
STATUTORY INSTRUMENTS

2020 No. 747

The Civil Procedure (Amendment No. 3) Rules 2020

Amendment of Part 73

13.—(1) In rule 73.7—

(a) after paragraph (3), insert—

“(Rule 73.10(6B) sets out the powers of a legal adviser to make an order where a judgment creditor has not, on time, filed certificates of service and a statement of the amount due or applied for an extension.)”; and

(b) omit paragraph (4).

(2) In rule 73.10—

(a) in paragraph (6), for “upon” substitute “after”;

(b) in paragraph (6A)—

(i) at the end of sub-paragraph (b) omit “or”;

(ii) at the end of sub-paragraph (c), for the full stop substitute—

“; or

(d) if paragraph (6B) applies, make an unless order, or refer the matter to a judge, in accordance with that paragraph.”; and

(c) for paragraph (6B) substitute—

“(6B) This paragraph applies where the judgment creditor has not complied with rule 73.7(1) or (2) and has not applied for an extension of time within the period specified by those provisions or either of them as appropriate, or has been granted an extension of time but has not met the extended time limit. In those circumstances, a legal adviser must—

(a) order that unless, by a date specified in the order, the judgment creditor files a certificate of service in relation to each person served (together with a statement of the amount due under the judgment or order including any costs and interest), the application for a charging order is to be dismissed and the interim charging order discharged; or

(b) refer the matter to a judge to consider whether to dismiss the application and discharge the interim charging order.

(6C) A copy of any order made under paragraph (6B) is to be served by the court on all the parties.

(6D) Decisions of a legal adviser are to be made without a hearing.”.