

STATUTORY INSTRUMENTS

2023 No. 105

The Civil Procedure (Amendment) Rules 2023

Amendment of Part 19

12.—(1) For the Table of Contents for the Part substitute—

“TITLE	NUMBER
Parties – general	Rule 19.1
I ADDITION AND SUBSTITUTION OF PARTIES	
Change of parties – general	Rule 19.2
Provisions applicable where two or more persons are jointly entitled to a remedy	Rule 19.3
Procedure for adding and substituting parties	Rule 19.4
Human Rights	Rule 19.5
Special provisions about adding or substituting parties after the end of a relevant limitation period	Rule 19.6
Special rules about parties in claims for wrongful interference with goods	Rule 19.7
II REPRESENTATIVE PARTIES	
Representative parties with same interest	Rule 19.8
Representation of interested persons who cannot be ascertained etc.	Rule 19.9
Representation of beneficiaries by trustees etc.	Rule 19.10
Postal Services Act 2000 (c.26)	Rule 19.11
Death	Rule 19.12
Power to make judgements binding on non-parties	Rule 19.13
Derivative claims – how started	Rule 19.14
Derivative claims under Chapter 1 of Part 11 of the Companies Act 2006 – application for permission	Rule 19.15
Derivative claims under Chapter 1 of Part 11 of the Companies Act 2006 – members of companies taking over claims by companies or other members	Rule 19.16
Derivative claims – other bodies corporate and trade unions	Rule 19.17
Derivative claims arising in the course of other proceedings	Rule 19.18
Derivative claims – costs	Rule 19.19
Derivative claims – discontinuance and settlement	Rule 19.20
III GROUP LITIGATION	

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Definition	Rule 19.21
Group Litigation Order	Rule 19.22
Effect of the GLO	Rule 19.23
Case management	Rule 19.24
Removal from the register	Rule 19.25
Test claims	Rule 19.26”.

- (2) In rule 19.2(a), at the end, omit “and”.
- (3) In rule 19.3—
- (a) in paragraph (1)—
 - (i) for “Where a claimant” to “all persons” substitute “All persons”; and
 - (ii) after “remedy” insert “claimed by a claimant”; and
 - (b) in paragraph (2), after “If any” insert “such”.
- (4) In rule 19.4—
- (a) for paragraph (2) substitute—

“(2) An application for permission under paragraph (1)—

 - (a) may be made by—
 - (i) an existing party; or
 - (ii) a person who wishes to become a party; and
 - (b) must be—
 - (i) supported by evidence; and
 - (ii) made under Part 23.”;
 - (b) in paragraph (3), omit the words in parentheses after “rule 19.2(4)”;
 - (c) in paragraph (4)—
 - (i) in sub-paragraph (a), for “he has given his” substitute “they have given their”; and
 - (ii) in sub-paragraph (b), for “consent has” substitute “consent, and the proposed amended claim form and particulars of claim, have”.
- (5) For paragraphs (4A) to (6) substitute—
- “(5) If an order is made adding or substituting a person as a claimant prior to the filing of their consent—
- (a) the order; and
 - (b) the addition or substitution of the new party as claimant,
- shall not take effect until the signed, written consent of the new claimant is filed.
- (6) The Commissioners for HM Revenue and Customs may, where a dispute between other parties may have tax consequences, be added as party to proceedings if they consent in writing.
- (7) An order for the removal, addition or substitution of a party must be served on—
- (a) all parties to the proceedings; and
 - (b) any other person affected by the order.

(8) When the court makes an order for the removal, addition or substitution of a party, it may give consequential directions.

(9) A new defendant does not become a party to the proceedings until the amended claim form has been served on them.

(10) A party applying to add a new party by amendment will usually be responsible for the costs of and arising from the amendment.

(11) The court may remove, add or substitute parties in existing proceedings on its own initiative.”

(6) For rule 19.4A substitute—

“Human Rights

19.5.—(1) The court may not make a declaration of incompatibility in accordance with section 4 of the Human Rights Act 1998⁽¹⁾ unless 21 days’ notice, or such other period of notice as the court directs, has been given to the Crown by the claimant.

(2) Where a claim is made under section 9 of the Human Rights Act 1998 for damages in respect of a judicial act—

(a) that claim, including details of the judicial act, must be set out in the statement of case or the appeal notice; and

(b) notice must be given to the Crown.

(3) The court may at any time consider whether notice under paragraph (1) or (2) should be given to the Crown and give directions as to the content and service of such notice.

(4) A notice served on the Crown must be served on—

(a) the person named in the list published under section 17 of the Crown Proceedings Act 1947⁽²⁾ (which is annexed to Practice Direction 66);

(b) Senedd Cymru, in the circumstances described in the National Assembly for Wales (Transfer of Functions) (No. 2) Order 2000⁽³⁾;

(c) the Treasury Solicitor on behalf of the Lord Chancellor, in respect of a claim under section 9 of the Human Rights Act 1998, except where the judicial act is of a Court-Martial when service must be on the Treasury Solicitor on behalf of the Secretary of State for Defence;

(d) all parties.

(5) Where notice has been given to the Crown, a Minister or other person permitted by the Human Rights Act 1998 shall be joined as a party on notifying their consent to the court and all other parties.

(6) Where the Minister has, under section 5(2)(a) of the Human Rights Act 1998, nominated a person to be joined, the notice consenting to be joined must be accompanied by the written nomination.

(7) Where paragraph (2) applies and the appropriate person has not applied to be joined as a party within 21 days, or such other period as the court directs, after the notice is served, the court may join the appropriate person as a party.”

(7) Rule 19.5 is renumbered as rule 19.6; and in rule 19.6 as so renumbered—

(a) in paragraph (3)(c), for “him and his” substitute “them and their”; and

(1) 1998 c. 42.

(2) 1847 c. 44. Section 17 was amended by S.I. 1968/1656, article 3(2).

(3) S.I. 2000/1830. The National Assembly for Wales was renamed as Senedd Cymru or the Welsh Parliament by virtue of section 2 of the Senedd and Elections (Wales) Act 2000 (2000 anaw 1).

- (b) omit the words in parentheses after paragraph (4).
- (8) Rule 19.5A is renumbered as rule 19.7; and in rule 19.7 as so renumbered—
 - (a) in paragraph (1), for “his” substitute “the claimant’s”;
 - (b) in paragraph (3), for “he” substitute “that person”; and
 - (c) omit the words in parentheses after paragraph (3).
- (9) Rule 19.6 is renumbered as rule 19.8; and in paragraph (5) of rule 19.7 as so renumbered, for 19.7” substitute “19.9”.
- (10) Rule 19.7 is renumbered as rule 19.9.
- (11) Rule 19.7A is renumbered as rule 19.10.
- (12) For rule 19.7B substitute—

“Postal Services Act 2000

19.11. A copy of an application notice under section 92 of the Postal Services Act 2000(4) for permission to bring proceedings in the name of the sender or addressee of a postal packet or their personal representative must be served on the universal service provider and on the person in whose name the applicant seeks to bring the proceedings.”.

- (13) Rule 19.8 is renumbered as rule 19.12.
- (14) Rule 19.8A is renumbered as rule 19.13; and in rule 19.13 as so renumbered—
 - (a) in paragraph (4)(a)(i)—
 - (i) before “form” insert “prescribed”; and
 - (ii) omit the words after “form”;
 - (b) in paragraph (5), for “he” substitute “they”;
 - (c) in paragraph (6), for “he” substitute “they”;
 - (d) in paragraph (7), for “him” substitute “them”; and
 - (e) in paragraph (8)—
 - (i) in sub-paragraph (a), for “he” substitute “they”; and
 - (ii) in sub-paragraph (b)—
 - (aa) for “he” substitute “they”; and
 - (bb) for “him” substitute “them”.
- (15) Rule 19.9 is renumbered as rule 19.14; and in rule 19.14 as so renumbered—
 - (a) in paragraph (2), after “claim form” insert “headed “Derivative Claim””; and
 - (b) in paragraph (4)(a), for “19.9A or 19.9C” substitute “19.15 or 19.17”.
- (16) Rule 19.9A is renumbered as rule 19.15; and in rule 19.15 as so renumbered—
 - (a) in paragraph (4)(a)—
 - (i) before “form” insert “prescribed”; and
 - (ii) omit the words after “form”; and
 - (b) for paragraph (8) substitute—
 - “(8) An application under paragraph (7)—
 - (a) may be made without notice; and

- (b) must state in the application notice the reasons for the application and be filed with any written evidence in support.”.
- (17) Rule 19.9B is renumbered as rule 19.16, and in paragraph (3) of rule 19.16 as so renumbered, for “19.9A” in the two places where it occurs substitute “19.15”.
- (18) Rule 19.9C is renumbered as rule 19.17, and in paragraph (5) of rule 19.17 as so renumbered—
- (a) for “19.9A” substitute “19.15”; and
 - (b) for “19.9B” substitute “19.16”.
- (19) Rule 19.9D is renumbered as rule 19.18; and in rule 19.18 as so renumbered—
- (a) in paragraph (a), for “19.9A or 19.9B” substitute “19.15 or 19.16”; and
 - (b) in paragraph (b), for “19.9C” substitute “19.17”.
- (20) Rule 19.9E is renumbered as rule 19.19; and in rule 19.19 as so renumbered—
- (a) the existing text of the rule is numbered as paragraph (1); and
 - (b) after paragraph (1) as so numbered, insert—
 - “(2) If the claimant seeks an order that the defendant company or other body concerned indemnify the claimant against liability for costs incurred in the permission application or the claim, this should be stated in the permission application or claim form or both.”.
- (21) Rule 19.9F is renumbered as rule 19.20.
- (22) Rule 19.10 is renumbered as rule 19.21; and in rule 19.21 as so renumbered, for “19.11” substitute “19.22”.
- (23) Rule 19.11 is renumbered as rule 19.22; and in rule 19.22 as so renumbered—
- (a) in paragraph (1), at the end insert “The multiple parties may be claimants or defendants.”;
 - (b) in the words in parentheses after paragraph (1), after “GLO” insert “where the multiple parties are claimants”;
 - (c) in paragraph (2)—
 - (i) at the end of sub-paragraph (b), omit “and”;
 - (ii) at the end of sub-paragraph (c), for the full stop substitute “; and”;
 - (iii) after sub-paragraph (c) insert—
 - “(d) be made in the King’s Bench Division with the consent of the President of the King’s Bench Division; in the Chancery Division with the consent of the Chancellor of the High Court; or in the County Court with the consent of the Head of Civil Justice. Such consent will be sought by the court to which the application for the GLO is made.”.
- (24) Rule 19.12 is renumbered as rule 19.23; and in rule 19.23 as so renumbered—
- (a) in paragraph (2), for “him” substitute “them”; and
 - (b) in paragraph (3), for “him” substitute “them”.
- (25) Rule 19.13 is renumbered as rule 19.24; and in rule 19.24 as so renumbered, omit the words in parentheses at the end of the rule.
- (26) Rule 19.14 is renumbered as rule 19.25.
- (27) Rule 19.15 is renumbered as rule 19.26; and in paragraph (2) of rule 19.26 as so renumbered, for “on” substitute “in”.

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