
STATUTORY INSTRUMENTS

2014 No. 407

The Civil Procedure (Amendment) Rules 2014

Amendments to the Civil Procedure Rules 1998

30. In Part 70—

- (a) in the table of contents to this Part, after the entry for rule 70.2, insert—

“Court may order act to be done at expense Rule 70.2A”;
of disobedient party

- (b) in rule 70.1, in the words in parentheses which follow paragraph (1)—

- (i) after “Parts 71 to 73,” insert “81, 83, and 84,”;
(ii) omit “Schedule 1 RSC Orders 45 to 47 and 52”; and
(iii) for “25 to 29” substitute “27 and 28”; and

- (c) after rule 70.2, insert—

“Court may order act to be done at expense of disobedient party

70.2A.—(1) In this rule “disobedient party” means a party who has not complied with a mandatory order, an injunction or a judgment or order for the specific performance of a contract.

(2) Subject to paragraph (4), if a mandatory order, an injunction or a judgment or order for the specific performance of a contract is not complied with, the court may direct that the act required to be done may, so far as practicable, be done by another person, being—

- (a) the party by whom the order or judgment was obtained; or
(b) some other person appointed by the court.

- (3) Where paragraph (2) applies—

- (a) the costs to another person of doing the act will be borne by the disobedient party;
(b) upon the act being done the expenses incurred may be ascertained in such manner as the court directs; and
(c) execution may issue against the disobedient party for the amount so ascertained and for costs.

- (4) Paragraph (2) is without prejudice to—

- (a) the court’s powers under section 39 of the Senior Courts Act 1981(1); and
(b) the court’s powers to punish the disobedient party for contempt.”;

- (d) in rule 70.3—

- (i) for paragraph (1), substitute—

(1) 1981 c.54. Section 39 is amended by the Crime and Courts Act 2013 (c.22) section 17(6) and Schedule 10, Part 2, paragraphs 54 and 59.

Status: This is the original version (as it was originally made).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

- “(1) Subject to rule 83.17, a judgment creditor wishing to enforce a High Court judgment or order in the County Court must apply to the High Court for an order transferring the proceedings.”; and
- (ii) in the words in parentheses which follow paragraph (2), for “CCR Order 25 rule 13” substitute “Rule 83.19”; and
- (e) in rule 70.5, in paragraph (2A)—
 - (i) after “Parts 71 to 73,” insert “81, 83, and 84,”;
 - (ii) omit “Schedule 1 RSC Orders 45 to 47 and 52; and
 - (iii) for “25 to 29” substitute “27 and 28”.