
EXPLANATORY NOTE

(This note is not part of the Order)

These Rules amend the Civil Procedure Rules 1998 (CPR) ([SI 1998/3132](#)), by—

- inserting provision into rule 30.5 so that an order for transfer of proceedings between the Chancery Division and a Queen’s Bench Division specialist list may only be made with the consent of the Chancellor of the High Court;
- amending rule 35.4 with regard to obtaining expert medical reports in relation to personal injury claims for whiplash (referred to as “soft tissue injury claims”) in respect of claims which cease to be subject to the Pre-Action Protocol for Low Value Personal Injury Claims in Road Traffic Accidents (“the RTA Protocol”);
- amending rules 36.10A, 36.14 and 36.14A with regard to offers made in relation to personal injury claims for whiplash where an offer to settle is made by a defendant before the claimant has obtained and disclosed a fixed cost medical report in accordance with the Pre-Action Protocol;
- amending rules 45.19 and 45.29I, to specify the costs that may be recovered for obtaining expert medical reports in relation to personal injury claims for whiplash, in respect of both claims started under the RTA Protocol and those which cease to be subject to it;
- amending rule 45.29F(9) to correct a typographical error;
- amending Part 52—
 - by substituting a more general form of wording in rule 52.3(4) in light of the number of exceptions to which that rule is now subject and to obviate the need to amend it again if it becomes subject to further exceptions;
 - by inserting new rule 52.5A, to make provision for obtaining certain transcripts at public expense for the purpose of appeal proceedings;
 - to make the drafting in rule 52.9(3) gender neutral;
 - by inserting provision into rule 52.15(1A) and (2), to respectively specify the time within which an application for permission to appeal must be made to the Court of Appeal following a refusal by the High Court to grant permission to judicially review a decision of the Upper Tribunal or where the application for permission to apply for judicial review is held to be totally without merit, and to provide that, where such an application is made, the Court of Appeal may, instead of granting permission to appeal the High Court’s refusal, give permission to apply for judicial review; and
 - by inserting new rule 52.15A, to make provision in respect of applications (to both the Upper Tribunal and the Court of Appeal) for permission to appeal a refusal by the Upper Tribunal to grant permission to bring judicial review proceedings;
- amending rule 54.21(2)(a)(ix), to insert words which were omitted in error when that rule was first inserted by rule 3 of the Civil Procedure (Amendment No. 3) Rules 2014 ([SI 2014/610](#));
- inserting provision into Part 57, first to give effect to a recommendation of the Law Commission (embodied in section 4 of the Inheritance (Provision for Family and Dependants) Act 1975(1) as amended), and secondly to provide for the procedure for applications for

(1) [1975 c. 63](#), the relevant amendment being made by section 6 of, and paragraph 6 of Schedule 2 to, the Inheritance and Trustees’ Powers Act 2014 ([c. 16](#)).

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

declarations of presumed death or variation orders, and related matters, under the Presumption of Death Act 2013;

- amending Part 65 to include in Section VIII of that Part provision for the procedure for applications for injunctions under Part 1 of the Anti-social Behaviour, Crime and Policing Act 2014, and related matters such as dealing with breach of such injunctions;
- amending rule 81.15(1), in consequence of amendments to the Police Reform Act 2002, to include the Independent Police Complaints Commission in the list of bodies;
- substituting a new rule 83.6, so that the rule now also applies to the non taking control of goods (TCG) elements of a writ or warrant that contains the power to use the TCG procedure, but which is not a writ of control or warrant of control; and
- amending rule 83.9 to include Chancery Chambers in the definition of “appropriate office”.