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STATUTORY INSTRUMENTS

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**2007 No. 2204**

**The Civil Procedure (Amendment) Rules 2007**

**Citation, commencement and interpretation**

1. These Rules may be cited as the Civil Procedure (Amendment) Rules 2007 and come into force on 1st October 2007.

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

**Amendments to the Civil Procedure Rules 1998**

3. In Part 2—

- (a) for the fourth entry in the table following rule 2.1(2) substitute—

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“Proceedings before the Court of Protection Mental Capacity Act 2005<sup>(2)</sup>, s.51”; and

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- (b) in rule 2.3(1), for “patient” substitute “protected party”.

4. In Part 6—

- (a) in the table of contents, for “patients” substitute “protected parties”;
- (b) in rule 6.6(1), in the first sentence, for “patient” substitute “protected party”;
- (c) for the table in rule 6.6(1) substitute—

“Type of document	Nature of party	Persons to be served
Claim form	Child who is not also a protected party	One of the child’s parents or guardians; or  if there is no parent or guardian, an adult with whom the child resides or in whose care the child is.
Claim form	Protected party	One of the following persons with authority in

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(1) S.I. 1998/3132. There are relevant amendments in S.I. 2000/221, 2000/940, 2000/1317, 2001/1388, 2001/4015, 2002/3219, 2003/2113, 2004/1306, 2004/3419, 2005/2292 and 2006/3435.

(2) 2005 c. 9.

*Status: This is the original version (as it was originally made).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

“Type of document	Nature of party	Persons to be served
		relation to the protected party as: (i) the attorney under a registered enduring power of attorney, (ii) the donee of a lasting power of attorney, (iii) the deputy appointed by the Court of Protection; or  if there is no such person, an adult with whom the protected party resides or in whose care the protected party is.
Application for an order appointing a litigation friend, where the child or protected party has no litigation friend	Child or protected party	See rule 21.8.
Any other document	Child or protected party	The litigation friend who is conducting the proceedings on behalf of the child or protected party.”; and

(d) in rule 6.6(2), for “patient” substitute “protected party”.

5. In Part 12—

(a) in rule 12.10(a)(i), for “patient” substitute “protected party”; and

(b) in rule 12.11(3), for “patient” substitute “protected party”.

6. In rule 14.1(4) and the parenthesis following rule 14.1(4)(b), in each place where it appears, for “patient” substitute “protected party”.

7. For rule 19.9 substitute the rules set out in Schedule 1 to these Rules.

8. For Part 21 substitute Part 21 (children and protected parties) as set out in Schedule 2 to these Rules.

9. In rule 30.7, for “patient” substitute “protected party”.

10. In rule 32.13(3)(e), for “patient” substitute “protected party”.

11. For the parenthesis following rule 36.9(2) substitute—

“(Rule 21.10 deals with compromise etc. by or on behalf of a child or protected party).”

12. In rule 39.2(3)(d), for “patient” substitute “protected party”.

13. In rule 45.10(2)(c), for “patient” substitute “protected party”.

14. In Part 46—

(a) in the parenthesis following rule 46.1(2)(c), for “patients” substitute “protected parties”;

(b) in rule 46.2(1), in the table—

- (i) for “Up to £3,000” substitute “No more than £3,000”;
- (ii) for “£350” substitute “£485”;
- (iii) for “£500” substitute “£690”; and
- (iv) for “£750” substitute “£1,035”;
- (c) in rule 46.3(2), for “£250” substitute “£345”; and
- (d) in rule 46.3(4), for “£350” substitute “£485”.

**15.** In Part 47—

- (a) in rule 47.3(1)(c), for “patient” substitute “protected party”; and
- (b) in rule 47.22, for “14” substitute “21”.

**16.** In Part 48—

- (a) in the table of contents, for “patient” substitute “protected party”;
- (b) in the heading to rule 48.5, for “patient” substitute “protected party”;
- (c) in rule 48.5 and the parentheses in that rule, in each place where it appears for “patient” substitute “protected party”; and
- (d) in the parenthesis after rule 48.5(1)(b), for “are defined in rule 2.3” substitute “have the same meaning as in rule 21.1(2)”.

**17.** For rule 49(2) substitute—

“(2) The proceedings referred to in paragraph (1) are proceedings under—

- (a) the Companies Act 1985(3);
- (b) the Companies Act 1989(4);
- (c) the Companies Act 2006(5); and
- (d) other legislation relating to companies.”.

**18.** In Part 52—

- (a) in the table of contents, after the entry “Non-disclosure of Part 36 offers and payments”, insert—

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“Statutory appeals – court’s power to hear Rule 52.12A”;  
any person

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- (b) at the end of the table of contents, insert—

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“IV STATUTORY RIGHTS OF APPEAL

Appeals under the Law of Property Act Rule 52.18  
1922(6)

Appeals from certain tribunals Rule 52.19

Appeals under certain planning legislation Rule 52.20”;

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- (c) after rule 52.12, insert—

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(3) 1985 c. 6.  
(4) 1989 c. 40.  
(5) 2006 c. 46.  
(6) 1922 c. 16.

**“Statutory appeals – court’s power to hear any person**

- 52.12A.**—(1) In a statutory appeal, any person may apply for permission—
- (a) to file evidence; or
  - (b) to make representations at the appeal hearing.
- (2) An application under paragraph (1) must be made promptly.”; and
- (d) after rule 52.17, insert—

*“VI STATUTORY RIGHTS OF APPEAL*

**Appeals under the Law of Property Act 1922**

**52.18.** An appeal lies to the High Court against a decision of the Secretary of State under paragraph 16 of Schedule 15 to the Law of Property Act 1922(7).

**Appeals from certain tribunals**

**52.19.**—(1) A person who was a party to proceedings before a tribunal referred to in section 11(1) of the Tribunals and Inquiries Act 1992(8) and is dissatisfied in point of law with the decision of the tribunal may appeal to the High Court.

(2) The tribunal may, of its own initiative or at the request of a party to the proceedings before it, state, in the form of a special case for the decision of the High Court, a question of law arising in the course of the proceedings.

**Appeals under certain planning legislation**

**52.20.**—(1) Where the Secretary of State has given a decision in proceedings on an appeal under Part VII of the Town and Country Planning Act 1990(9) against an enforcement notice—

- (a) the appellant;
- (b) the local planning authority; or
- (c) another person having an interest in the land to which the notice relates,

may appeal to the High Court against the decision on a point of law.

(2) Where the Secretary of State has given a decision in proceedings on an appeal under Part VIII of that Act against a notice under section 207 of that Act—

- (a) the appellant;
- (b) the local planning authority; or
- (c) any person (other than the appellant) on whom the notice was served,

may appeal to the High Court against the decision on a point of law.

(3) Where the Secretary of State has given a decision in proceedings on an appeal under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990(10) against a listed building enforcement notice—

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(7) 1922 c. 16. Schedule 15, paragraph 16 was amended by the Law of Property (Amendment) Act 1924 (c. 5), section 2 and Schedule 2, paragraph 5(8) and S.I. 2002/794, article 5(1) and Schedule 1, paragraph 1(d).

(8) 1992 c. 53.

(9) 1990 c. 8.

(10) 1990 c. 9.

- (a) the appellant;
  - (b) the local planning authority; or
  - (c) any other person having an interest in the land to which the notice relates,
- may appeal to the High Court against the decision on a point of law.”.

**19. In Part 65—**

- (a) At the end of the table of contents, insert—

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“VI DRINKING BANNING ORDERS UNDER THE VIOLENT CRIME REDUCTION ACT 2006	Rule 65.31
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Scope of this Section and interpretation

Application where the relevant authority is a party in principal proceedings	Rule 65.32
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Application where the relevant authority is not a party in principal proceedings	Rule 65.33
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Application by a relevant authority to join a person to the principal proceedings	Rule 65.34
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Evidence	Rule 65.35
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Application for an interim order	Rule 65.36
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VII PARENTING ORDERS UNDER THE  
ANTI-SOCIAL BEHAVIOUR ACT 2003

Scope of this Section and interpretation	Rule 65.37
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Applications for parenting orders	Rule 65.38
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Applications by the relevant authority to be joined to proceedings	Rule 65.39
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Applications by the relevant authority to join a parent to proceedings	Rule 65.40
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Evidence	Rule 56.41”;
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- (b) at the end of rule 65.1(e), for “.” substitute “;”;

- (c) after rule 65.1(e), insert—

“(f) in Section VI, about applications for drinking banning orders and interim drinking banning orders under sections 4 and 9 of the Violent Crime Reduction Act 2006<sup>(11)</sup>; and

(g) in Section VII, about parenting orders under sections 26A and 26B of the Anti-social Behaviour Act 2003<sup>(12)</sup>.”;

- (d) in rule 65.8—

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<sup>(11)</sup> 2006 c. 38.

<sup>(12)</sup> 2003 c. 38. Section 24 of the Police and Justice Act 2006 (c. 48) inserts sections 26A, 26B and 26C into the Anti-social Behaviour Act 2003.

- (i) in paragraph (1), after “Anti-social Behaviour Act 2003” insert “or under section 27(3) of the Police and Justice Act 2006(13)”;
- (ii) in the parenthesis following paragraph (1), for “applies” substitute “and section 27 of the 2006 Act apply”; and
- (iii) after paragraph (2) insert—
  - “(3) In this Section “the 2006 Act” means the Police and Justice Act 2006.”;
- (e) in rule 65.9—
  - (i) in the heading to the rule, after “the 2003 Act” insert “or section 27(3) of the 2006 Act”; and
  - (ii) in paragraph (1), after “2003 Act”, insert “or section 27(3) of the 2006 Act”;
- (f) after rule 65.10(1), insert—
  - “(1A) Where a power of arrest is attached to a provision of an injunction on the application of a local authority under section 27(3) of the 2006 Act, the following rules in Section I of this Part apply—
    - (a) rule 65.4;
    - (b) paragraphs (1), (2), (4) and (5) of rule 65.6;
    - (c) paragraph (1) of rule 65.7, as if the reference to paragraph 2(2)(b) of Schedule 15 to the Housing Act 1996(14) was a reference to paragraph 2(2)(b) of Schedule 10 to the 2006 Act; and
    - (d) paragraph (2) of rule 65.7.”; and
- (g) after rule 65.36, insert—

*“VII – PARENTING ORDERS UNDER THE ANTI-SOCIAL BEHAVIOUR ACT 2003*

**Scope of this Section and interpretation**

**65.37.**—(1) This Section of this Part applies in relation to applications for parenting orders under sections 26A and 26B of the Anti-social Behaviour Act 2003 by a relevant authority.

- (2) In this Section—
  - (a) “the 2003 Act” means the Anti-social Behaviour Act 2003; and
  - (b) “relevant authority” has the same meaning as in section 26C of the 2003 Act.

**Applications for parenting orders**

- 65.38.**—(1) Subject to paragraph (2)—
- (a) where the relevant authority is the claimant in the proceedings, an application for an order under section 26A or 26B of the 2003 Act must be made in the claim form; and
  - (b) where the relevant authority is a defendant in the proceedings, an application for such an order must be made by application notice which must be filed with the defence.

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(13) 2006 c. 48.

(14) 1996 c. 52.

(2) Where the relevant authority becomes aware of the circumstances that lead it to apply for an order after its claim is issued or its defence filed, the application must be made by application notice as soon as possible thereafter.

(3) Where the application is made by application notice, it must normally be made on notice to the person against whom the order is sought.

#### **Applications by the relevant authority to be joined to proceedings**

**65.39.**—(1) Where the relevant authority is not a party to the proceedings—

- (a) an application under section 26C(2) of the 2003 Act to be made a party must be made in accordance with Section I of Part 19; and
- (b) the application to be made a party and the application for an order under section 26A or 26B of the 2003 Act must be made in the same application notice.

(2) The applications—

- (a) must be made as soon as possible after the relevant authority becomes aware of the proceedings; and
- (b) must normally be made on notice to the person against whom the order is sought.

#### **Applications by the relevant authority to join a parent to proceedings**

**65.40.**—(1) An application under section 26C(3) of the 2003 Act by a relevant authority which is a party to the proceedings to join a parent to those proceedings must be made—

- (a) in the same application notice as the application for an order under section 26A or 26B of the 2003 Act; and
- (b) as soon as possible after the relevant authority considers that the grounds for the application are met.

(2) Rule 19.2 does not apply in relation to an application made by a relevant authority under section 26C(3) of the 2003 Act to join a parent to the proceedings.

(3) The application notice must contain—

- (a) the relevant authority's reasons for claiming the anti-social behaviour of the child or young person is material in relation to the proceedings; and
- (b) details of the behaviour alleged.

(4) The application must normally be made on notice to the person against whom the order is sought.

#### **Evidence**

**65.41.** An application under section 26A, 26B or 26C of the 2003 Act must be accompanied by written evidence.”.

**20.** The following are revoked—

- (a) RSC Order 93, rules 4, 5, 9, 10, 16, 17, 18 and 19;
- (b) RSC Order 94, rules 4, 5, 8, 9, 12 and 13;
- (c) RSC Order 95, rules 1, 4, 5 and 6; and
- (d) CCR Order 45.

### **Transitional provisions**

**21.**—(1) The amendments to Part 19 made by rule 7 of these Rules apply as follows—

- (a) rule 19.9 and rule 19.9A apply only to a derivative claim issued on or after 1st October 2007;
- (b) rule 19.9B applies to the taking over of a derivative claim only where the relevant application for permission to take over the claim is filed on or after 1st October 2007;
- (c) rule 19.9C—
  - (i) applies to a derivative claim issued on or after 1st October 2007; and
  - (ii) applies to the taking over of a derivative claim only where the relevant application for permission to take over the claim is filed on or after 1st October 2007;
- (d) rule 19.9D applies to a derivative claim that arises in the course of other proceedings only if—
  - (i) rule 19.9A would apply to the claim if it were brought; or
  - (ii) rule 19.9B or 19.9C would apply to the taking over of the claim; and
- (e) rules 19.9E and 19.9F apply to a derivative claim only if rule 19.9A, 19.9B or 19.9C also applies to the claim.

(2) The rules of court relating to a derivative claim (within the meaning of those rules) in force immediately before 1st October 2007 apply as if they had not been amended to any derivative claim in respect of which the claim form was issued before 1st October 2007.

**22.**—(1) The amendments to Part 46 made by rule 14(b), (c) and (d) of these Rules only apply where the hearing of the fast track trial commences on or after 1st October 2007.

(2) Where the hearing of the fast track trial commences before 1st October 2007, the rules of court relating to the amount of fast track trial costs which the court may award that were in force immediately before 1st October 2007 apply as if they had not been amended.

*Sir Anthony Clarke, M.R.*  
*Martin Moore-Bick, L.J.*  
*Rupert Jackson, J.*  
*Michael Briggs, J.*  
*HHJ Stephen Oliver-Jones Q.C.*  
*Master Stephen Whitaker*  
*District Judge Carlos Dabezies*  
*District Judge Robert Hill*  
*David di Mambro*  
*Philip Rainey*  
*Richard Walford*  
*Peter Candon*  
*Andrew Parker*



I allow these Rules

26th July 2007

*Jack Straw*  
Lord Chancellor