
EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Civil Procedure Rules 1998 ([SI 1998/3132](#)), by amending Part 45 in order to clarify the operation of the rules in Part 45 in relation to costs protection in Aarhus Convention claims.

The first amendment replaces the provision in rule 45.42(1)(b) describing the financial information a claimant is required to provide if seeking the benefit of the costs protection provisions. The replacement provision mirrors the requirements for applications for costs capping orders in judicial review claims which are not Aarhus Convention claims.

The second amendment introduces into rule 45.44(2) provision confirming that the court may only vary the costs caps (or remove altogether the limits on liability) for which rule 45.43 provides on an application by a claimant or defendant.

The third amendment inserts at the end of rule 45.44 provision to make it clear that an application to vary such a costs cap (or remove a limit) must be made at the outset and determined by the court at the earliest opportunity; and that an application may only be made at a later stage in the process if there has been a significant change in circumstances.