
EXPLANATORY NOTE

(This note is not part of the Rules)

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

A series of amendments to give effect to, and which are consequential upon, the implementation of the single County Court on the coming into force of provisions in Section 17 of, and Schedule 9 to, the Crime and Courts Act 2013 (c. 22) (“the 2013 Act”). In particular, these Rules:

- make consequential amendments throughout the CPR to reflect, not only the implementation of the single County Court, but also the renaming of individual county courts as “County Court hearing centres” and that, in many instances, proceedings in the County Court will not be “transferred” (generally a judicial function) between hearing centres but will now be “sent” from one hearing centre to another as an administrative procedure. References to “district judge” and “circuit judge” have been amended to “District Judge” and “Circuit Judge” respectively to ensure consistency throughout the CPR;
- amend Part 2 by amending the definition of “defendant’s home court” and substituting the term “preferred hearing centre” for “preferred court” as well as defining that term;
- amend Parts 8, 23, 55, 56, and 65, to specify the circumstances in which proceedings subject those provisions may be started in any County Court hearing centre, or, alternatively, are required to be started at a particular hearing centre, and the circumstances in which proceedings may be transferred;
- amend rule 26.2A, which previously only applied to claims made at the County Court Money Claims Centre (“CCMCC”), so that all County Court money claims will be subject to the transfer provisions in that rule. A similar amendment has been made to rule 12.5A, which concerns the transfer of money claims to another hearing centre following a request for judgment. In consequence of the amendments to 26.2A, Part 2 has been further amended to remove the term “designated money claim”, since the term is no longer required to ensure that rule 26.2A operates correctly. Because the CCMCC is not a hearing centre, but an office of the County Court, the earlier amendments to the CPR in rules 3.5A, 13.4 and 14.7A, which make provision for claims to be transferred out of the CCMCC, have been retained, but have been amended to take account of other amendments referred to in this paragraph. Rule 26.2 will now apply exclusively to specified money claims in the High Court;
- amend rule 26.3, so that rule 26.3(7A), which concerns the procedure where a party fails to comply with the requirements of a notice of proposed allocation, and which previously only applied to claims in the CCMCC, will apply to all County Court money claims.
- amend Part 30 with regard to the transfer of proceedings within the County Court and, in particular, removes rule 30.2(2) which makes provision in respect of proceedings started in the wrong county court;
- make consequential amendments to Parts 70 to 75 and CCR Order 27 to give effect to the implementation of the single County Court; and
- amend various rules to make them gender neutral.

A further amendment to Part 26, by inserting new rules 26.4A and 26.5(2A), to formalise in the CPR the procedure in Practice Direction 51I - the Second Mediation Service Pilot Scheme - for referring money claims, which would normally be allocated to the small claims track, to the Mediation Service, following the conclusion of the Pilot Scheme on 31st March 2014.

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An amendment to rule 42.1 to clarify that Part 42 applies not only to solicitors, but to any legal representative who falls within the definition of “solicitor” under rule 6.2(d).

An amendment to rule 45.30(2), to correct an earlier omission.

The insertion of new rule 52.21, which requires the grant of permission by the High Court in respect of appeals from determinations and directions by the Pensions Ombudsman and the Pension Protection Fund Ombudsman.

An amendment to rule 63.14(2) to enable service of a claim form relating to a registered right to be effected on a UK address for service, whether the right is registered at an address for service given for that right in the Patent Office register or the Office for Harmonisation in the Internal Market (Trade Marks and Designs) register.

A series of amendments to implement Part 3 of, and Schedule 12 to, the Tribunals, Courts and Enforcement Act 2007 (“the 2007 Act”), and to incorporate into the body of the CPR rules on enforcement contained in Schedules 1 and 2 to the CPR, in particular—

The introduction of new Part 83 – Writs and Warrants – General Provisions – which consolidates and updates most High Court and County Court rules on enforcement contained in Schedules 1 and 2 to the CPR, taking into account the changes to enforcement brought about by the 2007 Act;

The introduction of new Part 84 – Enforcement by Taking Control of Goods – which contains new specific provisions in relation to taking control of goods under Part 3 of and Schedule 12 to the 2007 Act;

The introduction of new Part 85 – Claims on Controlled Goods and Executed Goods – which contains rules in relation to—

- claims to goods subject to a writ of execution; and
- claims by a debtor in relation to goods that are exempt goods (goods exempt from being taken into control or executed against).

The rules in Part 85 take account of provisions on taking control of goods under Part 3 of, and Schedule 12 to, the 2007 Act, and replace provisions in RSC Order 17 – Interpleader and CCR Order 33 – Interpleader Proceedings.

The introduction of new Part 86 – Stakeholder Claims and Applications – which contains rules that apply where a person is under a liability in relation to a debt or goods etc, and two or more competing claims are made or expected to be made against that person in relation to the debt or goods etc. The rules in Part 86 replace provisions in RSC Order 17 – Interpleader and CCR Order 33 – Interpleader Proceedings.

The introduction of a number of provisions into the CPR to replace various enforcement Scheduled rules, that were not included in Parts 83 to 86, in particular—

- new rule 40.8A (replacing RSC Order 45 rule 11);
- new rule 40.9A (replacing CCR Order 22 rule 10);
- new rule 40.13A (replacing CCR Order 22 rule 11);
- new rule 40.14A (replacing CCR Order 22 rule 8);
- new rule 40.14B (replacing CCR Order 22 rule 13); and
- new rule 70.2A (replacing RSC Order 45 rule 8).

Various amendments consequential on the introduction of Parts 83 to 86 and the consolidation of most enforcement provisions from Schedules 1 and 2 of the CPR into the body of the CPR, including—

- amendments to rules 21.1, 74.2, 75.1 and 75.6 to 10;
- omission of superseded enforcement Scheduled rules (RSC Orders 17, 45 to 47 and 113; and CCR Orders 22, 24 to 26 and 33); and

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— amendments to CCR Orders 27 and 28.