

2015 No. 1569 (L. 20)

SENIOR COURTS OF ENGLAND AND WALES

COUNTY COURT, ENGLAND AND WALES

The Civil Procedure (Amendment No. 4) Rules 2015

Made - - - - - *22nd July 2015*

Laid before Parliament *24th July 2015*

Coming into force in accordance with rule 1

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 after consulting in accordance with section 2(6)(a) of that Act, makes the following Rules:

Citation, commencement and interpretation

- 1.—(1) These Rules may be cited as the Civil Procedure (Amendment No. 4) Rules 2015.
- (2) These Rules come into force on 1st October 2015, except as provided in paragraph (3).
- (3) Rules 9 and 10 of these Rules come into force on the day on which, and immediately after, section 91 of the Criminal Justice and Courts Act 2015(b) comes into force.
- (4) 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

2. The Civil Procedure Rules 1998 are amended in accordance with rules 3 to 11.

Amendment of Part 3 Table of Contents

3. In the Table of Contents for Part 3, after the entry for rule 3.1, insert the following entry—
“Case management – unrepresented parties Rule 3.1A”.

(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(1) was amended by the Crime and Courts Act 2013 (c.22), section 17(5) and Schedule 9, Part 3, paragraph 67(a), and by the Anti-social Behaviour, Crime and Policing Act 2014 (c.12) section 174(2). 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.

(b) 2015 c. 2.

(c) S.I. 1998/3132, to which there are relevant amendments in S.I. 2006/1689, S.I. 2008/3327, S.I. 2009/3390, S.I. 2013/262 and S.I. 2014/2044.

Amendment of rule 3.1

4. In rule 3.1(2)(m), after “objective” insert “, including hearing an Early Neutral Evaluation with the aim of helping the parties settle the case”.

Insertion of new rule 3.1A

5. After rule 3.1, insert—

“Case management – unrepresented parties

3.1A.—(1) This rule applies in any proceedings where at least one party is unrepresented.

(2) When the court is exercising any powers of case management, it must have regard to the fact that at least one party is unrepresented.

(3) Both the parties and the court must, when drafting case management directions in the multi-track and fast track, take as their starting point any relevant standard directions which can be found online at www.justice.gov.uk/courts/procedure-rules/civil and adapt them as appropriate to the circumstances of the case.

(4) The court must adopt such procedure at any hearing as it considers appropriate to further the overriding objective.

(5) At any hearing where the court is taking evidence this may include—

- (a) ascertaining from an unrepresented party the matters about which the witness may be able to give evidence or on which the witness ought to be cross-examined; and
- (b) putting, or causing to be put, to the witness such questions as may appear to the court to be proper.”.

Amendment of rule 5.4D

6. After rule 5.4D, insert the following words in parentheses—

“(Rules 5.4, 5.4B and 5.4C are disapplied by rules 76.34, 79.30, 80.30, 82.18 and 88.33; and rule 5.4C is disapplied, and rule 5.4B applied subject to court order, by paragraph 23 of Practice Direction 8A.)”.

Amendment of rule 7.4

7. In rule 7.4, in paragraph (3), for “separately from the claim form in accordance with paragraph (1)(b),” substitute “, then unless a copy of the particulars has already been filed,”.

Amendment of rule 47.6

8. In rule 47.6, in paragraph (1)—

- (a) at the end of sub-paragraph (a), omit “and”; and
- (b) at the end of sub-paragraph (b), insert—
“; and
- (c) if a costs management order has been made, a breakdown of the costs claimed for each phase of the proceedings”.

Amendment of Part 52 Table of Contents

9. In the Table of Contents for Part 52, after the entry for rule 52.15A, insert the following entry—

“Planning statutory review appeals Rule 52.15B”.

Insertion of new rule 52.15B

10. After rule 52.15A, insert—

“Planning statutory review appeals

52.15B.—(1) Where permission to apply for a planning statutory review has been refused at a hearing in the High Court, the person seeking that permission may apply to the Court of Appeal for permission to appeal (see Part 8 and Practice Direction 8C).

(2) Where permission to apply for a planning statutory review has been refused and recorded as totally without merit in accordance with rule 23.12—

- (a) the claimant may apply to the Court of Appeal for permission to appeal;
- (b) the application will be determined on paper without an oral hearing.

(3) An application in accordance with paragraph (1) or (2) must be made within 7 days of the decision of the High Court to refuse to give permission to apply for a planning statutory review or, in the case of an application under paragraph (2), within 7 days of service of the order of the High Court refusing permission to apply for a planning statutory review.

(4) On an application under paragraph (1) or (2) the Court of Appeal may, instead of giving permission to appeal, give permission to apply for a planning statutory review.

(5) Where the Court of Appeal gives permission to apply for a planning statutory review in accordance with paragraph (4), the case will proceed in the High Court unless the Court of Appeal orders otherwise.”.

Insertion of new Part 63A

11. After Part 63, insert Part 63A as set out in the Schedule to these Rules.

*The Right Honourable Lord Dyson, MR
Stephen Richards, LJ
Mr Justice Birss
His Honour Judge Martin McKenna
Edward Pepperall QC
Richard Viney
Andrew Underwood
Tim Lett*

I allow these Rules
Signed by authority of the Lord Chancellor

*Edward Faulkes
Minister of State
Ministry of Justice*

22nd July 2015

SCHEDULE

Rule 11

“PART 63A

FINANCIAL LIST

Contents of this Part

<i>Title</i>	<i>Rule number</i>
Scope of this Part and interpretation	Rule 63A.1

Specialist list	Rule 63A.2
Application of the Civil Procedure Rules	Rule 63A.3
Proceedings in the Financial List	Rule 63A.4

Scope of this Part and interpretation

63A.1.—(1) This Part applies to claims in the Financial List.

(2) In this Part and Practice Direction 63AA, “Financial List claim” means any claim which—

- (a) principally relates to loans, project finance, banking transactions, derivatives and complex financial products, financial benchmark, capital or currency controls, bank guarantees, bonds, debt securities, private equity deals, hedge fund disputes, sovereign debt, or clearing and settlement, and is for more than £50 million or equivalent;
- (b) requires particular expertise in the financial markets; or
- (c) raises issues of general importance to the financial markets.

(3) “Financial markets” for these purposes include the fixed income markets (covering repos, bonds, credit derivatives, debt securities and commercial paper generally), the equity markets, the derivatives markets, the loan markets, the foreign currency markets, and the commodities markets.

Specialist list

63A.2.—(1) The Financial List is a single specialist list. Claims in the Financial List may be commenced in the Commercial Court or the Chancery Division in London.

(2) The Chancellor of the High Court and the Judge in Charge of the Commercial Court have joint overall responsibility for all claims in the Financial List.

Application of the Civil Procedure Rules

63A.3. These Rules and their practice directions apply to claims in the Financial List unless this Part or a practice direction provides otherwise.

Proceedings in the Financial List

63A.4.—(1) A Financial List claim may be started in the Financial List.

(2) All claims in the Financial List will be allocated at the time of the first case management conference to a designated judge who is a Financial List judge.

(3) A Financial List judge is a judge of the Chancery Division or the Commercial Court who has been authorised to try claims in the Financial List.

(4) Rule 30.5 applies to proceedings in the Financial List, except that a Financial List judge may order a claim to be transferred to any other specialist list.

(5) Rules 58.5 to 58.13 and 58.15 apply to claims in the Financial List in the same manner as they apply to claims in the Commercial List.”

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Civil Procedure Rules 1998 (S.I. 1998/3132) by—

- amending rule 3.1 (court’s general powers of management) to make it clear that the court’s powers include hearing an Early Neutral Evaluation;

- inserting a new rule 3.1A making provision for the way in which the court is to approach case management in a case where at least one of the parties is unrepresented;
- inserting in Part 5 a cross-reference to provisions which disapply, or apply with modifications, provisions in that Part about access to court documents;
- amending rule 7.4 to ensure that the claimant not only serves particulars of claim on the defendant, but also files them;
- amending rule 47.6 to alter requirements for the commencement of detailed assessment proceedings;
- inserting a new rule 52.15B covering appeals in planning statutory reviews; and
- inserting a new Part 63A to introduce a new specialist list called the Financial List, to handle the more complex and important financial markets cases.

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