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STATUTORY INSTRUMENTS

2020 No. 1228 (L. 21)

SENIOR COURTS OF ENGLAND AND WALES

COUNTY COURT, ENGLAND AND WALES

The Civil Procedure (Amendment No. 6) Rules 2020

Made - - - - *3rd November 2020*

Laid before Parliament *6th November 2020*

Coming into force in accordance with rule 1

The Civil Procedure Rule Committee, having power under section 2 of the Civil Procedure Act 1997(a) to make rules under section 1 of and Schedule 1 to that Act and after fulfilling the requirements of section 2(6) of that Act, makes the following Rules.

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Civil Procedure (Amendment No. 6) Rules 2020 and come into force on the 21st day after the day on which they are laid before Parliament.

(2) In these Rules, a reference to a Part or rule by number alone means the Part or rule so numbered in the Civil Procedure Rules 1998(b).

Amendments to the Civil Procedure Rules 1998

2. The Civil Procedure Rules 1998 are amended in accordance with rules 3 and 4 of these Rules.

Amendment of Part 81

3. In rule 81.3—

- (a) in paragraph (2), at the end insert “, unless under a rule or practice direction it may be determined by a District Judge”; and
- (b) in paragraph (8)—
 - (i) for “Administrative Court” substitute “Queen’s Bench Division”; and
 - (ii) after “determined by” in the second place where those words occur, insert “a single judge of the Queen’s Bench Division or”.

(a) 1997 c.12. Section 2(1) was substituted by the Constitutional Reform Act 2005 (c. 4), section 15 and Schedule 4, Part 1. Section 1(3) was substituted by section 82(1) of the Courts Act 2003 (c. 39) and further amended by the Constitutional Reform Act 2005, sections 15 and 146 and Schedule 4, Part 1, paragraphs 261 and 262 and Schedule 18. Section 1(1) was amended by the Crime and Courts Act 2013 (c. 22), section 17(5) and Schedule 9, Part 3, paragraph 67(a).

(b) S.I. 1998/3132. There are relevant amendments in S.I. 2020/747.

Amendment of Part 83

4. In rule 83.13, after paragraph (4) insert—

“(4A) The court’s permission to issue a writ of restitution in aid of a writ of possession is required whether or not permission was required for the writ of possession.”.

The Right Honourable Sir Terence Etherton, MR
Lord Justice Coulson
Mr Justice Birss
Mr Justice Kerr
Master Cook
District Judge Cohen
District Judge Parker
Isabel Hitching QC
Anja Lansbergen-Mills
Tom Montagu-Smith QC
David Marshall
John McQuater
Lizzie Iron

I allow these Rules

Signed by authority of the Lord Chancellor

3rd November 2020

Alex Chalk
Parliamentary Under-Secretary of State for Justice
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Civil Procedure Rules 1998 (S.I. 1998/3132) by—

- amending Part 81—
 - to ensure that a District Judge is able to determine a contempt application in the county court where a rule or practice direction so provides;
 - to enable certain applications for permission to make a contempt application to be determined, and if permission is granted for the contempt application itself to be determined, by a wider range of judges;
- amending Part 83 to ensure that the court’s permission to issue a writ of restitution in aid of a writ of possession is required regardless of whether permission was required for the writ of possession itself.

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