
STATUTORY INSTRUMENTS

2017 No. 95

The Civil Procedure (Amendment) Rules 2017

Amendment of Part 52

9.—(1) In rule 52.19—

- (a) in the heading, at the end insert “– general”; and
- (b) in paragraph (1), for “In” substitute “Subject to rule 52.19A, in”.

(2) After rule 52.19A insert—

“Orders to limit the recoverable costs of an appeal – appeals in Aarhus Convention claims

52.19A.—(1) In this rule, “Aarhus Convention claim” and “prohibitively expensive” have the same meanings as in Section VII of Part 45, and “claimant” means a claimant to whom rules 45.43 to 45.45 apply.

(2) In an appeal against a decision made in an Aarhus Convention claim to which rules 45.43 to 45.45 apply, the court must—

- (a) consider whether the costs of the proceedings will be prohibitively expensive for a party who was a claimant; and
- (b) if they will be, make an order limiting the recoverable costs to the extent necessary to prevent this.

(3) When the court considers the financial resources of a party for the purposes of this rule, it must have regard to any financial support which any person has provided or is likely to provide to that party.”