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STATUTORY INSTRUMENTS

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**2014 No. 407**

**The Civil Procedure (Amendment) Rules 2014**

**Transitional provisions**

**41.—**(1) In this rule—

- (a) “enforcement action” means the steps taken by or on behalf of a person to recover sums or property from another person;
- (b) “enforcement amendments” means the amendments made by rules 12, 16, 30, 34, 35(a), 35(b), 35(e), 35(f), 35(g), 35(h)(ii), 35(i), 36, 37, 38, 39(b) and 40 of these Rules; and
- (c) “County Court commencement date” means the date on which section 17(1) and (2) of the Crime and Courts Act 2013(1) come into force for all purposes.

(2) The enforcement amendments do not apply in relation to a writ or warrant or any enforcement action or other action taken in relation to the writ or warrant where—

- (a) permission for the issue of the writ or warrant is sought before 6th April 2014;
- (b) permission is not required for the issue of the writ, and a request for the issue of the writ is filed before 6th April 2014;
- (c) permission is not required for the issue of a warrant of execution or warrant of delivery, and a request for the issue of the warrant is filed before 6th April 2014; or
- (d) an application for the issue of a warrant of possession is made before 6th April 2014.

(3) The enforcement amendments do not apply in relation to enforcement action, or any action taken in relation to that enforcement action, where the right to take the enforcement action becomes exercisable otherwise than by virtue of a writ or warrant issued by a court, and the enforcement action is begun before 6th April 2014.

(4) Until the County Court commencement date, any reference in the enforcement amendments—

- (a) to the County Court, has effect as if it were a reference to the relevant county court or county courts then in existence; and
- (b) to a County Court hearing centre, has effect as if it were a reference to the county court corresponding to that hearing centre.

(5) As from the County Court commencement date—

- (a) proceedings started in a county court may be continued—
  - (i) in the County Court as if they had been started in the County Court; and
  - (ii) in the County Court hearing centre corresponding to that county court;
- (b) anything done in accordance with the rules which applied to a county court is to be treated as if it had been done in accordance with any rules applicable to corresponding proceedings in the County Court; and
- (c) any act, judgment or order of a county court has the same effect as if it had been an act judgment or order of the County Court, and accordingly further proceedings in the County Court may be taken in respect of such act, judgment or order.

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(1) 2013 c.22. Section 17 was commenced for some purposes by S.I. 2013/1752.

(6) The amendments made by rule 14(f) and (g) shall apply if one of the parties to the proceedings files their directions questionnaire on or after 1st April 2014.

(7) In any proceedings to which Practice Direction 51I (the Second Mediation Service Pilot Scheme) applies, if all parties—

(a) filed their directions questionnaires before or on 31st March 2014; and

(b) indicated on their directions questionnaires that they agreed to mediation,

the amendments made by rule 14(f) and (g) will apply as if one of the parties had filed their directions questionnaire on or after 1st April 2014, save that a claim will be allocated to track in accordance with new rule 26.5(2A) no later than four weeks from the date when the last directions questionnaire was filed.

(8) The amendment in rule 21(b) shall apply to any appeal from a determination or direction of the Pensions Ombudsman or the Pension Protection Fund Ombudsman, filed on or after 6<sup>th</sup> April 2014.