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## EXPLANATORY NOTE

*(This note is not part of the Rules)*

These Rules amend the Civil Procedure Rules 1998 ([SI 1998/3132](#)) by—

- amending Part 1 (the overriding objective) to make it clear that dealing with a case justly includes ensuring, so far as practicable, that the parties can participate fully and that parties and witnesses can give their best evidence; and to introduce a new practice direction making provision for how the court is to give effect to the overriding objective in relation to vulnerable parties and witnesses;
- amending rule 3.17(3)(a) to provide that the court may not approve costs incurred up to and including the date of any costs management hearing (rather than, as previously worded, costs incurred before that date);
- amending rule 6.33 so that permission of the court is not required to serve out of the jurisdiction a claim where jurisdiction is based on a choice of court agreement (with consequential amendment in Part 12);
- amending Part 32 to make it clear that the restriction on collateral use of witness statements outside the proceedings in which they are served applies equally to such use of affidavits;
- amending rule 36.5 to add a new paragraph (5) making express provision for the position in respect of interest accrued after the expiry of the period for accepting a Part 36 offer;
- amending Part 40 to insert an explanatory cross-reference to the change made to rule 83.19(4)(b);
- amending Part 44 to enable additional work undertaken or expense incurred due to the vulnerability of a party or any witness to be taken into account in assessing whether costs are proportionate;
- amending Part 51 to remove spent transitional provisions and to insert a new rule allowing for practice directions to make temporary modifications to the rules to address issues arising for the work of the courts due to the coronavirus outbreak or any other public emergency;
- amending Part 55 to correct a reference in the table of contents for the Part;
- amending rule 61.9 to mirror for Admiralty claims the amendments made (by [S.I. 2020/82](#)) to rule 12.3 for default judgments more generally;
- making the following changes to the rules in consequence of the introduction of new Part 81 – Applications and proceedings in relation to contempt of court by the Civil Procedure (Amendment No. 3) Rules 2020 ([SI 2020/747](#))—
  - substituting rule 65.47(4), to update language;
  - amending rule 71.2(7), to be consistent with language of the new Part 81;
  - replacing rule 71.8(2)-(4), to be consistent with language of the new Part 81;
  - amending rule 74.48 to update a cross reference;
  - amending Part 83 (rules 83.1, 83.2, 83.2A, new 83.14A, 83.27) so that the court procedure for sequestration as a method of enforcement (as distinct from sequestration as sanction for contempt) is to be governed by Part 83 and in particular new rule 83.14A. (The procedure for sequestration as sanction for contempt is governed by Part 81.);

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- amending rule 89.1 to make it clear that proceedings under that Part are not contempt proceedings.
- amending Part 70 to clarify that for foreign judgments not requiring registration in order to be enforceable, such a judgment is to be treated for enforcement purposes as if it were a judgment of the High Court or County Court; and to insert a new rule enabling provision to be made in a practice direction for procedure in relation to any debt respite scheme established under section 7 of the Financial Guidance and Claims Act 2018;
- amending rule 71.7 to clarify its application;
- amending rule 83.19(4)(b) to make it clear that the provision it makes for suspending issue of a certificate of judgment extends to all cases where there is pending an application to set aside or vary the judgment in question.

These Rules also amend the Civil Procedure (Amendment No. 3) Rules 2020 ([SI 2020/747](#)) by revoking the transitional provision in relation to rule 83.2A (that rule 83.2A being revoked by these Rules).