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STATUTORY INSTRUMENTS

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**2023 No. 788**

**The Civil Procedure (Amendment No. 3) Rules 2023**

**Citation, commencement and interpretation**

1.—(1) These Rules may be cited as the Civil Procedure (Amendment No. 3) Rules 2023 and, except as provided in paragraph (2), come into force on 1st October 2023 immediately after the Civil Procedure (Amendment No. 2) Rules 2023(1).

(2) Rules 3(1), (3) and (4), 4, 6, 7(1), 16(2) and 29 to 34 of these Rules come into force on 14th August 2023.

(3) 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(2).

**Amendments to the Civil Procedure Rules 1998**

2. The Civil Procedure Rules 1998 are amended in accordance with rules 3 to 34 of these Rules.

**Amendment of Part 3**

3.—(1) In the Table of Contents to the Part, in the entry for rule 3.5A, for “County Court Money Claims Centre” substitute “Civil National Business Centre”.

(2) In rule 3.3—

(a) after paragraph (6) insert—

“(7) An application under paragraph (5)(a) shall be considered at an oral hearing unless the court decides and states in an order that the application is totally without merit.

(8) If the court decides under paragraph (7) that the application is totally without merit, an application under paragraph (5)(a) may be made for reconsideration without an oral hearing.”; and

(b) paragraph (7) is renumbered as paragraph (9).

(3) In rule 3.5A, in the heading and in paragraph (1), for “County Court Money Claims Centre” substitute “Civil National Business Centre”.

(4) In rule 3.6A(c), for “County Court Money Claims Centre” substitute “Civil National Business Centre”.

**Amendment of Part 7**

4. In rule 7.4(4), for “County Court Business Centre” substitute “Civil National Business Centre”.

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- (1) *S.I. 2023/572*. Amendments made by these Rules (with the exception of the amendments made by rules 3(1), (3) and (4), 4, 6, 7(1), 16(2) and 29 to 34 relating to the Civil National Business Centre, which come into force earlier) are accordingly to the Civil Procedure Rules 1998 as amended by *S.I. 2023/572*: this is of particular relevance for the amendments made by rules 16, 19 and 23 of these Rules.
- (2) *S.I. 1998/3132*. There are relevant amendments in *S.I. 2001/256*, *S.I. 2001/4015*, *S.I. 2002/2058*, *S.I. 2006/3435*, *S.I. 2007/2204*, *S.I. 2011.3103*, *S.I. 2013/262*, *S.I. 2016/788*, *S.I. 2022/101*, *S.I. 2022/783*, *S.I. 2023/105* and *S.I. 2023/572*.

### **Amendment of Part 12**

5.—(1) In rule 12.3(3)(c)(ii), for “filed” to “time to pay” substitute “admitted liability to pay all the money claimed but has requested time to pay”.

(2) In rule 12.12(6)(d), for “returned” to “rule 14.6” substitute “admitted liability to pay all the money claimed and requested time to pay”.

### **Amendment of Part 13**

6. In rule 13.4(1B)(b), for “County Court Money Claims Centre” substitute “Civil National Business Centre”.

### **Amendment of Part 14**

7.—(1) In the following places in Part 14, for “County Court Money Claims Centre” substitute “Civil National Business Centre”(3)—

- (a) in the Table of Contents to the Part, in the entry for rule 14.7A;
- (b) in the heading to rule 14.7A; and
- (c) in rule 14.7A(1).

(2) For Part 14 substitute Part 14 as set out in Schedule 1 to these Rules.

### **Amendment of Part 16**

8. In rule 16.3(2)(b), for paragraphs (iii) and (iv) substitute—

- “(iii) more than £25,000 but not more than £100,000; or
- (iv) more than £100,000; or”.

### **Amendment of Part 18**

9. In rule 18.1—

- (a) in paragraph (3)(a), for “his” substitute “their”; and
- (b) in the first set of words in parentheses at the end of the rule, before “response” insert “statement of case, including a”.

### **Amendment of Part 19**

10. In rule 19.4(10)—

- (a) for “will usually” substitute “shall”; and
- (b) at the end insert “unless the court decides otherwise.”.

### **Amendment of Part 20**

11. In rule 20.3, for paragraph (4) substitute—

“(4) Part 14 (admissions) applies to a counterclaim, but only rules 14.2(1), (4) and (5) and 14.4(1) apply to other additional claims.”.

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(3) The changes made by paragraph (1) of this rule are to Part 14 as it stands at 14 August 2023 when paragraph (1) of this rule comes into force. The new Part 14 which is substituted by paragraph (2) of this rule takes account of those changes (see, in the new Part 14, rule 14.7 and the entry for rule 14.7 in the Table of Contents).

### **Amendment of Part 21**

12. In rule 21.5(2)(b), for the words after “proceedings” substitute “on the defendant’s behalf”.

### **Amendment of Part 22**

- 13.—(1) In rule 22.1—

- (a) for paragraph (1) substitute—

“(1) The following documents must be verified by a statement of truth—

- (a) a statement of case;
- (b) a witness statement;
- (c) an acknowledgement of service in a claim using the Part 8 procedure;
- (d) a certificate of service;
- (e) a contempt application under Part 81; and
- (f) any other document where a rule or practice direction requires.”;

- (b) omit the words in parentheses after paragraph (2);

- (c) in paragraph (3)—

- (i) for “his” substitute “their”; and
- (ii) for “the application notice” substitute “it”;

- (d) for paragraphs (4) and (5) substitute—

“(4) A statement of truth is a statement that the maker believes the facts stated in the document to which the statement refers are true.

(5) If a party has a litigation friend, the statement of truth in a statement of case or an application notice is a statement that the litigation friend believes the facts stated in it are true.”;

- (e) in paragraph (6)(a), for “response” substitute “notice of objections to an account being taken by the court”; and

- (f) after paragraph (8) insert—

“(9) Where a document containing a statement of truth is to be signed by a person who is unable to read or sign the document other than by reason of language alone—

- (a) it must contain a certificate made by an authorised person (who is able to administer oaths and take affidavits but need not be independent of the parties or their representatives); and
- (b) the authorised person must certify that—
  - (i) the document has been read to the person approving it;
  - (ii) that person appeared to understand it and approved its content as accurate;
  - (iii) the declaration of truth has been read to that person;
  - (iv) that person appeared to understand the declaration and the consequences of making a false declaration; and
  - (v) that person signed or made their mark in the presence of the authorised person.”.

- (2) In rule 22.2(1), for “his” substitute “their”.

- (3) In rule 22.3, for “the witness statement” substitute “it”.

- (4) In rule 22.4—

- (a) in paragraph (1), for “verify the document” substitute “do so”; and
- (b) after paragraph (2) insert—

“(Rule 32.14 states that verifying a statement of case containing a false statement without an honest belief in its truth may result in proceedings for contempt of court.)”.

### **Amendment of Part 23**

#### **14.—(1) In the Table of Contents to the Part—**

- (a) in the entry for rule 23.1, for “Meaning of “application notice” and “respondent”” substitute “Definitions”;
- (b) in the entry for rule 23.8, for “dealt with” substitute “decided”;
- (c) in the entry for rule 23.9, after “of” insert “order and”; and
- (d) in the entry for rule 23.12, for “Dismissal of totally without merit applications” substitute “Applications that are totally without merit”.

#### **(2) In rule 23.1—**

- (a) in the heading, for “Meaning of “application notice” and “respondent”” substitute “Definitions”;
- (b) in the definition of “application notice”—
  - (i) for “his” substitute “their”; and
  - (ii) omit “and” at the end of the definition; and
- (c) after the definition of “application notice” insert—
 

““hearing” means the occasion on which any interim or final decision is or may be made by a judge, at which a person is, or has a right to be, heard in person, by telephone, by video or by any other means which permits simultaneous communication; and”.

#### **(3) In rule 23.2—**

- (a) in paragraph (4)—
  - (i) for “paragraph (4A)” substitute “paragraph (5)”;
  - (ii) for “it is likely” to “will be” substitute “the claim is most likely to be”;
- (b) paragraph (4A) is renumbered as paragraph (5), and in paragraph (5) as so renumbered, for “provides” substitute “states”; and
- (c) paragraph (5) is renumbered as paragraph (6), and in paragraph (6) as so renumbered, for “provides” substitute “states”.

#### **(4) For rules 23.3 and 23.4 substitute—**

#### **“Application notice to be filed**

##### **23.3. An applicant must file an application notice unless—**

- (a) a rule or practice direction states otherwise; or
- (b) the court dispenses with the requirement.

#### **Notice of an application**

**23.4.** A copy of the application notice must be served on each respondent unless a rule, practice direction or court order permits otherwise.”.

#### **(5) In rule 23.5, for “so made” substitute “made in time”.**

- (6) In rule 23.6, in the words in parentheses at the end of the rule, for “his” substitute “the”.
- (7) In rule 23.7—
  - (a) for paragraph (1) substitute—
    - “(1) A copy of the application notice must be served—
      - (a) as soon as practicable after it is filed; and
      - (b) at least 3 days before the court is to deal with the application unless a different time limit is stated in a rule, practice direction or court order.”;
  - (b) in paragraph (2)—
    - (i) for “he files” substitute “they file”; and
    - (ii) for “written evidence in support” substitute “supporting written evidence”;
  - (c) in paragraph (3)—
    - (i) in sub-paragraph (a), for “written evidence in support” substitute “supporting written evidence”; and
    - (ii) in sub-paragraph (b), for “his” substitute “the”;
  - (d) in paragraph (4), before “hear” insert “may”; and
  - (e) in paragraph (5), omit the words in parentheses at the end of the paragraph.
- (8) For rule 23.8 substitute—

**“Applications which may be decided without a hearing**

- 23.8.**—(1) The court may deal with an application without a hearing if—
  - (a) the parties agree the terms of the order sought;
  - (b) the parties agree to dispense with a hearing; or
  - (c) the court does not consider that a hearing would be appropriate.
- (2) If the parties agree to dispense with a hearing, a party may not without the court’s permission apply to have the order set aside, varied or stayed.
- (3) If the court decides the application without a hearing under paragraph (1)(c) and does so without giving the parties an opportunity to make representations—
  - (a) a party affected by the court’s order may within such period as the court may specify apply to have the order set aside, varied or stayed;
  - (b) if no period is specified, the application must be made within 7 days after the date the order was served on the party applying; and
  - (c) the order must contain a statement of the right to make such an application.
- (4) An application under paragraph (3) shall be considered at an oral hearing unless the court decides and states in an order that the application is totally without merit.
- (5) If the court decides under paragraph (4) that the application is totally without merit, an application under paragraph (3) may be made for reconsideration without an oral hearing.”.
- (9) In rule 23.9—
  - (a) in the heading, after “of” insert “order and”; and
  - (b) in paragraph (2), for “evidence in support” substitute “supporting evidence”.
- (10) In rule 23.10, in paragraph (2), after “must” insert “, unless the court directs otherwise,”.
- (11) In rule 23.11, in paragraph (1), for “his” substitute “their”.

(12) In rule 23.12, in the heading, for “Dismissal of totally without merit applications” substitute “Applications that are totally without merit”.

#### **Amendment of Part 24**

15. For Part 24 substitute Part 24 as set out in Schedule 2 to these Rules.

#### **Amendment of Part 26**

16.—(1) In rule 26.2(4)—

(a) omit “or rule 14.5”; and

(b) omit the second set of words in parentheses immediately below the paragraph.

(2) In rule 26.2A(5A)(a)(4), for “County Court Business Centre or the County Court Money Claims Centre” substitute “Civil National Business Centre”.

(3) In rule 26.3(6)(a), for “County Court Business Centre or the County Court Money Claims Centre” substitute “Civil National Business Centre”.

(4) In rule 26.4—

(a) in paragraph (5)—

(i) omit “or rule 14.5”; and

(ii) for “26.3(1)” substitute “26.4(1)”; and

(b) in paragraph (10), after “comply with the notice served under” omit “rule”.

(5) In rule 26.9(5)(b), for “the claim—” substitute “which—”.

(6) In rule 26.16, in Table 2, in the first column in paragraph (b)(ii), for “non-personal injury road traffic claims” substitute “road traffic accident related, non-personal injury claims”.

(7) Above rule 26.17 insert the heading—

*“Notice of allocation and assignment”.*

#### **Amendment of Part 17**

17. In rule 27.14(2)(a), at the end omit “or”.

#### **Amendment of Part 34**

18. In rule 34.13—

(a) in paragraph (3), after “proceedings” insert “and tribunal proceedings”; and

(b) in paragraph (6), after “file” insert “with the Foreign Process Section of the Central Office of the High Court in the Royal Courts of Justice”.

#### **Amendment of Part 36**

19.—(1) In the Table of Contents to the Part, in the entry for rule 36.22, after “Section” insert “and definitions”.

(2) In rule 36.13(1), for “36.20” substitute “36.23”.

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(4) This amendment to rule 26.2A is to Part 26 as in force at 14 August 2023. Part 26 is, on 1 October 2023, replaced by the new Part 26 in Schedule 1 to [S.I. 2023/572](#), and so the amendment in paragraph (3) of this rule makes a corresponding change to the corresponding rule (rule 26.3) in that new Part 26.

- (3) In rule 36.17(8), for “36.21” substitute “36.24”.
- (4) In rule 36.30(4)(a), for “36.37” substitute “36.27”.

#### **Amendment of Part 38**

- 20.—(1) In rule 38.2—
  - (a) in paragraph (1), for the words after “claim” substitute “against one or more defendants”; and
  - (b) in paragraph (2)(a), for the words between “if” and “discontinue” substitute “they wish to”.
- (2) In rule 38.3, for the remainder of the rule after paragraph (4) substitute—
  - “(5) A notice of discontinuance must be in Form N279 unless the court permits otherwise.”.

#### **Amendment of Part 39**

- 21.—(1) For rule 39.1(1)(a) substitute—
  - “(a) “hearing” means the occasion on which any interim or final decision is or may be made by a judge, at which a person is, or has the right be, heard in person, by telephone, by video or by any other means which permits simultaneous communication; and”.
- (2) In rule 39.2(4), for “that person” substitute “any person”.

#### **Amendment of Part 40**

- 22.—(1) In rule 40.2(1)(b)—
  - (a) after “judgment” the first time it occurs, insert “on admission”; and
  - (b) for “rule 14.4” to the end substitute “Part 14 where judgment is entered by a court officer”.
- (2) In rule 40.11, omit the words in parentheses at the end of the rule.

#### **Amendment of Part 45**

- 23.—(1) In rule 45.12(2)(b)(i), for “costs only” substitute “costs-only”.
- (2) In rule 45.16(2)(a)—
  - (a) in paragraph (ii), for “14.4(3)” substitute “14.2(5)”; and
  - (b) omit paragraph (iii).
- (3) In rule 45.35(4), for—
  - (a) “7.28” substitute “7.29”;
  - (b) “7.26” substitute “7.27”;
  - (c) “7.14(2) or (3)” substitute “7.19(2) or (3)”; and
  - (d) “7.17(2) or (3)” substitute “7.18(2) or (3)”.
- (4) In rule 45.57(2)(a), after “the amount to be allowed is” omit “be”.

#### **Amendment of Part 52**

- 24.—(1) In the Table of Contents to the Part—
  - (a) after the entry for rule 52.3 insert—

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

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“Permission to appeal in certain contempt proceedings Rule 52.3A”;

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(b) after the entry for rule 52.7 insert—

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“Permission to appeal in contempt proceedings where the appeal lies to the Supreme Court Rule 52.7A”;

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(c) after the entry for rule 52.15 insert—

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“Variation of time in certain contempt proceedings Rule 52.15A”.

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(2) In rule 52.1—

(a) for paragraph (1) substitute—

“(1) The rules in this Part apply to—

- (a) appeals to the civil division of the Court of Appeal;
- (b) appeals to the High Court;
- (c) appeals to the County Court;
- (d) applications made in the High Court or the Court of Appeal for permission to appeal to the Supreme Court in contempt proceedings; and
- (e) applications made in the Court of Appeal for permission to appeal to the Supreme Court in proceedings other than contempt proceedings.”.

(b) in paragraph (3)—

- (i) in sub-paragraph (b), after “made” insert “but does not include the Supreme Court”;
- (ii) in sub-paragraph (c), after “brought” insert “but does not include the Court of Appeal”;
- (iii) in sub-paragraph (e)(ii), at the end omit “and”;
- (iv) in sub-paragraph (f), for the full stop substitute “; and”; and
- (v) after sub-paragraph (f) insert—

“(g) reference to an appeal in contempt proceedings is reference to—

- (i) an appeal by a defendant in respect of any order or decision made by a court in the exercise of its jurisdiction to punish for contempt of court or under an enactment enabling the court to deal with an offence as if it were a contempt of court or under section 14, 92 or 118 of the County Courts Act 1984; and
- (ii) an appeal by an applicant in respect of any order made on an application for committal or attachment.”.

(3) In rule 52.3—

(a) in paragraph (1)—

- (i) in sub-paragraph (a)(i), after “order” insert “made in the County Court or by a single judge of the High Court not sitting on an appeal”;
- (ii) in sub-paragraph (a)(iii), at the end omit “or”;
- (iii) in sub-paragraph (b), at the end for the full stop substitute “; or”; and
- (iv) after sub-paragraph (b) insert—

“(c) where the appeal is from the decision of—



- (i) a Divisional Court in contempt proceedings;
  - (ii) a single judge of the High Court made on appeal in contempt proceedings;
  - (iii) the Court of Appeal in contempt proceedings; or
  - (iv) the Court of Appeal in proceedings other than contempt proceedings.”.
- (b) in paragraph (2), for “An” substitute “Unless the appeal is within paragraph (1)(c), an”; and
- (c) in paragraph (3), for “Where” substitute “Unless the appeal is within paragraph (1)(c), where”.
- (4) After rule 52.3 insert—

**“Permission to appeal in certain contempt proceedings**

- 52.3A.**—(1) Where the appeal is one to which rule 52.3(1)(c)(i), (ii) or (iii) applies—
- (a) an application for permission to appeal must be made to the Divisional Court or the single judge of the High Court or the Court of Appeal (as the case may be); and
  - (b) the application must be made within 28 days of the date on which that Court provides reasons for its decision.
- (2) Where the appeal is one to which rule 52.3(1)(c)(iv) applies, an application for permission to appeal must be made to the Court of Appeal.”.
- (5) In rule 52.6(1), after “52.7” insert “or rule 52.7A”.
- (6) After rule 52.7 insert—

**“Permission to appeal in contempt proceedings where the appeal lies to the Supreme Court**

- 52.7A.**—(1) This rule applies where the appeal is—
- (a) one to which rule 52.3(1)(c)(ii) applies; or
  - (b) from a decision to which rule 52.3(1)(c)(i) or (iii) applies and which was itself made on appeal.
- (2) Where this rule applies the court from which the appeal lies may grant permission only if—
- (a) that court certifies that a point of general public importance is involved in the decision; and
  - (b) it appears to that court that the point is one which ought to be considered by the Supreme Court.”.
- (7) In rule 52.8(1), after “Court of Appeal” insert “except where precluded by section 18(1)(a) of the Senior Courts Act 1981(5)”.
- (8) After rule 52.15 insert—

**“Variation of time in certain contempt proceedings**

- 52.15A.** A defendant in contempt proceedings may apply to extend the time set out at rule 52.3A(1)(a) and (b).”.

#### **Amendment of Part 55**

- 25.—(1) In rule 55.3(2)—
- (a) for “his” substitute “their”; and
  - (b) omit “in accordance with rule 22.1(1)”.
- (2) In rule 55.32(2), omit “in accordance with rule 22.1(1)”.

#### **Amendment of Part 56**

26. In rule 56.2(2), omit “in accordance with rule 22.1(1)”.

#### **Amendment of Part 58**

27. For rule 58.9 substitute—

##### **“Admissions**

**58.9.** Where the claim is for a specified amount of money and the defendant admits part of the claim, the claimant may apply under Part 14 for judgment on the admission but rules 14.2 and 14.6(5) to (7) do not apply.”.

#### **Amendment of Part 59**

- 28.—(1) In rule 59.4(3), for “Rules 12.7(1)(a) and 14.14(1)(a) apply” substitute “Rule 12.7(1)(a) applies”.
- (2) For rule 59.8 substitute—

##### **“Admissions**

**59.8.** Where the claim is for a specified amount of money and the defendant admits part of the claim, the claimant may apply under Part 14 for judgment on the admission but rules 14.2 and 14.6(5) to (7) do not apply.”.

#### **Amendment of Part 71**

29. In rule 71.2(2)(b)(ii), for “County Court Money Claims Centre” substitute “Civil National Business Centre”.

#### **Amendment of Part 72**

30. In rule 72.3(1)(b)(ii), for “County Court Money Claims Centre” substitute “Civil National Business Centre”.

#### **Amendment of Part 73**

31. In the following places in Part 73, for “County Court Money Claims Centre” substitute “Civil National Business Centre”—
- (a) in the Table of Contents to the Part, the entries for rules 73.4, 73.6, 73.10 and 73.10A;
  - (b) rule 73.3(2);
  - (c) in rule 73.4, the heading and paragraph (1);
  - (d) in rule 73.6, the heading and paragraph (1);
  - (e) in rule 73.7, paragraphs (1), (3)(a) and (5);

- (f) in rule 73.10, the heading and paragraph (1);
- (g) in rule 73.10A, the heading and paragraph (1);
- (h) rule 73.10B(1) and (2); and
- (i) rule 73.10C(2).

**Amendment of Part 83**

**32.** In rule 83.15(5), for “County Court Money Claims Centre” substitute “Civil National Business Centre”.

**Amendment of Part 84**

**33.** In rule 84.18(2), for “County Court Business Centre” substitute “Civil National Business Centre”.

**Amendment of Part 89**

**34.** In the following places in Part 89, for “County Court Money Claims Centre” substitute “Civil National Business Centre”—

- (a) rule 89.3;
- (b) rule 89.15(1); and
- (c) rule 89.19(4)(a).

*Sir Geoffrey Vos, MR  
Lord Justice Birss  
Mr Justice Kerr  
Mr Justice Trower  
His Honour Judge Jarman KC  
District Judge Clarke  
David Marshall  
Ben Roe*

I allow these Rules

11th July 2023

*Bellamy*  
Parliamentary Under-Secretary of State for  
Justice  
Ministry of Justice