
EXPLANATORY NOTE

(This note is not part of the Order)

These Rules make the following amendments to the Civil Procedure Rules 1998 (CPR) —

A series of amendments to implement recommendations made in the Review of Civil Litigation Costs: Final Report, 21 December 2009 (the Costs Review), in particular—

Amendments in relation to costs management, as follows—

- CPR rule 1.1(1) and (2) are amended to change the overriding objective to include the objective to deal with cases at proportionate cost (rule 4 of these Rules);
- the division of Part 3 of the CPR into Sections, the first containing current rules on case management (CPR rules 3.1 to 3.11) the second containing new rules on costs management (CPR rules 3.12 to 3.18) and the third containing rules on costs capping (CPR rules 3.19 to 3.21) (rule 5(a) to (c) and (h) of these Rules);
- an insertion into the Glossary of the definition of “budget” (rule 21(a) of these Rules);

A new rule 3.1(8) is added, relating to monitoring parties’ compliance with directions (rule 5(d) of these Rules);

Amendments to replace allocation questionnaires with directions questionnaires (rules 5(e), 8(a) to (e) and (h) of these Rules);

A new rule 3.9(1) is substituted for the existing provision, and a consequential amendment is made to rule 3.8 relating to sanctions (rules 5(f) and (g) of these Rules);

An amendment to rule 29.1 in relation to standard directions in the multi-track, to add a provision that the parties and the court should take standard and model directions as a starting point for directions (rule 10(a) of these Rules);

Amendments to rules 29.2, 29.4 and 29.8 in relation to timetabling and the steps following allocation to the multi-track (rule 10(b), (c) and (d) of these Rules);

The replacement of rule 31.5 in relation to disclosure in multi-track cases (rule 11 of these Rules);

The insertion of a new paragraph into rule 32.2 in relation to court directions about factual witness statements (rule 12 of these Rules);

Amendments to rule 35.4 in relation to the costs of expert evidence (rule 13 of these Rules);

Amendments to rule 36.14 in relation to Part 36 offers (rule 14 of these Rules);

The revocation of Part 43 and the replacement of Parts 44 to 48 with the following new Parts on costs:

- Part 44 – General rules about costs;
- Part 45 – Fixed costs;
- Part 46 – Costs – special cases;
- Part 47 – Procedure for detailed assessment of costs and default provisions; and
- Part 48 – Part 2 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 relating to civil litigation funding and costs: transition provision in relation to pre-commencement funding arrangements (rules 15 and 16 of and the Schedule to these Rules);

Various consequential amendments resulting from the introduction of new Parts 44 to 48 (in particular rule 7 of these Rules);

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

The introduction of a new rule 52.9A in relation to appeal costs (rule 17 of these Rules); and
An addition of the definition of “damages-based agreement” to the Glossary (rule 21(b) of these Rules); and
—the following amendments which are other than in relation to the Costs Review—
Amendments to increase the small claims track limit from £5,000 to £10,000 (rules 6, 8(f) and (g), 9(a) and (c) and 18 of these Rules);
Amendment to rule 27.5 to correct a cross-reference (rule 9(b) of these Rules);
Amendment to rule 54.6 in relation to Aarhus Convention claims (rule 18 of these Rules); and
The omission of CCR Order 27 rule 7A(3) as a consequence of the introduction of Part 81 of the Civil Procedure Rules (Applications and proceedings in relation to contempt of court) (rule 20 of these Rules).