

Status: Point in time view as at 27/04/1997.

Changes to legislation: Civil Procedure Act 1997 is up to date with all changes known to be in force on or before 13 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 1.

CIVIL PROCEDURE RULES

Modifications etc. (not altering text)

- C1** [Sch. 1](#): power to make rules of court extended (25.3.2002) by [1979 c. 53, s. 5\(2\)](#) (as substituted 25.3.2002 by [S.I. 2002/439, art. 5\(a\)](#))

Matters dealt with by the former rules

- 1 Among the matters which Civil Procedure Rules may be made about are any matters which were governed by the former Rules of the Supreme Court or the former county court rules (that is, the ^{M1}Rules of the Supreme Court (Revision) 1965 and the ^{M2}County Court Rules 1981).

Marginal Citations

- M1** [S.I. 1965/1776](#).
M2 [S.I. 1981/1687](#).

Exercise of jurisdiction

- 2 Civil Procedure Rules may provide for the exercise of the jurisdiction of any court within the scope of the rules by officers or other staff of the court.

Removal of proceedings

- 3 (1) Civil Procedure Rules may provide for the removal of proceedings at any stage—
- (a) within the High Court (for example, between different divisions or different district registries), or
 - (b) between county courts.
- (2) In sub-paragraph (1)—
- (a) “provide for the removal of proceedings” means—
 - (i) provide for transfer of proceedings, or
 - (ii) provide for any jurisdiction in any proceedings to be exercised (whether concurrently or not) elsewhere within the High Court or, as the case may be, by another county court without the proceedings being transferred, and
 - (b) “proceedings” includes any part of proceedings.

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Evidence

- 4 Civil Procedure Rules may modify the rules of evidence as they apply to proceedings in any court within the scope of the rules.

Application of other rules

- 5 (1) Civil Procedure Rules may apply any rules of court which relate to a court which is outside the scope of Civil Procedure Rules.
- (2) Any rules of court, not made by the Civil Procedure Rule Committee, which apply to proceedings of a particular kind in a court within the scope of Civil Procedure Rules may be applied by Civil Procedure Rules to other proceedings in such a court.
- (3) In this paragraph “rules of court” includes any provision governing the practice and procedure of a court which is made by or under an enactment.
- (4) Where Civil Procedure Rules may be made by applying other rules, the other rules may be applied—
- (a) to any extent,
 - (b) with or without modification, and
 - (c) as amended from time to time.

Practice directions

- 6 Civil Procedure Rules may, instead of providing for any matter, refer to provision made or to be made about that matter by directions.

Different provision for different cases etc.

- 7 The power to make Civil Procedure Rules includes power to make different provision for different cases or different areas, including different provision—
- (a) for a specific court or specific division of a court, or
 - (b) for specific proceedings, or a specific jurisdiction,
- specified in the rules.

SCHEDULE 2

Section 10.

MINOR AND CONSEQUENTIAL AMENDMENTS

Supreme Court Act 1981 (c. 54)

- 1 (1) The Supreme Court Act 1981 is amended as follows.
- (2) In section 18 (restrictions on appeals), in subsections (1A) and (1B)(a), for “Rules of the Supreme Court” there is substituted “rules of court”.
- (3) In section 68 (exercise of High Court jurisdiction otherwise than by judges)—
- (a) in subsection (1), paragraph (c) and the word “or” immediately preceding it are omitted,

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- (b) in subsection (2)—
 - (i) paragraph (a) is omitted, and
 - (ii) in paragraph (b), for “any such person” there is substituted “a special referee”;
 - (c) in subsection (3), for the words from “any” onwards there is substituted “a special referee or any officer or other staff of the court”, and
 - (d) in subsection (4)—
 - (i) after “decision of” there is inserted “(a)”, and
 - (ii) after “subsection (1)” there is inserted—
 - “or
 - (b) any officer or other staff of the court”.
- (4) In section 84 (power to make rules of court)—
- (a) in subsection (1), for “Supreme Court” there is substituted “Crown Court and the criminal division of the Court of Appeal”;
 - (b) subsection (4) is omitted;
 - (c) for subsections (5) and (6) there is substituted—
 - “(5) Special rules may apply—
 - (a) any rules made under this section, or
 - (b) Civil Procedure Rules,to proceedings to which the special rules apply.
 - (5A) Rules made under this section may apply—
 - (a) any special rules, or
 - (b) Civil Procedure Rules,to proceedings to which rules made under this section apply.
 - (6) Where rules may be applied under subsection (5) or (5A), they may be applied—
 - (a) to any extent,
 - (b) with or without modification, and
 - (c) as amended from time to time.”; and
 - (d) in subsection (9), for “Supreme Court Rule Committee” there is substituted “Civil Procedure Rule Committee”.
- (5) Section 85 (Supreme Court Rule Committee) is omitted.
- (6) In section 87 (particular matters for which rules of court may provide)—
- (a) subsections (1) and (2) are omitted, and
 - (b) in subsection (3), for “Supreme Court” there is substituted “Crown Court or the criminal division of the Court of Appeal”.
- (7) In section 151 (interpretation)—
- (a) in subsection (3), after the second “rules of court” there is inserted “in relation to the Supreme Court” and for “Supreme Court Rule Committee” there is substituted “Civil Procedure Rule Committee”, and
 - (b) in subsection (4), the definition of “Rules of the Supreme Court” is omitted.

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Commencement Information

- II** Sch. 2 para. 1 wholly in force at 26.4.1999; Sch. 2 para. 1 not in force at Royal Assent see s. 11(2); Sch. 2 para. 1(1)(2)(4)(c) in force at 27.4.1997 by S.I. 1997/841, arts. 3, 4; Sch. 2 para. 1(3)(4)(a)(b)(d)(5)-(7) in force at 26.4.1999 by S.I. 1999/1009, art. 3(a)-(e)

County Courts Act 1984 (c. 28)

- 2 (1) The County Courts Act 1984 is amended as follows.
- (2) For “county court rules”, wherever occurring, there is substituted “ rules of court ”.
- (3) For “rule committee”, wherever occurring, there is substituted “ Civil Procedure Rule Committee ”.
- (4) In section 1 (county courts to be held for districts), in subsection (1), for the words from “throughout” to “the district” there is substituted “ each court ”.
- (5) In section 3 (places and times of sittings of courts), subsection (3) is omitted.
- (6) Section 75 (county court rules) is omitted.
- (7) In section 77(1), for “the rules of the Supreme Court” there is substituted “ Civil Procedure Rules ”.
- (8) In section 81(2), for “any rules of the Supreme Court” there is substituted “ Civil Procedure Rules ”.
- (9) In section 147(1), the definitions of “county court rules” and “the rule committee” are omitted.

Commencement Information

- I2** Sch. 2 para. 2 wholly in force at 26.4.1999; Sch. 2 para. 2 not in force at Royal Assent see s. 11(2); Sch. 2 para. 2(1)(2)(4)(5) in force at 27.4.1997 by S.I. 1997/841, arts. 3, 4; Sch. 2 para. 2(3)(6)-(9) in force at 26.4.1999 by S.I. 1999/1009, art. 3(f)-(j)

Matrimonial and Family Proceedings Act 1984 (c. 42)

- 3 In section 40 of the Matrimonial and Family Proceedings Act 1984 (family proceedings rules)—
- (a) after subsection (3) there is inserted—
- “(3A) Rules made under this section may make different provision for different cases or different areas, including different provision—
- (a) for a specific court, or
- (b) for specific proceedings, or a specific jurisdiction, specified in the rules.”,
- and
- (b) in subsection (4), the words from the first “in” to “and may” are omitted.

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Commencement Information

- I3** Sch. 2 para. 3 not in force at Royal Assent see s. 11(2); Sch. 2 para. 3(a) in force at 14.3.1997 by S.I. 1997/841, art. 2; by S.I. 1999/1009, art. 3(k) it is provided that Sch. 2 "paragraph 4(b) (amendment of section 40 of the Matrimonial and Family Proceedings Act 1984)" shall come into force at 26.4.1999

Courts and Legal Services Act 1990 (c. 41)

- 4 In section 120 of the Courts and Legal Services Act 1990 (regulations and orders), in subsection (4), “1(1)” is omitted.

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