
STATUTORY INSTRUMENTS

2012 No. 2208

The Civil Procedure (Amendment No.2) Rules 2012

Amendments to the Civil Procedure Rules 1998

10. In Part 63—

- (a) In the table of contents, after the entry for rule 63.26, insert—

“Allocation to the small claims track	Rule 63.27
Extent to which rules in this Part apply to small claims	Rule 63.28”;

- (b) in rule 63.1(3), for “Claims”, substitute “Save as provided in rule 63.27, claims”; and
(c) after rule 63.26, insert—

“Allocation to the small claims track

63.27.—(1) A claim started in or transferred to a patents county court will be allocated to the small claims track if—

- (a) rule 63.13, but not rule 63.2, applies to the claim;
- (b) the value of the claim is not more than £5,000;
- (c) it is stated in the particulars of claim that the claimant wishes the claim to be allocated to the small claims track; and
- (d) no objection to the claim being allocated to the small claims track is raised by the defendant in the defence.

(2) Where rule 63.27(1) applies, the parties do not need to file an allocation questionnaire.

(3) If either—

- (a) the requirements of rule 63.27(1)(a), (b) and (c) are satisfied, but in the defence the defendant objects to the claim being allocated to the small claims track; or
- (b) the requirements of rule 63.27(1)(a) and (b) are satisfied, but not (c), and in the defence the defendant requests that the claim be allocated to the small claims track,

the court will allocate the claim to the small claims track or the multi-track in accordance with Part 26 (case management – preliminary stage).

(4) Part 27 (small claims track) shall apply to claims allocated to the small claims track in a patents county court with the modification to rule 27.2(1)(a) that Part 25 (interim remedies) shall not apply to such claims at all. Section VII of Part 45 (scale costs for claims in a patents county court) shall not apply to claims allocated to the small claims track in a patents county court.

Status: This is the original version (as it was originally made).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

Extent to which rules in this Part apply to small claims

63.28.—(1) To the extent provided by this rule, this Part shall apply to a claim allocated to, or requested to be allocated to, the small claims track in a patents county court.

(2) Rules 63.1, 63.13, 63.18, 63.20, 63.21, 63.22, 63.25, 63.26(1) and (2), and 63.27 shall apply to the claim.

(3) No other rules in this Part shall apply.”.