

2014 No. 867 (L. 16)

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

The Civil Procedure (Amendment No. 4) Rules 2014

<i>Made</i> - - - -	<i>28th March 2014</i>
<i>Laid before Parliament</i>	<i>1st April 2014</i>
<i>Coming into force</i> - -	<i>22nd April 2014</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 2014 and shall come into force on 22nd April 2014.

2. In these Rules—

- (a) a reference to a Part or rule by number alone means the Part or rule so numbered in the Civil Procedure Rules 1998(b);
- (b) a reference to an Order by number and prefixed by “RSC” means the RSC Order so numbered in Schedule 1 to those Rules; and
- (c) a reference to an Order by number and prefixed by “CCR” means the CCR Order so numbered in Schedule 2 to those Rules.

Amendments to the Civil Procedure Rules 1998

3. In CCR Orders 1, 28, 39, 44 and 49—

- (a) unless amended elsewhere in these rules —
 - (i) for “a county court”, in each place, substitute “the County Court”;
 - (ii) for “county court”, in each place, substitute “County Court”;
 - (iii) for “county courts”, in each place, substitute “the County Court”; and
 - (iv) for “district judge”, in each place, substitute “District Judge”.

4. In rule 3.12—

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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 section 15, 146, Schedule 4 Part 1 paragraphs 261 and 262 and Schedule 18 paragraph 2. Section 1(1) has been amended by the Crime and Courts Act 2014 (c.22), section 17(5) and Schedule 9, Part 3, paragraph 67(a).
 - (b) S.I. 1998/3132. There are relevant amendments in S.I. 2001/2792, 2002/2058, 2003/3361, 2005/2292, 2011/3103, 2012/2208, 2013/262, 2013/515 and 2014/407.

(a) for paragraph (1) substitute—

“(1) This Section and Practice Direction 3E apply to all Part 7 multi-track cases, except—

- (a) where the claim is commenced on or after 22nd April 2014 and the amount of money claimed as stated on the claim form is £10 million or more; or
- (b) where the claim is commenced on or after 22nd April 2014 and is for a monetary claim which is not quantified or not fully quantified or is for a non-monetary claim and in any such case the claim form contains a statement that the claim is valued at £10 million or more; or
- (c) where the proceedings are the subject of fixed costs or scale costs or where the court otherwise orders.

(1A) This Section and Practice Direction 3E will apply to any other proceedings (including applications) where the court so orders.”.

5. In rule 3.15(2), for “By such order the court will—” substitute “Where costs budgets have been filed and exchanged the court will make a costs management order unless it is satisfied that the litigation can be conducted justly and at proportionate cost in accordance with the overriding objective without such an order being made. By a costs management order the court will—”.

6. Omit rule 5.2(1)(b)(ii).

7. In rule 26.2A(6)(c)(ii), for “execution” substitute “control”.

8. In rule 45.8, in Table 5—

- (a) in the entry for RSC Order 45 rule 3, for “RSC Order 45, rule 3” substitute “rule 83.13”;
- (b) before the entry for RSC Order 46 rule 1, insert the following entry—

“Where a writ of control as defined in rule 83.1(2)(k) is issued against any party	£51.75”;
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- (c) in the entry for RSC Order 46 rule 1, for “the RSC Order 46, rule 1,” substitute “rule 83.1(2)(l)”;
- (d) in the entry for CCR Order 26 rule 1, for “execution under CCR Order 26, rule 1,” substitute “control under rule 83.15”.; and
- (e) after the entry for rule 83.15 insert the following entry—

“Where a request is filed for the issue of a warrant of delivery under rule 83.15 for a sum exceeding £25	£2.25”.
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9. In rule 55.26(3), for “CCR Order 26, rule 17 does” substitute “Rules 83.2, 83.3 and 83.26(1) to (9) do”.

10. In rule 55.27(5), for “CCR Order 24, rule 6” substitute “Rule 83.26(10) to (12)”.

11. In rule 66.6(1)—

- (a) for subparagraph (a), substitute “Rules 40.8A and 70.2A and Parts 69 to 73, 81, 83 and 84; and”;
- (b) omit subparagraph (b); and
- (c) in subparagraph (c), for “25 to 29” substitute “27 and 28”.

12. In rule 81.13(1)(d), for “Queen’s Bench Division” substitute “High Court”.

13. In rule 81.18(3)(a), for “Queen’s Bench Division” substitute “High Court”.

14. In rule 81.35, for “an officer of the court” substitute “a person”.

15. In rule 81.37(3), for “execution” substitute “control”.

16. In Part 83, in the table of contents of the Part, after the entry for rule 83.2, insert the following entry—

“83.2A	Application for permission to issue a writ of sequestration”.
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17. In rule 83.2, after paragraph (7), insert—

“(7A) Where—

(a) the court grants permission, under this rule or otherwise, for the issue of a writ of execution or writ of control (“the permission order”); and

(b) the writ is not issued within one year after the date of the permission order, the permission order will cease to have effect.

(7B) Where a permission order has ceased to have effect, the court may grant a fresh permission order.”.

18. After rule 83.2, insert—

“Application for permission to issue a writ of sequestration

83.2A. Notwithstanding anything in rule 83.2, an application for permission to issue a writ of sequestration must be made in accordance with Part 81 and in particular Section 7 of that Part.”.

19. In CCR Order 1, rule 6—

(a) in paragraph (b)—

(i) for “taxing officer” substitute “Taxing Officer”; and

(ii) for “registrar” substitute “Registrar”;

(b) in paragraph (d), for “County Court office” substitute “office of a County Court hearing centre”.

20. Omit CCR Order 16.

21. In CCR Order 28—

(a) in the table of contents to the Order, omit the entry for rule 12;

(b) in rule 1—

(i) in paragraph (1), for “court for the district in which”, in both places, substitute “County Court hearing centre which serves the address where”;

(ii) in paragraph (2), for “his” substitute “the”; and

(iii) in paragraph (3), for “he” substitute “the judgment creditor”;

(c) in rule 2—

(i) in paragraph (2) for “within the district of the court” substitute “at an address which is served by the County Court hearing centre”; and

(ii) in paragraph (3), for “him” substitute “the debtor”; and

(iii) in paragraph (3)(a), for “he” substitute “the debtor”;

(d) in rule 4(2)—

(i) for “his” substitute “the debtor’s”; and

(ii) omit “to him”;

(e) in rule 5(1)(b)(i), for “he has made default” substitute “default has been made”;

(f) in rule 7—

(i) in paragraph (1), for “judge” substitute “court”;

- (ii) in paragraph (3), for “judge” substitute “court”;
- (iii) in paragraph (4)—
 - (aa) for “he desires” substitute “desired”;
 - (bb) for “his” substitute “the debtor’s”; and
 - (cc) for “judge” substitute “court”;
- (g) in rule 8(1), for “judge” substitute “court”;
- (h) in rule 10(2)(a)(i), for “judge” substitute “court”;
- (i) in rule 11, omit paragraph (3);
- (j) omit rule 12;
- (k) in rule 13(1)—
 - (i) in paragraph (a) omit “responsible for the execution of the warrant”;
 - (ii) omit subparagraph (b); and
 - (iii) in subparagraph (c), for “he” substitute “the gaoler”; and
- (l) in rule 14—
 - (i) in paragraph (1), for “the district judge” substitute “court”;
 - (ii) in paragraph (2)—
 - (aa) omit “his” in each place; and
 - (bb) for “he”, in each place, substitute “the debtor”; and
 - (iii) in paragraph (3), for “judge” substitute “court”.

22. In CCR Order 39—

- (a) in the table of contents to the Order, in the entry for rule 1, omit “by district judge”;
- (b) in rule 1—
 - (i) in the heading to the rule, omit “by district judge”; and
 - (ii) for “the district judge”, substitute “a judge of the County Court”;
- (c) in rule 2—
 - (i) in paragraph (1), for “in the court for the district in which he” substitute “at the County Court hearing centre which serves the address where the debtor”;
 - (ii) in paragraph (2)—
 - (aa) omit “his” in each place;
 - (bb) for “which he owes” substitute “owed”; and
 - (cc) before “resources and needs” insert “the debtor’s”;
- (d) in rule 5—
 - (i) in paragraph (2), for “he” substitute “the court officer”
 - (ii) in paragraph (2)(a)—
 - (aa) for “him” in the first place it appears, substitute “the debtor”;
 - (bb) omit “he may have”; and
 - (cc) for “notification upon him” substitute “that notification”;
 - (iii) in paragraph (2)(c)—
 - (aa) for “he” substitute “the creditor”; and
 - (bb) for “him” substitute “the creditor”;
 - (iv) in paragraph (4), for “district judge” substitute “court”;
 - (v) in paragraph (5)—
 - (aa) for “he”, in the first place it appears, substitute “the court officer”; and

- (bb) for the words “he shall refer” to the end substitute “the request shall be referred to the court”;
- (vi) in paragraph (6)—
 - (aa) for “district judge considers that he is” substitute “the court considers that it is”;
 - (bb) omit “he may fix”; and
 - (cc) before “in full or to such” insert “may be fixed”; and
- (vii) in paragraph (8)—
 - (aa) for “district judge”, in each place, substitute “court”; and
 - (bb) for “he shall” substitute “it will”;
- (e) in rule 6—
 - (i) in paragraph (1)—
 - (aa) for “his” substitute “that”; and
 - (bb) for “he objects” substitute “the objection is made”; and
 - (ii) in paragraph (2), for “he has given notice of his” substitute “that creditor has given notice of the”;
- (f) in rule 7—
 - (i) in paragraph (a)—
 - (aa) omit “he is”; and
 - (bb) for “his” omit “their”; and
 - (ii) in paragraph (c), for “his” substitute “that”;
- (g) in rule 9—
 - (i) in paragraph (c), for “his” substitute “their”; and
 - (ii) in paragraph (d) for “district judge” substitute “court”;
- (h) in rule 10—
 - (i) in paragraph (1), for “his” substitute “that”; and
 - (ii) in paragraph (3), for “his” substitute “the creditor”;
- (i) in rule 11—
 - (i) in paragraph (1)—
 - (aa) for “he” substitute “that creditor”;
 - (bb) for “his”, in the first place it appears, substitute “that”; and
 - (cc) for “his”, in the second place it appears, substitute “the”; and
 - (ii) in paragraph (2), for “he objects” substitute “they object”;
- (j) in rule 13A—
 - (i) in paragraph (1)—
 - (aa) for “his”, in the first place it appears, substitute “the court officer’s”;
 - (bb) in subparagraphs (a) and (b), for “him”, in each place, substitute “the debtor”; and
 - (cc) in subparagraph (b)(ii), for “his” substitute “the”;
 - (ii) in paragraph (3)—
 - (aa) for the words “The court officer shall refer” to “district judge who may” substitute “If a debtor gives notice under paragraph (1)(b)(ii), (iii) or (iv), the court may—”; and
 - (bb) in subparagraph (a)(ii), for “he” substitute “it”;
 - (iii) in paragraph (4)—

- (aa) for “him” substitute “them”;
- (bb) for “his” substitute “their”;
- (cc) for “district judge”, in the first place it appears, substitute “court”; and
- (dd) omit “before the district judge”; and
- (iv) in paragraph (5)—
 - (aa) for “district judge” substitute “court”; and
 - (bb) for “he” substitute “it”; and
- (k) in rule 19(1)—
 - (i) omit “his” in the first place it appears; and
 - (ii) for “his”, in the second place it appears, substitute “their”.

23. In CCR Order 44, rule 4(2)—

- (a) for “execution” substitute “control”; and
- (b) for “any court in the district of which” substitute “the County Court hearing centre serving the address where”.

24. In CCR Order 49, rule 19(1)—

- (a) for “he”, in the first place it appears, substitute “the complainant”; and
- (b) for “court for the district in which he” substitute “County Court hearing centre which serves the address where the complainant”.

Transitional provisions

25.—(1) Rule 3.12(1) shall continue to have effect as if it had not been amended by these Rules in respect of any proceedings to which that rule applied and which were commenced before the date on which these Rules come into force.

(2) In this rule—

- (a) “enforcement action” means the steps taken by or on behalf of a person to recover sums or property from another person; and
- (b) “enforcement amendments” means the amendments made by rules 6 to 11, 14 to 18, 20 and 23(a) of these Rules.

(3) The enforcement amendments do not apply in relation to a writ or warrant or any enforcement action or other action taken in relation to the writ or warrant where—

- (a) permission for the issue of the writ or warrant is sought before 6th April 2014;
- (b) permission is not required for the issue of the writ, and a request for the issue of the writ is filed before 6th April 2014;
- (c) permission is not required for the issue of a warrant of execution or warrant of delivery, and a request for the issue of the warrant is filed before 6th April 2014; or
- (d) an application for the issue of a warrant of possession is made before 6th April 2014.

(4) The enforcement amendments do not apply in relation to enforcement action, or any action taken in relation to that enforcement action, where the right to take the enforcement action becomes exercisable otherwise than by virtue of a writ or warrant issued by a court, and the enforcement action is begun before 6th April 2014.

(5) As from 22nd April 2014—

- (a) proceedings started in a county court may be continued—
 - (i) in the County Court as if they had been started in the County Court; and
 - (ii) in the County Court hearing centre corresponding to that county court;

- (b) anything done in accordance with the rules which applied to a county court is to be treated as if it had been done in accordance with any rules applicable to corresponding proceedings in the County Court; and
- (c) any act, judgment or order of a county court has the same effect as if it had been an act judgment or order of the County Court, and accordingly further proceedings in the County Court may be taken in respect of such act, judgment or order.

*The Right Honourable Lord Dyson, MR
Stephen Richards, LJ
Peter Coulson, J
Philip Sales, J
Master Barbara Fontaine
His Honour Judge Martin McKenna
District Judge Michael Hovington
Nicholas Bacon QC
William Featherby QC
Edward Pepperall QC
Qasim Nawaz
Amanda Stevens
Andrew Underwood
Kate Wellington*

I allow these rules
Signed by authority of the Lord Chancellor

28th March 2014

Edward Faulks
Minister of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

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

(1) amendments to rules 3.12 and 3.15 to clarify the proceedings to which Section II (costs management) of Part 3 of the CPR applies and the circumstances in which the court will make a costs management order;

(2) amendments to rules 81.13(1) and 81.18(3), so that certain permission applications in relation to committal for interference with the due administration of justice or in relation to committal for making a false statement of truth or disclosure statement can be made to any single judge of the High Court, rather than only to a single judge of the Queen’s Bench Division; and

(3) a series of amendments consequential on—

- (i) changes to the CPR in relation to enforcement (particularly the introduction of Parts 83 to 86) made by the Civil Procedure (Amendment) Rules 2014 (SI 2014/407) (“the main enforcement rules”);
- (ii) other changes in relation to enforcement made by the Tribunals, Courts and Enforcement Act 2007; and
- (iii) the implementation of the single County Court on the coming into force of provisions in Section 17 of, and Schedule 9 to, the Crime and Courts Act 2013 (c. 22) and changes to the CPR in respect of the single County Court made by the Civil Procedure (Amendment) Rules 2014.

The consequential amendments—

- (a) include amendments to:

- (i) rule 26.2A(6);
 - (ii) rule 45.8, Table 5;
 - (iii) rule 55.26(3);
 - (iv) rule 55.27(5);
 - (v) rule 66.6(1) (this amendment is also consequential on the introduction of Part 81 and other changes made in relation to contempt and committal - see SI 2012/2208);
 - (vi) rule 81.35;
 - (vii) rule 81.37(3);
 - (viii) rule 83.2 to include new subparagraphs (7A) and (7B), which are designed to replace former RSC Order 46 rule 2(3), which was omitted by the main enforcement rules; and
 - (ix) CCR Order 44 rule 4(2) (this amendment is also consequential on amendments made by the main enforcement rules which insert references to “County Court hearing centres”);
- (b) introduce new rule 83.2A, designed to replace former RSC Order 46 rule 5, which again was omitted by the main enforcement rules;
- (c) omit—
- (i) rule 5.2(1)(b)(ii); and
 - (ii) CCR Order 16; and
- (d) also amend—
- (i) CCR Order 1, rule 6;
 - (ii) CCR Order 28;
 - (iii) CCR Order 39;
 - (iv) CCR Order 44, rule 4; and
 - (v) CCR Order 49, rule 19.

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