case may be;

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(a) S.I. 2010/2955.

- (b) as if, instead of referring to an acknowledgment of service, it referred to a notice of intention to intervene or an application for permission to intervene, as the case may be; and
  - (c) subject to paragraph (7), with the substitution of 21 days for 14 days as the time within which the notice of intention to intervene or application for permission to intervene must be filed and served.
- (6) Rules 8.4 (consequence of not filing an acknowledgment of service) and 8.5 (filing and serving written evidence) apply—
- (a) as if, instead of referring to a defendant, they referred to a person giving notice of intention to intervene or applying for permission to intervene, as the case may be; and
  - (b) as if, instead of referring to an acknowledgment of service, they referred to a notice of intention to intervene or an application for permission to intervene, as the case may be.
- (7) If the claim form is served out of the jurisdiction under rule 6.32 or 6.33, the period for filing notice of intention to intervene or an application for permission to intervene, as the case may be, and any written evidence, is 7 days longer than the relevant period for serving an acknowledgement of service specified in rule 6.35 or Practice Direction 6B.

### **Giving notice of claim**

**57.20.**—(1) Where the claim is for a declaration of presumed death, the claimant must give notice of the claim by serving a copy of it on the following persons (where not the claimant)—

- (a) the spouse or civil partner of the missing person;
- (b) any parent of the missing person;
- (c) any child of the missing person;
- (d) any sibling of the missing person;
- (e) if there are no persons within sub-paragraphs (a) to (d), the nearest relative of the missing person known to the claimant; and
- (f) any other person (including in particular any insurance company) appearing to the claimant to have an interest in the claim.

(2) Where the claim is for a variation order, the claimant must give notice of the claim by serving a copy of it on the following persons (where not the claimant)—

- (a) the person who was the claimant for the declaration of presumed death or (as the case may be) previous variation order which it is sought to have varied or revoked;
- (b) the spouse or civil partner of the missing person;
- (c) any parent of the missing person;
- (d) any child of the missing person;
- (e) any sibling of the missing person;
- (f) if there are no persons within sub-paragraphs (b) to (e), the nearest relative of the missing person known to the claimant; and
- (g) any other person (including in particular any insurance company) appearing to the claimant to have an interest in the claim.

(3) Notice under paragraph (1)(a) to (f) or paragraph (2)(a) to (g) must be given within 7 days after the claim is issued.

### **Advertisement of claim**

**57.21.**—(1) The claimant (whether the claim is for a declaration of presumed death or for a variation order) must, within 7 days of issue of the claim, ensure that notice of the claim is published—

- (a) in a form which meets the requirements set out in Practice Direction 57B; and
- (b) in at least one newspaper circulating in the vicinity of the last known address of the missing person.

(2) The claimant must, at least 5 days before the hearing, file a copy of the page of the newspaper bearing the advertisement of notice of the claim required by paragraph (1) and the date on which it was published.

### **Interveners**

**57.22.**—(1) The Attorney General, or a person who is entitled to intervene in proceedings under section 11(1), must first notify the court of the intention to intervene in accordance with the requirements of Practice Direction 57B.

(2) Any other person who wishes to intervene in such proceedings must submit an application for permission to intervene in accordance with the requirements of Practice Direction 57B.

(3) Where the court grants permission to intervene, it may do so on conditions and may give case management directions.

(4) The court may direct that a person who intervenes in proceedings, other than the Attorney General, be joined as a claimant or defendant.

### **Requirement to provide information**

**57.23.**—(1) An application for an order under section 12(1) of the 2013 Act must be supported by evidence and must in particular—

- (a) specify or describe the information in respect of which the order is sought;
- (b) set out the reasons why the person making the application believes that the person against whom the order is sought is likely to have such information; and
- (c) include any further details, where known, of the missing person which are likely to assist in providing the information sought.

(2) The person making the application must serve a copy of the application notice on the person against whom the order is sought, and on every other party to the proceedings (within the meaning of section 20(2) of the 2013 Act), at least 14 days before the date fixed for the hearing of the application.

(3) An application for discharge or variation under section 12(6) of an order made under section 12(1) may be made without notice unless the court directs otherwise.”

### **EXPLANATORY NOTE**

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

These Rules amend the Civil Procedure Rules 1998 (CPR) (SI 1998/3132), by—

- inserting provision into rule 30.5 so that an order for transfer of proceedings between the Chancery Division and a Queen’s Bench Division specialist list may only be made with the consent of the Chancellor of the High Court;
- amending rule 35.4 with regard to obtaining expert medical reports in relation to personal injury claims for whiplash (referred to as “soft tissue injury claims”) in respect of claims

- which cease to be subject to the Pre-Action Protocol for Low Value Personal Injury Claims in Road Traffic Accidents (“the RTA Protocol”);
- amending rules 36.10A, 36.14 and 36.14A with regard to offers made in relation to personal injury claims for whiplash where an offer to settle is made by a defendant before the claimant has obtained and disclosed a fixed cost medical report in accordance with the Pre-Action Protocol;
  - amending rules 45.19 and 45.29I, to specify the costs that may be recovered for obtaining expert medical reports in relation to personal injury claims for whiplash, in respect of both claims started under the RTA Protocol and those which cease to be subject to it;
  - amending rule 45.29F(9) to correct a typographical error;
  - amending Part 52—
    - by substituting a more general form of wording in rule 52.3(4) in light of the number of exceptions to which that rule is now subject and to obviate the need to amend it again if it becomes subject to further exceptions;
    - by inserting new rule 52.5A, to make provision for obtaining certain transcripts at public expense for the purpose of appeal proceedings;
    - to make the drafting in rule 52.9(3) gender neutral;
    - by inserting provision into rule 52.15(1A) and (2), to respectively specify the time within which an application for permission to appeal must be made to the Court of Appeal following a refusal by the High Court to grant permission to judicially review a decision of the Upper Tribunal or where the application for permission to apply for judicial review is held to be totally without merit, and to provide that, where such an application is made, the Court of Appeal may, instead of granting permission to appeal the High Court’s refusal, give permission to apply for judicial review; and
    - by inserting new rule 52.15A, to make provision in respect of applications (to both the Upper Tribunal and the Court of Appeal) for permission to appeal a refusal by the Upper Tribunal to grant permission to bring judicial review proceedings;
  - amending rule 54.21(2)(a)(ix), to insert words which were omitted in error when that rule was first inserted by rule 3 of the Civil Procedure (Amendment No. 3) Rules 2014 (SI 2014/610);
  - inserting provision into Part 57, first to give effect to a recommendation of the Law Commission (embodied in section 4 of the Inheritance (Provision for Family and Dependents) Act 1975(a) as amended), and secondly to provide for the procedure for applications for declarations of presumed death or variation orders, and related matters, under the Presumption of Death Act 2013;
  - amending Part 65 to include in Section VIII of that Part provision for the procedure for applications for injunctions under Part 1 of the Anti-social Behaviour, Crime and Policing Act 2014, and related matters such as dealing with breach of such injunctions;
  - amending rule 81.15(1), in consequence of amendments to the Police Reform Act 2002, to include the Independent Police Complaints Commission in the list of bodies;
  - substituting a new rule 83.6, so that the rule now also applies to the non taking control of goods (TCG) elements of a writ or warrant that contains the power to use the TCG procedure, but which is not a writ of control or warrant of control; and
  - amending rule 83.9 to include Chancery Chambers in the definition of “appropriate office”.

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(a) 1975 c. 63, the relevant amendment being made by section 6 of, and paragraph 6 of Schedule 2 to, the Inheritance and Trustees’ Powers Act 2014 (c. 16).

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Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£6.00

UK2014073117 08/2014 19585

<http://www.legislation.gov.uk/id/uksi/2014/2044>

ISBN 978-0-11-111945-7



9 780111 119457