
EXPLANATORY NOTE

(This note is not part of the Rules)

The primary purpose of these Rules is to add to the Civil Procedure Rules 1998 (“the Rules”) a new Part 65, which will govern proceedings under various enactments relating to anti-social behaviour and harassment, including:

- injunctions under Chapter III of Part V of the Housing Act 1996, as amended by the Anti-social Behaviour Act 2003 (“the 2003 Act”);
- demotion of tenancies under section 82A of the Housing Act 1985 or section 6A of the Housing Act 1988, as inserted by the 2003 Act;
- anti-social behaviour orders under the Crime and Disorder Act 1998, as amended by the 2003 Act; and
- proceedings under section 3 of the Protection from Harassment Act 1997.

The following new provisions are also added to the Rules:

- a new rule 5.4A, which allows the Attorney-General access to documents from court records when making applications to restrain vexatious litigants; and
- a new Section III of Part 45, which makes provision in road traffic accident claims for fixed percentage increases to apply to legal representatives' fees in respect of success fees, where the claimant has entered into a conditional fee agreement or collective conditional fee agreement which provides for a success fee.

In addition amendments are made to existing rules, including the following:

- rule 6.10 (certificate of service) is amended so that a certificate of service is no longer required to state that the document has not been returned undelivered;
- rule 30.8 (transfer of competition law claims) is amended so that it applies to claims raising an issue under Chapter I or II of Part I of the Competition Act 1998, as well as to claims raising an issue under Article 81 or 82 of the EC Treaty;
- various rules in Part 55 (possession claims) are amended in consequence of new Part 65, to provide for the Part 55 procedure to apply where a demotion order is claimed in the alternative to a possession order, and where a possession claim is made in respect of a demoted tenancy; and
- rule 56.2 is amended and rule 56.3 is substituted by a new rule in consequence of amendments made to the Landlord and Tenant Act 1954 by the Regulatory Reform (Business Tenancies) (England and Wales) Order 2003. The substituted rule 56.3 contains provisions governing claims brought by a landlord or tenant for a new tenancy under section 24 of the 1954 Act, or claims by a landlord to terminate a tenancy under section 29 of the 1954 Act, as amended by the 2003 Order.

The opportunity has also been taken to make a number of other minor amendments to the rules currently in force, and to revoke some of the remaining provisions from the former Rules of the Supreme Court and County Court Rules in Schedules I and II to the Rules.