
STATUTORY INSTRUMENTS

2004 No. 1306

The Civil Procedure (Amendment) Rules 2004

Amendments to the Civil Procedure Rules 1998

16. For rule 56.3 substitute—

“Claims for a new tenancy under section 24 and for the termination of a tenancy under section 29(2) of the Landlord and Tenant Act 1954(1)

56.3.—(1) This rule applies to a claim for a new tenancy under section 24 and to a claim for the termination of a tenancy under section 29(2) of the 1954 Act.

(2) In this rule—

- (a) “the 1954 Act” means the Landlord and Tenant Act 1954;
- (b) “an unopposed claim” means a claim for a new tenancy under section 24 of the 1954 Act in circumstances where the grant of a new tenancy is not opposed;
- (c) “an opposed claim” means a claim for—
 - (i) a new tenancy under section 24 of the 1954 Act in circumstances where the grant of a new tenancy is opposed; or
 - (ii) the termination of a tenancy under section 29(2) of the 1954 Act.

(3) Where the claim is an unopposed claim—

- (a) the claimant must use the Part 8 procedure, but the following rules do not apply—
 - (i) rule 8.5; and
 - (ii) rule 8.6;
- (b) the claim form must be served within 2 months after the date of issue and rules 7.5 and 7.6 are modified accordingly; and
- (c) the court will give directions about the future management of the claim following receipt of the acknowledgment of service.

(4) Where the claim is an opposed claim—

- (a) the claimant must use the Part 7 procedure; but
- (b) the claim form must be served within 2 months after the date of issue, and rules 7.5 and 7.6 are modified accordingly.

(The practice direction to this Part contains provisions about evidence, including expert evidence in opposed claims”).

(1) 1954 c. 56. Section 24 was amended by article 3 of S.I. 2003/3096. Section 29(2) was substituted by article 5 of S.I. 2003/3096.