
STATUTORY INSTRUMENTS

2004 No. 1306

The Civil Procedure (Amendment) Rules 2004

Citation, commencement and interpretation

1. These Rules may be cited as the Civil Procedure (Amendment) Rules 2004 and shall come into force—

- (a) for the purposes of rules 2, 3, 5-9, 15, 16 and 20(1), and this rule, on 1st June 2004; and
- (b) for all other purposes, on 30th June 2004.

2. 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⁽¹⁾;
- (b) a reference to an Order by number and prefixed by “RSC” means the RSC Order so numbered in Schedule 1 to those Rules; and
- (c) a reference to an Order by number and prefixed by “CCR” means the CCR Order so numbered in Schedule 2 to those Rules.

Amendments to the Civil Procedure Rules 1998

3. After rule 5.4 insert—

“Supply of documents to Attorney-General from court records

5.4A.—(1) The Attorney-General may search for, inspect and take a copy of any documents within a court file for the purpose of preparing an application or considering whether to make an application under section 42 of the Supreme Court Act 1981⁽²⁾ or section 33 of the Employment Tribunals Act 1996⁽³⁾ (restriction of vexatious proceedings).

(2) The Attorney-General must, when exercising the right under paragraph (1)—

- (a) pay any prescribed fee; and
- (b) file a written request, which must—
 - (i) confirm that the request is for the purpose of preparing an application or considering whether to make an application mentioned in paragraph (1); and
 - (ii) name the person who would be the subject of the application.”.

4. In rule 6.10, for the words from “state” to “the following table”, substitute “state the details set out in the following table”.

5. For rule 30.8 substitute—

⁽¹⁾ S.I. 1998/3132. There are relevant amendments in S.I. 2001/256, S.I. 2001/2792, S.I. 2003/2113 and S.I. 2003/3361.
⁽²⁾ 1981 c. 54.
⁽³⁾ 1996 c. 17.

“Transfer of competition law claims

30.8.—(1) This rule applies if, in any proceedings in the Queen’s Bench Division, a district registry of the High Court or a county court, a party’s statement of case raises an issue relating to the application of—

- (a) Article 81 or Article 82 of the Treaty establishing the European Community; or
- (b) Chapter I or II of Part I of the Competition Act 1998⁽⁴⁾.

(2) Rules 30.2 and 30.3 do not apply.

(3) The court must transfer the proceedings to the Chancery Division of the High Court at the Royal Courts of Justice.”.

- 6. In rule 34.16, in paragraph (1), for “a Regulation State” substitute “another Regulation State”.
- 7. In rule 34.23, in paragraph (1), for the words from “who is” to the end of the paragraph, substitute “who is in another Regulation State”.
- 8. In rule 42.2, in paragraph (5), for sub-paragraph (a) substitute—
 - “(a) notice is filed and served in accordance with paragraph (2); or”.
- 9. In Part 45—
 - (a) at the end of the table of contents, insert the text set out in Part I of Schedule 1 to these Rules; and
 - (b) after Section II, insert Section III as set out in Part II of Schedule 1 to these Rules.
- 10. In rule 55.1—
 - (a) at the end of sub-paragraph (c), omit “and”; and
 - (b) for sub-paragraph (d), substitute—
 - “(d) “the 1985 Act” means the Housing Act 1985⁽⁵⁾;
 - (e) “the 1988 Act” means the Housing Act 1988⁽⁶⁾;
 - (f) “a demotion claim” means a claim made by a landlord for an order under section 82A of the 1985 Act or section 6A of the 1988 Act (“a demotion order”); and
 - (g) “a demoted tenancy” means a tenancy created by virtue of a demotion order.”.
- 11. In rule 55.2, after paragraph (1), insert the following cross-reference—

“(Where a demotion claim is made in the same claim form in which a possession claim is started, this Section of this Part applies as modified by rule 65.12. Where the claim is a demotion claim only, Section III of Part 65 applies)”.
- 12. In rule 55.9, in paragraph (1)—
 - (a) at the end of sub-paragraph (c), omit “and”;
 - (b) after sub-paragraph (d) insert—
 - “; and
 - (e) if applicable, the alleged conduct of the defendant”.
- 13. In rule 55.11—
 - (a) in sub-paragraph (1)(b)—

(4) 1998 c. 41.
(5) 1985 c. 68.
(6) 1988 c. 50.

- (i) at the beginning, insert “subject to rule 55.12(2),”; and
- (ii) for “rule 55.12”, substitute “rule 55.12(1)”;
- (b) after paragraph (2) insert—
 - “(3) In this Section of this Part, a “demoted assured shorthold tenancy” means a demoted tenancy where the landlord is a registered social landlord.
(By virtue of section 20B of the 1988 Act, a demoted assured shorthold tenancy is an assured shorthold tenancy)”.
- 14. In rule 55.12—
 - (a) at the beginning, insert “(1)”; and
 - (b) at the end, insert—
 - “(2) If the tenancy is a demoted assured shorthold tenancy, only the conditions in paragraph (1)(b) and (f) need be satisfied.”.
- 15. In rule 56.2—
 - (a) in paragraph (1), for “paragraphs (2) or (4) apply”, substitute “paragraph (2) applies”; and
 - (b) omit paragraph (4).
- 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(7)

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

(7) 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.

- (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)”.

17. In rule 57.16—

- (a) in paragraph (4), for “The time”, substitute “Subject to paragraph (4A), the time”; and
- (b) after paragraph (4) insert—

“(4A) If the claim form is served out of the jurisdiction under rule 6.19, the period for filing an acknowledgment of service and any written evidence is 7 days longer than the relevant period specified in rule 6.22 or the practice direction supplementing Section III of Part 6.”.

18. After Part 64, insert Part 65 (proceedings relating to anti-social behaviour and harassment) as set out in Schedule 2 to these Rules.

19. In rule 69.10—

- (a) at the beginning, insert “(1)”; and
- (b) after paragraph (1) insert—

“(2) The application notice must be served on the persons who were required under rule 69.4 to be served with the order appointing the receiver.”.

Transitional provisions

20.—(1) In the circumstances where article 29(1) or (4) of the Regulatory Reform (Business Tenancies) (England and Wales) Order 2003⁽⁸⁾ applies—

- (a) the amendments to Part 56 made by rules 15 and 16 of these Rules shall not apply; and
- (b) Part 56 shall continue to apply on and after 1st June 2004 as if those amendments had not been made.

(2) Where an application for an injunction under Chapter III of Part V of the Housing Act 1996⁽⁹⁾ has been issued before 30th June 2004—

- (a) Section I of Part 65 shall not apply in relation to that application; and
- (b) CCR Order 49, rule 6B shall continue to apply on and after 30th June 2004 as if it had not been revoked.

Revocations

21. The following provisions are revoked—

- (a) rule 13.5;
- (b) RSC Order 94, rule 16;
- (c) RSC Order 98;
- (d) CCR Order 49, rule 6B.

⁽⁸⁾ S.I. 2003/3096.

⁽⁹⁾ 1996 c. 52.

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I allow these Rules.

Dated 11th May 2004

Falconer of Thoroton, C.