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STATUTORY INSTRUMENTS

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**2022 No. 783 (L. 8)**

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

**The Civil Procedure (Amendment No. 2) Rules 2022**

*Made* - - - - *11th July 2022*

*Laid before Parliament* *15th July 2022*

*Coming into force in accordance with rule 1*

The Civil Procedure Rule Committee, having power under section 2 of the Civil Procedure Act 1997(1) to make rules under section 1 of and Schedule 1 to that Act and after fulfilling the requirements of section 2(6) of that Act, makes the following Rules.

**Citation, commencement and interpretation**

1.—(1) These Rules may be cited as the Civil Procedure (Amendment No. 2) Rules 2022 and come into force on 1st October 2022, except as provided by paragraphs (2) and (3).

(2) The amendments made by rules 22, 23 and 29 of these Rules come into force on 1st December 2022.

(3) The amendments made by rule 17(1)(b) and (7), rule 18 (in so far as that rule applies to scale costs for small claims in the Intellectual Property Enterprise Court) and rule 28 of these Rules apply only to claims made on or after 1st October 2022.

(4) 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(2); and

(b) a reference to “Schedule 1” means Schedule 1 to those Rules, and a reference to an Order by number and prefixed by “RSC” means the RSC Order so numbered in that Schedule.

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(1) 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. 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). Schedule 1 to the 1997 Act was amended by the Courts and Tribunals (Judiciary and Functions of Staff) Act 2018 (c. 33), s.3, Schedule Pt 1 para 19, the Crime and Courts Act 2013, s175, Schedule 9, Part 3, para 67(b).

(2) S.I. 1998/3132. There are relevant amendments in S.I. 1999/1008, S.I. 2001/221, S.I. 2001/256, S.I. 2001/2792, S.I. 2001/4015, S.I. 2004/1306, S.I. 2004/2072, S.I. 2005/3515, S.I. 2005/2292, S.I. 2008/2178, S.I. 2008/3327, S.I. 2009/3390, S.I. 2010/621, S.I. 2010/1953, S.I. 2011/88, S.I. 2011/1979, S.I. 2012/2208, S.I. 2013/262, S.I. 2013/1974, S.I. 2014/407, S.I. 2014/2044, S.I. 2014/3299, S.I. 2016/707, S.I. 2016/788, S.I. 2018/479, S.I. 2019/521, S.I. 2020/582, S.I. 2021/117, S.I. 2021/196, and S.I. 2022/101.

## Amendments to the Civil Procedure Rules 1998

2. The Civil Procedure Rules 1998 are amended in accordance with rules 3 to 34 of these Rules.

### Amendment of Part 2

- 3.—(1) In the table of contents—

- (a) for the entry for rule 2.4 substitute—

“Power to perform an act of the court”; and
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- (b) omit the entry for paragraph 2.4A.

- (2) In rule 2.1, after paragraph (2) insert—

“(3) These Rules apply to proceedings under—

- (a) the Companies Act 1985(3);

- (b) the Companies Act 2005(4); and

- (c) other legislation relating to companies and limited liability partnerships,

subject to the provisions of the relevant practice direction which applies to those proceedings.”.

- (3) In rule 2.3(1)—

- (a) omit “(Rule 6.23 provides for a party to give an address for service)”;

- (b) for the definition of “filing” substitute—

““filing” means delivering a document or information, by post or otherwise, to the court office;”;

- (c) after paragraph (1), insert—

“(1A) Unless the contrary is indicated, a definition that applies to a Part of these Rules applies also to a practice direction supplementing that Part.”.

- (4) In rule 2.4—

- (a) for the heading to that rule substitute—

*“Power to perform an act of the court”; and*

- (b) before “Where these Rules provide”, insert “(1)”.

- (5) In rule 2.4A—

- (a) omit the heading to that rule; and

- (b) for “2.4A”, substitute “(2)” (so that the rule becomes paragraph (2) of rule 2.4).

- (6) In rule 2.5, after paragraph (2), in the words in parenthesis, for “to a judge” substitute “a matter for judicial decision”.

- (7) In rule 2.6—

- (a) for paragraph (2), substitute—

“(2) The court may place the seal on the document by hand, by printing or electronically.”; and

- (b) in paragraph (3) for “purporting” substitute “appearing”.

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(3) 1985 c. 6.  
(4) 2006 c. 48

- (8) In rule 2.8—
  - (a) in paragraph (3)(b)(i), after “An application is”, insert “listed”; and
  - (b) in paragraph (5), in the full-out, after “that act shall be in time”, insert “under these rules”.

### **Amendment of Part 3**

- 4.—(1) After rule 3.4(6), insert—
  - “(7) If a defendant applies to strike out all or part of the claim form or particulars of claim, that defendant need not file a defence before the hearing.”.
- (2) In the table of contents, for the entry for rule 3.11, substitute—

“Orders restraining civil proceedings”.

- (3) In rule 3.11—
  - (a) for the heading to that rule substitute—

*“Orders restraining civil proceedings”;*
  - (b) after the heading to that rule, insert—
    - “(1) A “civil proceedings order” and an “all proceedings order” under section 42(1A) of the Senior Courts Act 1981 shall include provision for applying to begin, continue or make any application in any civil proceedings.”; and
    - (c) before “A practice direction may set out”, insert “(2)”.
- (4) In rule 3.12, for “3E” where it appears in paragraphs (1) and (1A) substitute “3D”.
- (5) In rule 3.15, in the words in parentheses after paragraph (5), for “3E” substitute “3D”.
- (6) In rule 3.15A(3), for “3E” where it appears in sub-paragraphs (a) and (b) substitute “3D”.
- (7) In rule 3.20(3)(a)(i), for “3F” substitute “3E”.

### **Amendment of Part 4**

- 5. For rule 4 substitute—
  - “4.—(1) Forms approved by the Civil Procedure Rule Committee, as published online by Her Majesty’s Courts and Tribunals Service and available for downloading or printing, or incorporated as part of any online process specified by these Rules, must be used in the cases to which they apply.
  - (2) Other forms not approved by the Civil Procedure Rule Committee, published online by Her Majesty’s Courts and Tribunals Service and available for downloading, printing or other use, may be used as appropriate.
  - (3) A form may be varied by the court or a party if the variation is required by the circumstances of a particular case.
  - (4) A form must not be varied so as to leave out any information or guidance it contains.
  - (5) Where the court or a party produces a form with the words “Royal Arms”, the form must include a replica of the Royal Arms at the head of the first page.
  - (6) The court must supply, on request, a paper copy of a form (with relevant explanatory material) to a person who cannot obtain access to the forms published online.”.

### **Amendment of Part 5**

6. In rule 5.4D, in the words in parentheses at the end of the rule, for “8A” substitute “49E”.

### **Amendment of Part 6**

- 7.—(1) In rule 6.7, in the words in parentheses at the end of the rule—
- (a) for “7C” substitute “7B”; and
  - (b) for “7E” substitute “7C”.
- (2) In rule 6.8, in the first set of words in parentheses at the end of the rule—
- (a) for “7C” substitute “7B”; and
  - (b) for “7E” substitute “7C”.
- (3) In rule 6.23—
- (a) in paragraph (1)—
    - (i) for “A party” substitute “Unless the court orders otherwise, a party”; and
    - (ii) in the second sentence, omit the words “unless the court orders otherwise”;
  - (b) in paragraph (2)—
    - (i) for “or practice direction” substitute “, practice direction or order”; and
    - (ii) in the words in parentheses after sub-paragraph (c)—
      - (aa) for “7C” substitute “7B”; and
      - (bb) for “7E” substitute “7C”; and
  - (c) in paragraph (3), after “sub-paragraphs (2)(a) or (c) applies,” insert “unless the court orders otherwise”.
- (4) In rule 6.33(2B)—
- (a) at the end of sub-paragraph (a), omit “or”; and
  - (b) for the full stop at the end of sub-paragraph (b) substitute—
    - “; or
    - (c) the claim is in respect of a contract falling within sub-paragraph (b).”.
- (5) In rule 6.37(5)(b), for “may—” to the end substitute “may give directions about the method of service”.
- (6) For rule 6.38 substitute—

#### **“Service of documents other than the claim form – permission**

**6.38.** Any application notice issued or order made in any proceedings, or other document which is required to be served in the proceedings, may be served on a defendant out of the jurisdiction without permission where—

- (a) the claim form has been served on the defendant out of the jurisdiction with permission; or
- (b) permission is or was not required to serve the claim form (whether within or out of the jurisdiction).”.

### **Amendment of Part 7**

- 8.—(1) In rule 7.4, for paragraph (3) substitute—

“(3) Where the claimant serves particulars of claim on the defendant, the claimant must, within 7 days of service on the defendant, file a copy of the particulars unless a copy has already been filed.

(4) The claimant need not file a copy of the particulars of claim under paragraph (3) if the claim is being dealt with at the Production Centre (under rule 7.10) or the County Court Business Centre (under Practice Direction 7C) and is not transferred to another court.”.

- (2) In rule 7.5(1), in the table—
- (a) omit the entry for “Fax”; and
  - (b) in the entry for “Other electronic method”, for “Other electronic” substitute “Electronic”.
- (3) In rule 7.10, in paragraphs (2) and (3), for “7C” substitute “7B”.
- (4) In rule 7.12—
- (a) in paragraph (1), for “make provision for” substitute “permit or require”; and
  - (b) omit the words in parentheses after paragraph (3).

## **Amendment of Part 8**

- 9.—(1) For rule 8.1 substitute—

### **“Types of claim in which the Part 8 procedure is used**

8.1.—(1) The Part 8 procedure is the procedure set out in this Part.

(2) A claimant may, unless any enactment, rule or practice direction states otherwise, use the Part 8 procedure where they seek the court’s decision on a question which is unlikely to involve a substantial dispute of fact.

(3) In the County Court, a claim under the Part 8 procedure may be made at any County Court hearing centre unless an enactment, rule or practice direction states otherwise.

(4) The court may at any stage order the claim to continue as if the claimant had not used the Part 8 procedure and, if it does so, the court may give any directions it considers appropriate.

(5) Where the claimant uses the Part 8 procedure, they may not obtain default judgment under Part 12.

(6) A rule or practice direction may, in relation to a specified type of proceedings, disapply or modify any of the rules set out in this Part as they apply to those proceedings.

(Rule 8.9 provides for other modifications to the general rules where the Part 8 procedure is being used.)”.

- (2) For rule 8.5 substitute—

### **“Filing and serving written evidence**

8.5.—(1) When the claimant files the claim form, they must also file any written evidence on which they intend to rely.

(2) The claimant must serve their written evidence on the defendant with the claim form.

(3) A defendant who wishes to rely on written evidence must file it when they file their acknowledgment of service.

(4) If they do so, they must also, at the same time, serve a copy of their evidence on the other parties.

(5) The claimant may, within 14 days of service of the defendant’s evidence on them, file further written evidence in reply.

(6) If they do so, they must also, within the same time limit, serve a copy of their evidence on the other parties.

(7) The claimant may rely on the matters set out in the claim form as evidence under this rule if the claim form is verified by a statement of truth.

(8) A party may apply to the court for an extension of time to serve and file evidence or for permission to serve and file additional evidence under rule 8.6(1).

(9) The parties may agree in writing on an extension of time of not more than 14 days for serving and filing evidence from the defendant and of not more than 28 days for serving and filing evidence in reply.

(10) Any such agreement must be filed with the court with the acknowledgement of service or, if it relates to evidence in reply, within 48 hours of the agreement.”.

### **Amendment of Part 12**

**10.**—(1) In rule 12.3(3)(b), before paragraphs (i) and (ii), insert “(c)” (so that paragraphs (i) and (ii) are now part of sub-paragraph (c)).

(2) In rule 12.7(1)(b), for “Supreme Court Act 1981” substitute “Senior Courts Act 1981”(5).

(3) In rule 12.11(a), in subparagraphs (i) and (ii), for “claim” substitute “a claim”.

(4) In rule 12.12(8)(c), for “(5)(b)” substitute “(8)(b)”.

### **Substitution of Part 15**

**11.** For Part 15, substitute Part 15 as set out in Schedule 1 to these Rules.

### **Amendment of Part 16**

**12.**—(1) For rule 16.2(1)(c) to (d) substitute—

“(c) contain a statement of value in accordance with rule 16.3, where the claimant is making a claim for money;

(d) contain a statement of the interest accrued on that sum, where the only claim is for a specified sum; and

(e) contain such other matters as may be set out in a practice direction.”.

(2) In rule 16.2(5), after “entitled” insert a comma.

(3) In rule 16.3—

(a) at the end of sub-paragraph (2)(b)(i) insert “or”;

(b) in paragraph (3) for “the claimant expects” substitute “they expect”;

(c) in paragraph (3A)—

(i) in subparagraph (a) for “occurs” substitute “occurred”;

(ii) for “the claimant expects” substitute “they expect”; and

(d) for paragraphs (4) to (7) substitute—

“(4) Where a tenant of residential premises, or a contract-holder of an occupation contract of a dwelling under section 7 of the Renting Homes (Wales) Act 2016, claims an order against a landlord requiring the landlord to carry out repairs or other work, the claimant must also state in the claim form—

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(5) 1981 c.54. The Supreme Court Act was renamed the Senior Courts Act by the Constitutional Reform Act 2005 (c.4), Schedule 11, Part 4 paragraph 26(1),(2).

- (a) whether the estimated costs of those repairs or other work is—
  - (i) not more than £1,000; or
  - (ii) more than £1,000; and
- (b) whether the value of any other claim for damages is—
  - (i) not more than £1,000; or
  - (ii) more than £1,000.
- (5) If the claim form is to be issued in the High Court it must, where this rule applies—
  - (a) state that the claimant expects to recover more than £100,000;
  - (b) state that some other enactment permits or requires the claim to be brought in the High Court and specify that enactment;
  - (c) if the claim is for personal injuries, state that the claimant expects to recover £50,000 or more; or
  - (d) state that the claim is to proceed in one of the specialist High Court lists and state which list.
- (6) When calculating how much the claimant expects to recover, the claimant must disregard any possibility—
  - (a) that the court may make an award of—
    - (i) interest;
    - (ii) costs;
  - (b) that the court may make a finding of contributory negligence;
  - (c) that the defendant may make a counterclaim or that the defence may include a set-off; or
  - (d) that the defendant may (under section 6 of the Social Security (Recovery of Benefits Act 1997) be liable to pay direct to the Secretary of State part of any award of money made by the court to the claimant against the defendant.
- (7) The statement of value in the claim form does not limit the power of the court to give judgment for an amount which it finds the claimant is entitled to.”.
- (4) For rules 16.4 to 16.7 substitute—

**“Contents of the particulars of claim**

- 16.4.—**(1) Particulars of claim must include—
- (a) a concise statement of the facts on which the claimant relies;
  - (b) if the claimant is seeking interest, a statement to that effect and the details set out in paragraph (2);
  - (c) if the claimant is seeking aggravated damages<sup>(GL)</sup> or exemplary damages<sup>(GL)</sup>, a statement to that effect and the grounds for claiming them;
  - (d) if the claimant is seeking provisional damages, a statement to that effect and the grounds for claiming them; and
  - (e) such other matters as may be set out in a practice direction.
- (2) If the claimant is seeking interest they must—
- (a) state whether they are doing so—
    - (i) under the terms of a contract;

- (ii) under an enactment and, if so, which; or
- (iii) on some other basis and, if so, what that basis is; and
- (b) if the claim is for a specified amount of money, state—
  - (i) the percentage rate at which interest is claimed;
  - (ii) the date from which it is claimed;
  - (iii) the date to which it is calculated, which must not be later than the date on which the claim form is issued;
  - (iv) the total amount of interest claimed to the date of calculation; and
  - (v) the daily rate at which interest accrues after that date.

(Part 22 requires particulars of claim to be verified by a statement of truth).

### **Contents of defence**

**16.5.**—(1) In the defence, the defendant must deal with every allegation in the particulars of claim, stating—

- (a) which of the allegations are denied;
  - (b) which allegations they are unable to admit or deny, but which they require the claimant to prove; and
  - (c) which allegations they admit.
- (2) Where the defendant denies an allegation—
- (a) they must state their reasons for doing so; and
  - (b) if they intend to put forward a different version of events from that given by the claimant, they must state their own version.
- (3) If a defendant—
- (a) fails to deal with an allegation; but
  - (b) sets out in the defence the nature of their case in relation to the issue to which that allegation is relevant,

the claimant is required to prove the allegation.

(4) Where the claim includes a money claim, the claimant must prove any allegation relating to the amount of money claimed, unless the defendant expressly admits the allegation.

(5) Subject to paragraphs (3) and (4), a defendant who fails to deal with an allegation shall be taken to admit that allegation.

- (6) If the defendant disputes the claimant’s statement of value under rule 16.3 they must—
- (a) state why they dispute it; and
  - (b) if they are able, give their own statement of the value of the claim.

(7) If the defendant is defending in a representative capacity, they must state what that capacity is.

(8) If the defendant has not filed an acknowledgment of service under Part 10, they must give an address for service.

(Part 22 requires a defence to be verified by a statement of truth.)

(Rule 6.23 makes provision in relation to addresses for service.)



### **Defence of set-off**

**16.6.** Where a defendant—

- (a) contends that they are entitled to money from the claimant; and
- (b) relies on this as a defence to the whole or part of the claim,

the contention may be included in the defence and set off against the claim, whether or not it is also an additional claim.

### **Reply to defence**

**16.7.—**(1) If a claimant does not file a reply to the defence, the defendant must prove the matters raised in the defence.

(2) If a claimant—

- (a) files a reply to a defence; but
- (b) fails to deal with a matter raised in the defence,

the defendant must prove that matter even though it is not dealt with in the reply.

(Part 22 requires a reply to be verified by a statement of truth.)”.

### **Amendment of Part 24**

**13.** For rule 24.4(2) substitute—

“(2) If a party applies for summary judgment before a defendant has filed a defence, the defendant by or against whom the application is made need not file a defence before the hearing.”.

### **Amendment of Part 26**

**14.** In rule 26.2A(6)(c), for “7D” substitute “49D”.

### **Amendment of Part 36**

**15.—**(1) In rule 36.1(3), for “8B” substitute “49F”.

(2) In rule 36.24(2), for “8B” substitute “49F”.

### **Amendment of Part 38**

**16.** In rule 38.3, after paragraph (4), insert—

“(5) The notice of discontinuance must be in Form N279 unless otherwise permitted by the court.”.

### **Amendment of Part 45**

**17.—**(1) In the table of contents—

- (a) in the entry for rule 45.29, for “8B” substitute “49F”; and
- (b) omit the entries for Section IV.

(2) In rule 45.1, in the words in parentheses after paragraph (2), for “7B” substitute “49C”.

(3) In rule 45.16(1), for “8B” substitute “49F”.

(4) In rule 45.25(1), for “8B” substitute “49F”.

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- (5) In rule 45.29—
- (a) in the heading, for “8B” substitute “49F”; and
  - (b) in paragraph (1)(c), for “8B” substitute “49F”.
- (6) In rule 45.29A(1)(a), for “8B” substitute “49F”.
- (7) Omit Section IV.

#### **Amendment of Part 46**

**18.**—(1) In the table of contents, after the entry for rule 46.19, insert—

“VII SCALE COSTS FOR CLAIMS IN THE INTELLECTUAL PROPERTY ENTERPRISE COURT	
Scope and interpretation	Rule 46.20
Amount of scale costs	Rule 46.21
Summary assessment of the costs of an application where a party has behaved unreasonably	Rule 46.22
VIII ENVIRONMENTAL REVIEW COSTS	
Environmental review costs	Rule 46.23”.

(2) After rule 46.19, insert—

#### *“VII SCALE COSTS FOR CLAIMS IN THE INTELLECTUAL PROPERTY ENTERPRISE COURT*

##### **Scope and interpretation**

**46.20.**—(1) Subject to paragraph (2), this Section applies to proceedings in the Intellectual Property Enterprise Court.

(2) This Section does not apply where—

- (a) the court considers that a party has behaved in a manner which amounts to an abuse of the court’s process; or
- (b) the claim concerns the infringement or revocation of a patent or registered design or registered trade mark the validity of which has been certified by a court or by the Comptroller-General of Patents, Designs and Trade Marks in earlier proceedings.

(3) The court will make a summary assessment of the costs of the party in whose favour any order for costs is made. Rules 44.2(8), 44.7(b) and Part 47 do not apply to this Section.

(4) ‘Scale costs’ means the costs set out in Table A and Table B of the Practice Direction supplementing this Part.

##### **Amount of scale costs**

**46.21.**—(1) Subject to rule 46.22, the court will not order a party to pay total costs of more than—

- (a) £60,000 on the final determination of a claim in relation to liability; and
- (b) £30,000 on an inquiry as to damages or account of profits.

(2) The amounts in paragraph (1) apply after the court has applied the provision on set off in accordance with rule 44.12(a).

(3) The maximum amount of scale costs that the court will award for each stage of the claim is set out in Practice Direction 46.

(4) The amount of the scale costs awarded by the court in accordance with paragraph (3) will depend on the nature and complexity of the claim.

(5) Subject to assessment where appropriate, the following may be recovered in addition to the amount of the scale costs set out in Practice Direction 46 – Costs - Special Cases—

- (a) court fees;
- (b) costs relating to the enforcement of any court order; and
- (c) wasted costs.

(6) Where appropriate, VAT may be recovered in addition to the amount of the scale costs and any reference in this Section to scale costs is a reference to those costs net of any such VAT.

### **Summary assessment of the costs of an application where a party has behaved unreasonably**

**46.22.** Costs awarded to a party under rule 63.26(2) are in addition to the total costs that may be awarded to that party under rule 46.21.

## *SECTION VIII – ENVIRONMENTAL REVIEW COSTS*

### **Environmental review costs**

**46.23.—**(1) In this Section, “party” includes an intervener or interested party.

(2) Subject to paragraph (3), no party to a claim for environmental review (for which see Section III of Part 54) is entitled to an order for costs against any other party.

(3) The court may make an order for costs against a party if satisfied that the conduct of a party or that party’s legal representative, before or during the proceedings, was unreasonable or improper.

(4) Where—

- (a) the court makes an order under paragraph (2) against a legally represented party; and
- (b) the party is not present when the order is made,

the party’s legal representative must notify that party in writing of the order no later than 7 days after the legal representative receives notice of the order.”.

### **Substitution of Part 49**

**19.** For Part 49 substitute Part 49 as set out in Schedule 2 to these Rules.

### **Amendment of Part 52**

**20.** In rule 52.14—

- (a) in paragraph (1), for “application” substitute “request”;
- (b) in paragraph (2)(a), for “applicant” substitute “requesting party”; and
- (c) after paragraph (2), insert—

“(3) A request under paragraph (1) must be made on the approved form.”.

## Amendment of Part 54

21.—(1) In the table of contents—

- (a) omit the entries for Section IV; and
- (b) after the entries for Section VI insert—

“III ENVIRONMENTAL REVIEW UNDER THE ENVIRONMENT ACT 2021	
Scope and interpretation	Rule 54.25
Who may exercise the powers of the High Court	Rule 54.26
When this Section must be used	Rule 54.27
Time limit for filing claim form	Rule 54.28
Claim form	Rule 54.29
Service of claim form	Rule 54.30
Acknowledgment of service	Rule 54.31
Detailed grounds and evidence	Rule 54.32
Failure to file acknowledgment of service	Rule 54.33
Where claimant seeks to rely on additional grounds	Rule 54.34
Other procedural rules	Rule 54.35”.

(2) After Section VI insert—

### “SECTION VII – ENVIRONMENTAL REVIEW UNDER THE ENVIRONMENT ACT 2021

#### Scope and interpretation

54.25.—(1) This Section contains rules about environmental review.

(2) In this Section—

- (a) “claim for environmental review” means a claim made by the Office for Environmental Protection (“OEP”) under section 38 of the Environment Act 2021(6);
- (b) “the environmental review procedure” means the Part 8 procedure as modified by this Section;
- (c) “interested party” means any person (other than the claimant and defendant) who is directly affected by the claim; and
- (d) “court” means the High Court.

#### Who may exercise the powers of the High Court

54.26.—(1) Rule 54.1A (excluding paragraph (3)(a) of the rule) applies to a claim for environmental review.

(2) A claim for environmental review shall be assigned to the Planning Court.

### **When this Section must be used**

**54.27.**—(1) The environmental review procedure must be used where a claim for environmental review is made.

(2) Practice Direction 54E applies to the environmental review procedure.

### **Time limit for filing claim form**

**54.28.**—(1) The claim form must be filed not later than 6 months from the date by which a response to a decision notice was required under section 36(3) of the Environment Act 2021.

(2) The time limit in paragraph (1) may be extended, but only upon application to the court by the claimant and if the court is satisfied that it is reasonable to do so.

### **Claim form**

**54.29.**—(1) In addition to the matters set out in rule 8.2 (contents of the claim form) the claimant must also state—

- (a) the name of the public authority, the defendant, against whom the claim for environmental review is brought;
- (b) the name and address of any person the claimant considers to be an interested party; and
- (c) any remedy (including any interim remedy) sought by the claimant.

(2) The claim form must be accompanied by the documents required by Practice Direction 54E.

### **Service of claim form**

**54.30.** The claim form must be served on—

- (a) the defendant; and
- (b) unless the court otherwise directs, any person the claimant considers to be an interested party,

within 7 days after the date of issue.

### **Acknowledgment of service**

**54.31.**—(1) Any person served with the claim form who wishes to take part in the environmental review must file an acknowledgment of service in the relevant practice form in accordance with the following provisions of this rule.

(2) Any acknowledgment of service must be—

- (a) filed not more than 35 days after service of the claim form; and
- (b) served on—
  - (i) the claimant; and
  - (ii) subject to any direction under rule 54.30(b), any other person named in the claim form,

as soon as practicable and, in any event, not later than 7 days after it is filed.

(3) The time limits under this rule may not be extended by agreement between the parties.

(4) The acknowledgment of service—

- (a) must state the name and address of any person the person filing it considers to be an interested party; and
  - (b) may include or be accompanied by an application for directions.
- (5) Rule 10.3(2) does not apply.

#### **Detailed grounds and evidence**

**54.32.**—(1) A defendant and any other person served with the claim form who wishes to contest the claim or support it on additional grounds must file and serve with the acknowledgement of service—

- (a) detailed grounds for contesting the claim or supporting it on additional grounds; and
  - (b) any written evidence.
- (2) Rule 8.6(1) does not apply.
- (3) No written evidence may be relied on unless—
- (a) it has been served in accordance with any—
    - (i) rule in this Section; or
    - (ii) direction of the court; or
  - (b) the court gives permission.

#### **Failure to file acknowledgment of service**

**54.33.**—(1) Where a person served with the claim form has failed to file an acknowledgment of service in accordance with rule 54.31 or to comply with 54.32, they may not take part in the hearing of the claim unless the court allows them to do so and they comply with rule 54.31 or any other direction of the court regarding the filing and service of—

- (a) detailed grounds for contesting the claim or supporting it on additional grounds; and
  - (b) any written evidence.
- (2) Where that person takes part in the hearing of the environmental review, the court may take their failure to file an acknowledgment of service into account when deciding whether an order as to costs should be made.
- (3) Rule 8.4 does not apply.

#### **Where claimant seeks to rely on additional grounds**

**54.34.** The court’s permission is required if the claimant seeks to rely on grounds other than those set out in the original claim.

#### **Other procedural rules**

**54.35.** Rules 54.10 and 54.16 – 54.20 shall apply to the environmental review procedure, except that—

- (a) references to “permission to proceed” shall be disregarded; and
- (b) the reference in rule 54.19 to “the decision to which the claim relates” shall be read as referring to “the matter to which the claim relates.”.

#### **Amendment of Part 55**

**22.**—(1) In the Table of Contents, after the entry for rule 55.28 insert—

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“Stay of possession proceedings, coronavirus	Rule 55.29
IV — RENTING HOMES WALES - GENERAL RULES	
Interpretation	Rule 55.30
Scope	Rule 55.31
Starting the claim	Rule 55.32
Particulars of claim	Rule 55.33
Hearing date	Rule 55.34
Defendant’s response and adding of sub-holder as a party	Rule 55.35
The hearing	Rule 55.36
Allocation	Rule 55.37
Electronic issue of certain Renting Homes possession claims	Rule 55.38
V—RENTING HOMES WALES – ACCELERATED POSSESSION CLAIMS OF DWELLINGS LET ON A STANDARD CONTRACT	
Interpretation	Rule 55.39
When this Section may be used	Rule 55.40
Conditions	Rule 55.41
Claim form	Rule 55.42
Defence	Rule 55.43
Claim referred to judge	Rule 55.44
Consideration of the claim	Rule 55.45
Possession order	Rule 55.46
Postponement of possession	Rule 55.47
Application to set aside or vary	Rule 55.48”.

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(2) After rule 55.29 insert—

*“IV RENTING HOMES WALES - GENERAL RULES*

**Interpretation**

**55.30.** In this Section of this Part—

- (a) “the 2016 Act” means the Renting Homes (Wales) Act 2016(7);
- (b) “a contract-holder” is the person who makes an occupation contract with a landlord and is a contract-holder under sections 7 and 48 of the 2016 Act(8);

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(7) [2016 anaw 1](#). Section 257 makes provision about commencement. Part 11 of the Act came into force the day after the day on which the Act received Royal Assent (19 January 2016). Certain other provisions of the Act were brought into force by [S.I. 2016/813](#) for the purpose of making Regulations and issuing Guidance. The Welsh Government has announced that the remaining provisions of the Act are to come into force on 1st December 2022.

(8) [2016 anaw 1](#).Section 7 was brought into force for certain purposes by [S.I. 2016/813](#), art 2 Sch Part 1, paras 11 and 12.

- (c) “Convention rights” has the meaning provided by the Human Rights Act 1998<sup>(9)</sup>;
- (d) “a dwelling” means a dwelling let under an occupation contract;
- (e) “an extended possession order” means an order for possession against a sub-holder under section 65<sup>(10)</sup> of the 2016 Act;
- (f) “an occupation contract” is a tenancy or licence that is an occupation contract under section 7 of the 2016 Act;
- (g) “a prohibited conduct standard contract order claim” means a claim under section 116<sup>(11)</sup> of the 2016 Act;
- (h) “a Renting Homes possession claim” means a claim for the recovery of possession of a dwelling under the 2016 Act;
- (i) “a sub-holder” has the meaning provided by section 59<sup>(12)</sup> of the 2016 Act;
- (j) “a standard contract” has the meaning provided by section 8<sup>(13)</sup> of the 2016 Act.

### Scope

**55.31.**—(1) The procedure set out in this Section of this Part must be used where the claim is a Renting Homes possession claim.

(Where a prohibited conduct standard contract order claim is made in the same claim form in which a Renting Homes possession claim is made, this Section of this Part applies. Where the claim is a prohibited conduct standard contract order claim only, Section III of Part 65 applies.)

(2) This Section of this Part—

- (a) is subject to any enactment or practice direction which sets out special provisions with regard to any particular category of claim;
- (b) does not apply where the claimant uses the procedure set out in Section V of this Part;
- (c) applies irrespective of whether an application for an extended possession order may be made in the course of the Renting Homes possession claim.

### Starting the claim

**55.32.**—(1) In the County Court—

- (a) the claimant may make the claim at any County Court hearing centre, unless paragraph (2) applies or an enactment provides otherwise;
- (b) the claim is to be issued by the hearing centre where the claim is made; and
- (c) if that hearing centre does not serve the address where the dwelling is situated, the claim is to be sent, after issue, to the hearing centre serving that address.

(Practice Direction 55A includes further direction in respect of claims which are not made at the County Court hearing centre which serves the address where the dwelling is situated.)

(2) The claim may be started in the High Court if the claimant files with their claim form a certificate stating the reasons for bringing the claim in that court verified by a statement of truth in accordance with rule 22.1(1).

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<sup>(9)</sup> 1998 c.42. Section 1 was amended by S.I. 2003/1887 article 1 and by S.I. 2004/1574 article 2.

<sup>(10)</sup> 2016 anaw 1. Section 65(3) was amended by the Renting Homes (Amendment) (Wales) Act 2021 (asc 3), s 18 Sch 6 paras 1, 8.

<sup>(11)</sup> 2016 anaw 1. For commencement generally see footnote (a) to rule 24(2) of this instrument. Section 116(4) and (5) was brought into force for certain purposes by S.I. 2016/813 article 2, Schedule Part 2 paragraph 21 and Part 1 paragraph 18 respectively.

<sup>(12)</sup> 2016 anaw 1. For commencement generally see footnote (a) to rule 24(2) of this instrument.

<sup>(13)</sup> 2016 anaw 1. For commencement generally see footnote (a) to rule 24(2) of this instrument.



(3) The claim form and form of defence sent with it must be in the forms specified in Practice Direction 55A.

### **Particulars of claim**

**55.33.** The particulars of claim must be filed and served with the claim form.

(Part 16 and Practice Direction 55A provide details about the contents of the particulars of claim.)

### **Hearing date**

**55.34.**—(1) Subject to paragraph (2), the court is to fix a date for the hearing when it issues the claim form.

(2) If the claim has been sent on to the hearing centre which serves the address where the dwelling is situated, that hearing centre is to fix a date for hearing when it receives the claim.

(3) In all Renting Homes possession claims—

- (a) the hearing date is to be not less than 28 days from the date of issue of the claim form;
- (b) the standard period between the issue of the claim form and the hearing is to be not more than 8 weeks; and
- (c) the defendant must be served with the claim form and particulars of claim not less than 21 days before the hearing date.

### **Defendant's response and adding of sub-holder as a party**

**55.35.**—(1) An acknowledgment of service is not required and Part 10 does not apply.

(2) Where, in any Renting Homes possession claim, the defendant does not file a defence within the time specified in rule 15.4, the defendant may take part in any hearing but the court may take their failure to do so into account when deciding what order to make about costs.

(3) Part 12 (default judgment) does not apply in a claim to which this Section applies.

(4) Where a sub-holder applies to the court to be added as a party to proceedings, the court must add them as a defendant if they are entitled to be a party under section 65(4)(14) of the 2016 Act.

### **The hearing**

**55.36.**—(1) At the hearing fixed in accordance with rule 55.34 or at any adjournment of that hearing, the court may—

- (a) decide the claim; or
- (b) give case management directions.

(2) Where the claim is genuinely disputed on grounds which appear to be substantial, case management directions given under paragraph (1)(b) will include the allocation of the claim to a track or directions to enable it to be allocated.

(3) Except where—

- (a) the claim is allocated to the fast track or the multi-track; or
- (b) the court orders otherwise,

any fact that needs to be proved by the evidence of witnesses at a hearing referred to in paragraph (1) may be proved by evidence in writing.

(4) All witness statements must be filed and served at least 2 days before the hearing.

(5) Where the claimant serves the claim form and particulars of claim, the claimant must produce at the hearing a certificate of service of those documents and rule 6.17(2)(a) does not apply.

### **Allocation**

**55.37.**—(1) When the court decides the track for a Renting Homes possession claim, the matters it must consider include—

- (a) the matters set out in rule 26.8 as modified by the relevant practice direction;
- (b) the amount of any arrears of rent;
- (c) the importance to the defendant of retaining possession of the dwelling;
- (d) the importance of vacant possession to the claimant; and
- (e) if applicable, the alleged conduct of the defendant.

(2) The court may only allocate Renting Homes possession claims to the small claims track if all the parties agree.

(3) Where a Renting Homes possession claim has been allocated to the small claims track the claim must be treated, for the purposes of costs, as if it were proceeding on the fast track except that trial costs are to be in the discretion of the court and must not exceed the amount that would be recoverable under rule 45.38 (amount of fast track costs) if the value of the claim were up to £3,000.

(4) Where all the parties agree the court may, when it allocates the claim, order that rule 27.14 (costs on the small claims track) applies and, where it does so, paragraph (3) does not apply.

### **Electronic issue of certain Renting Homes possession claims**

**55.38.**—(1) A practice direction may make provision for a claimant to start certain types of Renting Homes possession claim in certain courts by requesting the issue of a claim form electronically.

(2) The practice direction may, in particular—

- (a) provide that only particular provisions apply in specific courts;
- (b) specify—
  - (i) the type of claim which may be issued electronically;
  - (ii) the conditions that a claim must meet before it may be issued electronically;
- (c) specify the court where the claim may be issued;
- (d) enable the parties to make certain applications or take further steps in relation to the claim electronically;
- (e) specify the requirements that must be fulfilled in relation to such applications or steps;
- (f) enable the parties to correspond electronically with the court about the claim;
- (g) specify the requirements that must be fulfilled in relation to electronic correspondence;

- (h) provide how any fee payable on the filing of any document is to be paid where the document is filed electronically.
- (3) The practice direction may disapply or modify these Rules as appropriate in relation to claims started electronically.

*V RENTING HOMES WALES – ACCELERATED POSSESSION  
CLAIMS OF DWELLINGS LET ON A STANDARD CONTRACT*

### Interpretation

**55.39.** The definitions set out in rule 55.30 apply to this Section also.

### When this Section may be used

**55.40.**—(1) The claimant may bring a Renting Homes possession claim under this Section of this Part where—

- (a) the claim is brought under—
  - (i) section 170(**15**) of the 2016 Act to recover possession of a dwelling let under a periodic standard contract (following contract-holder’s notice);
  - (ii) section 178(**16**) of the 2016 Act to recover possession of a dwelling let under a periodic standard contract (landlord’s notice);
  - (iii) section 186(**17**) of the 2016 Act to recover possession of a dwelling let under a fixed term standard contract (landlord’s notice at end of fixed term);
  - (iv) section 191(**18**) of the 2016 Act to recover possession of a dwelling let under a fixed term standard contract (following contract-holder’s break clause); or
  - (v) section 199(**19**) of the 2016 Act to recover possession of a dwelling let on a fixed term standard contract (landlord’s break clause); and
- (b) all the conditions listed in rule 55.41 are satisfied.

(2) The claimant may make the claim at any County Court hearing centre, unless an enactment provides otherwise.

(3) The claim is to be issued by the hearing centre where the claim is made.

(4) If the hearing centre where the claim is made does not serve the address where the dwelling is situated, the claim is to be sent, after issue, to the hearing centre serving that address.

### Conditions

**55.41.** The conditions referred to in rule 55.40(1)(b) are that—

- (a) the only purpose of the claim is to recover possession of the dwelling and no other claim is made;
- (b) the claim relates to an occupation contract which is a standard contract; and
- (c) a prescribed notice in accordance with any of the following sections of the 2016 Act was given to the contract-holder—

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(15) [2016 anaw 1](#). For commencement generally see footnote (a) to rule 24(2) of this instrument. Section 173(3) was repealed by the Renting Homes (Amendment) (Wales) Act 2021 ([asc 3](#)) section 121.

(16) [2016 anaw 1](#). For commencement generally see footnote (a) to rule 24(2) of this instrument.

(17) [2016 anaw 1](#). For commencement generally see footnote (a) to rule 24(2) of this instrument. Section 186 was amended by the Renting Homes (Amendment) (Wales) Act 2021 ([asc 3](#)) s10.

(18) [2016 anaw 1](#). For commencement generally see footnote (a) to rule 24(2) of this instrument.

(19) [2016 anaw 1](#). For commencement generally see footnote (a) to rule 24(2) of this instrument.

- (i) section 171 (if the claim is brought under section 170(20) of that Act);
- (ii) section 173 (if the claim is brought under section 178(21) of that Act);
- (iii) section 186(22) (if the claim is brought under that section);
- (iv) section 192 (if the claim is brought under section 191(23) of that Act); or
- (v) section 194(24) (if the claim is brought under section 199(25) of that Act).

### **Claim form**

**55.42.**—(1) The claim form must—

- (a) be in the form specified in Practice Direction 55A; and
- (b) contain all information and be accompanied by all documents as are required by that form.

(2) The court is to serve the claim form by first class post (or an alternative service which provides for delivery on the next working day).

### **Defence**

**55.43.**—(1) A defendant who wishes to—

- (a) oppose the claim; or
- (b) seek a postponement of possession in accordance with rule 55.47,

must file a defence within 14 days after service of the claim form.

(2) The defence must be in the form specified in Practice Direction 55A.

### **Claim referred to judge**

**55.44.**—(1) On receipt of the defence the court must—

- (a) send a copy to the claimant; and
- (b) refer the claim and defence to a judge.

(2) Where the period set out in rule 55.43 has expired without the defendant filing a defence—

- (a) the claimant may file a written request for an order for possession; and
- (b) the court must refer that request to a judge.

(3) Where the defence is received after the period set out in rule 55.43 has expired but before a request is filed in accordance with paragraph (2), paragraph (1) still applies.

(4) Where—

- (a) the period set out in rule 55.43 has expired without the defendant filing a defence; and
- (b) the claimant has not made a request for an order for possession under paragraph (2) within 3 months after the expiry of the period set out in rule 55.43,

the claim must be stayed.

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(20) [2016 anaw 1](#). For commencement generally see footnote (a) to rule 24(2) of this instrument.

(21) [2016 anaw 1](#). For commencement generally see footnote (a) to rule 24(2) of this instrument.

(22) [2016 anaw 1](#). For commencement generally see footnote (a) to rule 24(2) of this instrument. Section 186 was amended by the Renting Homes (Amendment) (Wales) Act 2021 (asc 3) s10.

(23) [2016 anaw 1](#). For commencement generally see footnote (a) to rule 24(2) of this instrument.

(24) [2016 anaw 1](#). For commencement generally see footnote (a) to rule 24(2) of this instrument. Section 194 was amended by the Renting Homes (Amendment) (Wales) Act 2021 (asc 3), s11.

(25) [2016 anaw 1](#). For commencement generally see footnote (a) to rule 24(2) of this instrument.

### Consideration of the claim

**55.45.**—(1) After considering the claim and any defence, the judge may—

- (a) make an order for possession under rule 55.46 without requiring the attendance of the parties;
- (b) strike out the claim if the claim form discloses no reasonable grounds for bringing the claim; or
- (c) where paragraphs (2) or (3) apply—
  - (i) direct that a date be fixed for a hearing; and
  - (ii) give any appropriate case management directions.

(2) This paragraph applies where the judge is not satisfied either that the claim form was served or that the claimant has established that they are entitled to recover possession from the defendant.

(3) This paragraph applies where—

- (a) an application under section 36 (incomplete written statement) or section 37~~(26)~~ (incorrect statement: contract-holder’s application to the court) of the 2016 Act has been made (and not disposed of) in connection with the occupation contract of the dwelling in respect of which the possession claim has been brought;
- (b) the claim is a claim under section 178 or section 199 of the 2016 Act, where the issue of retaliatory possession has been raised under section 217 of the 2016 Act~~(27)~~;
- (c) the claim is a claim under section 170, section 178, section 186, section 191 or section 199~~(28)~~ of the 2016 Act, where a defence based on the defendant’s Convention rights is raised.

(5) The court is to give all parties not less than 14 days’ notice of a hearing fixed under paragraph (1)(c)(i).

(6) Where a claim is struck out under paragraph (1)(b)—

- (a) the court is to serve its reasons for striking out the claim with the order; and
- (b) the claimant may apply to restore the claim within 28 days after the date the order was served on them.

### Possession order

**55.46.** Except where rules 55.45(1)(b) or (c) apply, the judge must make an order for possession without requiring the attendance of the parties.

### Postponement of possession

**55.47.**—(1) Where the defendant seeks postponement of possession on the ground of exceptional hardship under section 219~~(29)~~ of the 2016 Act, the judge may direct a hearing of that issue.

(2) Where the judge directs a hearing under paragraph (1)—

- (a) the hearing must be held before the date on which possession is to be given up; and

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**(26)** [2016 anaw 1](#). For commencement generally see footnote (a) to rule 24(2) of this instrument. Section 37(2) was amended by the Renting Homes (Amendment) (Wales) Act 2021 ([asc 3](#)) s18, Sch 6, paras 1, 5.

**(27)** [2016 anaw 1](#). For commencement generally see footnote (a) to rule 24(2) of this instrument.

**(28)** [2016 anaw 1](#). For commencement generally see footnote (a) to rule 24(2) of this instrument. Section 186 was amended by the Renting Homes (Amendment) (Wales) Act 2021 ([asc 3](#)) s10.

**(29)** [2016 anaw 1](#). For commencement generally see footnote (a) to rule 24(2) of this instrument.

(b) the judge must direct how many days' notice the parties must be given of that hearing.

(3) Where the judge is satisfied, on a hearing directed under paragraph (1), that exceptional hardship would be caused by requiring possession to be given up by the date in the order of possession, the judge may vary the date on which possession must be given up.

### **Application to set aside or vary**

**55.48.** The court may—

- (a) on application by a party within 14 days of service of the order; or
- (b) of its own initiative,

set aside or vary any order made under rule 55.46.”.

### **Amendment of Part 56**

**23.**—(1) In the heading to the Part, after “land” insert “and claims under the Renting Homes (Wales) Act 2016(30)”.

(2) In the Table of Contents after the entry for rule 56.4, insert—

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“III APPLICATIONS AND CLAIMS TO THE COURT UNDER THE RENTING HOMES (WALES) ACT 2016	
Scope and interpretation	Rule 56.5
Making the claim	Rule 56.6
Further provision for Renting Homes (Wales) claims	Rule 56.7”.

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(3) After rule 56.4 insert—

*“III APPLICATIONS AND CLAIMS TO THE COURT  
UNDER THE RENTING HOMES (WALES) ACT 2016*

### **Scope and interpretation**

**56.5.**—(1) In this Section of this Part —

- (a) “the 2016 Act” means the Renting Homes (Wales) Act 2016;
- (b) “Renting Homes (Wales) claim” means a claim or application under the 2016 Act other than a claim —
  - (i) for possession;
  - (ii) for a prohibited conduct standard contract order under section 116(31) of the 2016 Act;
  - (iii) to which the Pre-Action Protocol for Housing Disrepair Cases applies; or
  - (iv) brought in the same proceedings as a claim under rule 56.5(a) to (c);
 and includes an appeal under section 78(32) of the 2016 Act;

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(30) 2016 anaw 1. For commencement generally see footnote (a) to rule 24(2) of this instrument.

(31) 2016 anaw 1. For commencement generally see footnote (a) to rule 24(2) of this instrument. Section 116(4) and (5) was brought into force for certain purposes by S.I. 2016/813 article 2, Schedule Part 2 paragraph 21 and Part 1 paragraph 18 respectively.

(32) 2016 anaw 1. For commencement generally see footnote (a) to rule 24(2) of this instrument.

- (c) “the claimant” means the person making the Renting Homes (Wales) claim, irrespective of whether it is a claim or application under the 2016 Act.

#### **Making the Renting Homes (Wales) claim**

**56.6.** In the County Court, the Renting Homes (Wales) claim—

- (a) may be made at any County Court hearing centre;
- (b) is to be issued by the hearing centre where the claim is made; and
- (c) if not made at the County Court hearing centre which serves the address where the land is situated, is to be sent to the hearing centre serving that address.

#### **Further provision for Renting Homes (Wales) claims**

**56.7.** A practice direction may set out provisions with regard to Renting Homes (Wales) claims.”.

#### **Amendment of Part 58**

**24.** In rule 58.8(2) for “12.6(1)” substitute “12.7(1)”.

#### **Amendment of Part 59**

**25.** In rule 59.4(3) for “12.6(1)(a)” substitute “12.7(1)(a)”.

#### **Amendment of Part 61**

**26.—(1)** In rule 61.4(2), for “need not” substitute “should not”.

**(2)** In rule 61.9—

- (a) in paragraph (1)—
  - (i) for “a claim in rem (other than a collision claim)” substitute “an admiralty claim”;
  - (ii) for sub-paragraph (a)(ii) substitute—

“(ii) the relevant time limit for doing so has expired;”;

and
- (b) in paragraph (3)—
  - (i) in sub-paragraph (a), for “under paragraph (1) or paragraph (2) in an in rem claim” substitute “in a claim in rem”; and
  - (ii) in sub-paragraph (b), for “under paragraph (2) in any other claim” substitute “in a claim in personam”.

#### **Amendment of Part 62**

**27.** In rule 62.5—

- (a) in paragraph (1), for “The” substitute “Subject to paragraph (2A), the”;
- (b) after paragraph (2) insert—

“(2A) An arbitration claim form falling within (1)(a) to (c) above may be served out of the jurisdiction without permission if—

  - (a) the seat of the arbitration is or will be in England and Wales; and
  - (b) the respondent is party to the arbitration agreement in question.”;
- (c) in paragraph (3)—

- (i) after “Rules” insert “6.34, 6.35 and”; and
- (ii) after “paragraph (1)” insert “or (2A)”.

### **Amendment of Part 63**

- 28.**—(1) In rule 63.26(3), for “Section IV of Part 45” substitute “Section VII of Part 46”.
- (2) In rule 63.27(4), for “Section IV of Part 45” substitute “Section VII of Part 46”.

### **Amendment of Part 65**

- 29.**—(1) In the Table of Contents—
- (a) for the heading to Section III substitute—
    - “III DEMOTION CLAIMS, PROHIBITED CONDUCT STANDARD CONTRACT ORDER CLAIMS (IN WALES), RELATED PROCEEDINGS AND APPLICATIONS (IN ENGLAND) TO SUSPEND THE RIGHT TO BUY”;
  - (b) in the entry for rule 65.12, after “Demotion claims” insert “, prohibited conduct standard contract order claims or suspension claims”;
  - (c) in the entry for rule 65.13, after “claims” insert “, prohibited conduct standard contract order claims or suspension claims”;
  - (d) in the entry for rule 65.14, after “claim” insert “, prohibited conduct standard contract order claim or suspension claim”; and
  - (e) in the entry for rule 65.20, after “tenancies” insert “and prohibited conduct standard contract order claims”.
- (2) For rule 65.1(c) substitute—
- “(c) in Section III, about claims for demotion orders under the Housing Acts 1985(33) and 1988(34), and for prohibited conduct standard contract orders under the Renting Homes (Wales) Act 2016(35), and related proceedings;”.
- (3) For the heading of Section III substitute—

*“III DEMOTION CLAIMS, PROHIBITED CONDUCT STANDARD CONTRACT ORDER CLAIMS (IN WALES), RELATED PROCEEDINGS AND APPLICATIONS (IN ENGLAND) TO SUSPEND THE RIGHT TO BUY”.*

- (4) In rule 65.11—
- (a) in paragraph (1)—
    - (i) at the end of subparagraph (aa) omit “and”;
    - (ii) at the end of subparagraph (b) for the full stop substitute “; and”; and
    - (iii) after subparagraph (b) insert—
      - “(c) claims by a landlord for an order under section 116(36) of the Renting Homes (Wales) Act 2016.”; and
  - (b) in paragraph (2)—
    - (i) before subparagraph (a) insert—

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(33) 1985 c.68.

(34) 1988 c.50.

(35) 2016 anaw 1. For commencement generally see footnote (a) to rule 24(2) of this instrument.

(36) 2016 anaw 1. For commencement generally see footnote (a) to rule 24(2) of this instrument. Section 116(4) and (5) was brought into force for certain purposes by S.I. 2016/813 article 2, Schedule Part 2 paragraph 21 and Part 1 paragraph 18 respectively.



“(za) “the 2016 Act” means the Renting Homes (Wales) Act 2016;”;

(ii) after subparagraph (b) insert—

“(ba) “a dwelling” means a dwelling let under an occupation contract;

(bb) “a prohibited conduct standard contract” has the meaning provided by section 116(6)(37) of the 2016 Act;

(bc) “a prohibited conduct standard contract order” is an order imposed under section 116(38) of the 2016 Act;

(bd) “a prohibited conduct standard contract order claim” means a claim for a prohibited conduct standard contract order;

(be) “a Renting Homes possession claim” means a claim for the recovery of possession of a dwelling under the 2016 Act;”.

(5) In the heading to rule 65.12, after “Demotion claims” insert “, prohibited conduct standard contract order claims”.

(6) Renumber rule 65.12 as rule 65.12(1).

(7) After rule 65.12(1) insert—

“(2) Where a prohibited conduct standard contract order is claimed in the alternative to a possession order, the claimant must use the Part 55 procedure and Section IV of Part 55 applies.”.

(8) In the heading to rule 65.13, after “demotion,” insert “claims, prohibited conduct standard contract order claims”;

(9) In rule 65.13—

(a) after “(or both)” insert “, or a prohibited conduct standard contract order claim”; and

(b) after “possession claim” insert “or a Renting Homes possession claim”.

(10) In the heading to rule 65.14 after “demotion”, insert “claim, prohibited conduct standard contract order claim”.

(11) In rule 65.14(1)(c), after “property” insert “or dwelling”.

(12) In the words in parentheses following rule 65.14(1), after “property” insert “or dwelling”.

(13) In the heading to rule 65.20, after “tenancies” insert “and prohibited conduct standard contract order claims”.

(14) In rule 65.20, after “tenancies” insert “or to prohibited conduct standard contracts”.

### **Amendment of Part 73**

**30.** In rule 73.3, after paragraph (7) insert—

“(8) Where paragraph (1) or (5) requires service of the application notice, interim charging order and any documents filed in support of the application on a person who is outside the jurisdiction, the permission of the court is not required for service.”.

### **Amendment of Part 81**

**31.** In rule 81.8(8), for “judgments in contempt proceedings are” substitute “where a sentence of imprisonment (immediate or suspended) is passed in contempt proceedings under this Part, that judgment is”.

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(37) [2016 anaw 1](#). For commencement generally see footnote (a) to rule 24(2) of this instrument.

(38) [2016 anaw 1](#). For commencement generally see footnote (a) to rule 24(2) of this instrument. Section 116(4) and (5) was brought into force for certain purposes by [S.I. 2016/813](#) article 2, Schedule Part 2 paragraph 21 and Part 1 paragraph 18 respectively.

**Amendment of Part 84**

32. In rules—

- (a) 84.18(2); and
- (b) 84.20(2),

for “relevant form prescribed in Practice Direction 4” substitute “approved form”.

**Amendment of Part 87**

33. In rules—

- (a) 87.8(1); and
- (b) 87.12(2) and (3),

omit “as set out in Practice Direction 4”.

**Amendment of Schedule 1**

- 34.—(1) In RSC Order 79, in rule 9(2), (6), (7), (10) and (13), omit “in Practice Direction 4”.
- (2) In RSC Order 109, in rule 4(4), omit “in Practice Direction 4”.

*Lord Justice Birss*  
*Mr Justice Kerr*  
*Mr Justice Trower*  
*Master Cook*  
*His Honour Judge Jarman QC*  
*District Judge Clarke*  
*Isabel Hitching QC*  
*Tom Montagu-Smith QC*  
*David Marshall*

I allow these Rules  
Signed by authority of the Lord Chancellor

*Christopher Bellamy*  
Parliamentary Under-Secretary of State for  
Justice  
Ministry of Justice

11th July 2022

SCHEDULE 1

Rule 11

“PART 15  
DEFENCE AND REPLY

**Contents of this Part**

<i>Title</i>	<i>Rule number</i>
Part not to apply where claimant uses Part 8 procedure	Rule 15.1
Filing a defence	Rule 15.2
Consequence of not filing a defence	Rule 15.3
The period for filing a defence	Rule 15.4
Agreement extending the period for filing a defence	Rule 15.5
Service of copy of defence	Rule 15.6
Making a counterclaim	Rule 15.7
Reply to defence and defence to counterclaim	Rule 15.8
No statement of case after a reply to be filed without court’s permission	Rule 15.9
Claimant’s notice where defence is that money claimed has been paid	Rule 15.10
Claim stayed if it is not defended or admitted	Rule 15.11

**Part not to apply where claimant uses Part 8 procedure**

**15.1.** This Part does not apply where the claimant uses the procedure set out in Part 8.

**Filing a defence**

**15.2.** A defendant who wishes to defend all or part of a claim must file a defence.  
(Part 14 contains further provisions which apply where the defendant admits a claim.)

**Consequence of not filing a defence**

**15.3.** If a defendant fails to file a defence, the claimant may obtain default judgment if Part 12 allows it.

**The period for filing a defence**

- 15.4.—**(1) The general rule is that the period for filing a defence is—
- (a) 14 days after service of the particulars of claim; or
  - (b) if the defendant files an acknowledgment of service under Part 10, 28 days after service of the particulars of claim.
- (2) The general rule is subject to rules 3.4(7), 6.12(3), 6.35, 11 and 24.4(2).

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

### **Agreement extending the period for filing a defence**

**15.5.**—(1) The defendant and the claimant may agree to extend the period for filing a defence specified in rule 15.4 by up to 28 days.

(2) Where the defendant and the claimant agree to extend the period for filing a defence, the defendant must notify the court in writing.

### **Service of copy of defence**

**15.6.** A copy of the defence must be served on every other party.

(Part 16 sets out what a defence must contain.)

### **Making a counterclaim**

**15.7.** Part 20 applies to a defendant who wishes to make a counterclaim. Where a defendant serves a counterclaim the defence and counterclaim should normally form one document with the counterclaim following the defence.

### **Reply to defence and defence to counterclaim**

**15.8** If a claimant files a reply to the defence—

- (a) the claimant must—
  - (i) file the reply with a directions questionnaire; and
  - (ii) serve the reply on the other parties at the same time as it is filed; and
- (b) the reply should form one document with any defence to counterclaim, with the defence to counterclaim following the reply, unless the dates on which they are due to be filed differ from one another.

### **No statement of case after a reply to be filed without court's permission**

**15.9.** A party may not file or serve any statement of case after a reply without the permission of the court.

### **Claimant's notice where defence is that money claimed has been paid**

**15.10.**—(1) Where—

- (a) the only claim (apart from a claim for costs and interest) is for a specified amount of money; and
- (b) the defendant states in his defence that he has paid to the claimant the amount claimed,

the court will send notice to the claimant requiring the claimant to state in writing whether the claimant wishes the proceedings to continue.

(2) A copy of the claimant's response must be served on the defendant at the same time as it is filed.

(3) If the claimant fails to respond within 28 days after service of the court's notice the claim shall be stayed.

(4) Any party may apply under Part 23 for the stay to be lifted. The application must include an explanation for the delay in proceeding with or responding to the claim.

(5) If the claimant files a notice stating a wish that the proceedings should continue, the procedure set out in Part 26 shall apply.

### **Claim stayed if it is not defended or admitted**

**15.11.**—(1) Where—

- (a) at least 6 months have expired since the end of the period for filing a defence specified in rule 15.4;
- (b) no defendant has served or filed an admission or filed a defence or counterclaim; and
- (c) no party has entered or applied for judgment under Part 12 (default judgment), or Part 24 (summary judgment); and
- (d) no defendant has applied to strike out all or part of the claim form or particulars of claim,

the claim shall be stayed.

(2) Any party may apply under Part 23 for the stay to be lifted. The application must include an explanation for the delay in proceeding with or responding to the claim.”

## SCHEDULE 2

Rule 19

### “PART 49

### SPECIFIC PROCEEDINGS

#### **Practice directions for specific proceedings**

**49.1.** The practice directions made under this Rule apply to proceedings of the types described in them.”

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### **EXPLANATORY NOTE**

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

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

- (a) making revisions to Parts 2, 3, 4, 7 and 8 (with consequential amendments, particularly for cross-references to numbers of rules in, or practice directions under, those Parts) pursuant to the Civil Procedure Rule Committee’s statutory duty under s. 2(7) of the Civil Procedure Act 1997<sup>(39)</sup> to try to make rules which are both simple and simply expressed;
- (b) amending rule 6.23, to reflect more accurately the orders a court may make regarding the requirement for a party to provide an address for service, and amending rules 6.37 and 6.38 (with associated amendments in Part 62 and Part 73) to streamline the process for permission to serve out of the jurisdiction;

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(39) 1997 c. 12.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

- (c) amending Part 12 with drafting corrections and amending cross references in Parts 58 and 59, following the introduction of a new Part 12 by the Civil Procedure (Amendment) Rules 2022 (S.I. 2022/101);
- (d) substituting Part 15 with a revised Part on defence and reply. The revised version includes clarification of the defendant's obligations to file a defence where an application for summary judgment or strike out has been made. The substituted rule 24.4(2) and new rule 3.4(7) address the same issue;
- (e) amending and substituting various rules in Part 16 with revised provisions;
- (f) amending rule 38.3, by the insertion of new paragraph (5), to draw litigants' attention to the need to use the prescribed form when giving notice of discontinuance, unless the court permits otherwise, so creating flexibility within the rule while not removing the requirement of notice of discontinuance;
- (g) removing from Part 45 (fixed costs) the scale costs provisions applicable to cases in the Intellectual Property Enterprise Court and instead including these in Part 46 (costs – special cases), which better reflects the nature of the provisions, and, in addition, increasing the overall and stage costs caps to £60,000 and £30,000 respectively;
- (h) substituting for Part 49 a new Part 49 under which practice directions making provision for miscellaneous specific proceedings are made;
- (i) amending rule 52.14, so that the language used in that rule is consistent with that in the prescribed form when requesting that, in an appeal, the costs of obtaining a transcript of the judgment of the lower court be paid at public expense;
- (j) amending Part 54 to insert a new Section dealing with procedure for environmental review;
- (k) amending Part 55, 56 and 65 to take account of the changes in housing legislation introduced by the Renting Homes (Wales) Act 2016. The Part 55 Table of Contents is also updated to include a previously missing entry for rule 55.29, and the Part 65 Table of Contents is also updated to include previously missing references to suspension claims in the entries for rules 65.12 to 65.14;
- (l) amending Part 61 (admiralty claims)—
  - (i) to remove any doubt that, under rule 61.4(2), in a collision claim a collision statement of case is served instead of particulars of claim; and
  - (ii) to address a lacuna in rule 61.9, identified in *Tecoil Shipping Ltd v. The Owners of the Ship "Poseidon"* [2020 EWHC 393 (Admlty)], to provide that judgment in default of acknowledgement of service may be obtained in a collision claim;
- (m) making consequential amendments to rules 63.26 and 63.27 in light of the above mentioned amendments to Part 45 Part 46;
- (n) amending Part 81 to clarify the responsibility for publishing judgments in committal proceedings.