
STATUTORY INSTRUMENTS

2001 No. 4015

The Civil Procedure (Amendment No. 5) Rules 2001

Amendments to the Civil Procedure Rules 1998

39. In CCR Order 28—

(a) after rule 1(2), insert—

“(3) The judgment creditor must file with the request all written evidence on which he intends to rely.”;

(b) in rule 2—

(i) for paragraph (3)(b), substitute—

“(b) it is made under section 110(2) of the Act.”; and

(ii) for paragraph (4), substitute—

“(4) The written evidence on which the judgment creditor intends to rely must be served with the judgment summons.”

;

(c) in rule 3(1), for “A judgment summons shall”, substitute “The judgment summons and written evidence must”;

(d) after rule 4(1), insert—

“(1A) An order made under section 110(1) of the Act must be served personally on the judgment debtor.

(1B) Copies of—

(a) the judgment summons; and

(b) the written evidence,

must be served with the order.”;

(e) for rule 5, substitute—

“Evidence

5.—(1) No person may be committed on an application for a judgment summons unless—

(a) the order is made under section 110(2) of the Act; or

(b) the judgment creditor proves that the debtor—

(i) has or has had since the date of the judgment or order the means to pay the sum in respect of which he has made default; and

(ii) has refused or neglected or refuses or neglects to pay that sum.

(2) The debtor may not be compelled to give evidence.”; and

(f) omit rule 10(3).