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STATUTORY INSTRUMENTS

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**2000 No. 940 (L. 9)**

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

**The Civil Procedure (Amendment No. 2) Rules 2000**

<i>Made</i>	- - - -	<i>1st April 2000</i>
<i>Laid before Parliament</i>		<i>4th April 2000</i>
<i>Coming into force</i>	- -	<i>2nd May 2000</i>

The Civil Procedure Rule Committee, having power under section 2 of the Civil Procedure Act 1997<sup>(1)</sup> to make rules of court under section 1 of that Act, after consulting in accordance with section 2(6)(a) of that Act, make the following Rules:—

**1.** These Rules may be cited as the Civil Procedure (Amendment No. 2) Rules 2000 and shall come into force on 2nd May 2000.

**2.** In the Civil Procedure (Amendment) Rules 2000<sup>(2)</sup>, rule 39 (transitional provisions) is amended to read—

“**39.** Where a person has filed a notice of appeal or applied for permission to appeal before 2nd May 2000—

- (a) rule 19 of these Rules shall not apply to the appeal to which that notice or application relates; and
- (b) the rules of court relating to appeals in force immediately before 2nd May 2000 shall apply to that appeal as if they had not been revoked.”

**3.** In the following rules a reference to a Part, rule or Schedule by number alone means the Part, rule or Schedule so numbered in the Civil Procedure Rules 1998<sup>(3)</sup>.

**4.** In rule 6.15(2)—

- (a) for the reference of RSC Order 11 rule 1(1) substitute a reference to rule 6.20; and
- (b) for the reference to RSC Order 11 rule 1(2) substitute a reference to rule 6.19.

**5.** In rule 6.21, after paragraph (2), insert—

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(1) 1997 c. 12.  
(2) S.I.2000/221.  
(3) S.I. 1998/3132 as amended by S.I. 1999/1008 and S.I. 2000/221.

“(2A) The court will not give permission unless satisfied that England and Wales is the proper place in which to bring the claim.”.

6. In rule 10.3(2)(a), for the reference to RSC Order 11 rule 1A substitute a reference to rule 6.22.
7. In rule 12.10(b), for the reference to RSC Order 11 rule 1(2)(a) substitute a reference to rule 6.19(1).
8. In rule 12.11(5)(c), for the reference to RSC Order 11 substitute a reference to Section III of Part 6.
9. In rule 14.2(2)(a), for the reference to RSC Order 11 rule 1A substitute a reference to rule 6.22.
10. In rule 15.4(2)(a), for the reference to RSC Order 11 rule 1B substitute a reference to rule 6.23.
11. In Part 47—
  - (a) for section VIII of the list of contents, substitute the text set out in Part I of the Schedule to these Rules; and
  - (b) for Section VIII, substitute the text set out in Part II of the Schedule to these Rules.
12. In Schedule 1, in RSC Order 15 rule 9, omit the words “under rule 7”.

*Woolf M.R.  
Richard Scott V-C.  
Anthony May L.J.  
Richard Holman  
Godfrey Gypps  
John Leslie  
Michael Black  
David Foskett  
David Greene  
Peter Haworth  
Peter Watson  
Harriet Kimbell  
Olivia Morrison-Lyons*

I allow these Rules

Dated 1st April 2000

*Irvine of Lairg, C.*

SCHEDULE

Rule 11

PART I

**VIII. APPEALS FROM AUTHORISED COURT OFFICERS IN DETAILED ASSESSMENT PROCEEDINGS**

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Right to appeal	Rule 47.20
Court to hear appeal	Rule 47.21
Appeal procedure	Rule 47.22
Powers of the court on appeal	Rule 47.23

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PART II

**SECTION VIII—APPEALS FROM AUTHORISED COURT OFFICERS IN DETAILED ASSESSMENT PROCEEDINGS**

**Right to appeal**

**47.20** Any party to detailed assessment proceedings may appeal against a decision of an authorised court officer in those proceedings.

(Part 52 sets out general rules about appeals)

**Court to hear appeal**

**47.21** An appeal against a decision of an authorised court officer is to a costs judge or a district judge of the High Court.

**Appeal procedure**

**47.22.**—(1) The appellant must file an appeal notice within 14 days after the date of the decision he wishes to appeal against.

(2) On receipt of the appeal notice, the court will—

- (a) serve a copy of the notice on the parties to the detailed assessment proceedings; and
- (b) give notice of the appeal to those parties.

**Powers of the court on appeal**

**47.23** On an appeal from an authorised court officer the court will—

- (a) re-hear the proceedings which gave rise to the decision appealed against; and
- (b) make any order and give any directions as it considers appropriate.

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

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## **EXPLANATORY NOTE**

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

These Rules come into force on the same day as the provisions of the Civil Procedure (Amendment) Rules 2000 relating to appeals and to service out of the jurisdiction.

There are provisions governing the procedure for appeals from detailed assessments of costs made by authorised court officers. These appeals are not governed by the new rules in Part 52. An amendment is also made to the transitional provisions, so that Part 52 will apply to an appeal unless a notice of appeal has been lodged before that Part comes into force.

The further provisions on service are for the most part consequential amendments. Rule 5 however adds a requirement that the court must be satisfied that England and Wales is the proper place to bring the claim before giving permission to serve a claim form out of the jurisdiction.