

*This Statutory Instrument has been made in consequence of defects in S.I. 2023/105 and S.I. 2023/572 and is being issued free of charge to all known recipients of those Statutory Instruments.*

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STATUTORY INSTRUMENTS

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**2023 No. 788 (L. 8)**

**SENIOR COURTS OF ENGLAND AND WALES**

**COUNTY COURT, ENGLAND AND WALES**

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

*Made* - - - - *11th July 2023*

*Laid before Parliament* *14th July 2023*

*Coming into force in accordance with rule 1*

The Civil Procedure Rule Committee, having power under section 2 of the Civil Procedure Act 1997(a) to make rules under section 1 of and Schedule 1 to that Act and section 67B(1) of the Courts Act 2003(b), and after fulfilling the requirements of section 2(6) of the Civil Procedure Act 1997 and section 67C of the Courts Act 2003, makes the following Rules.

**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(c).

(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(d).

**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.

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- (a) 1997 c. 12. Section 2(1) was substituted by the Constitutional Reform Act 2005 (c. 4), section 15 and Schedule 4, Part 1. Section 1(3) was substituted by section 82(1) of the Courts Act 2003 (c. 39) and further amended by the Constitutional Reform Act 2005, sections 15 and 146 and Schedule 4, Part 1, paragraphs 261 and 262 and Schedule 18. Section 1(1) was amended by the Crime and Courts Act 2013 (c. 22), section 17(5) and Schedule 9, Part 3, paragraph 67(a). Schedule 1 to the 1997 Act was amended by the Courts and Tribunals (Judiciary and Functions of Staff) Act 2018 (c. 33), s.3, Schedule Pt 1 para 19, the Crime and Courts Act 2013, s175, Schedule 9, Part 3, para 67(b).
- (b) 2003 c. 39. Sections 67B and 67C were inserted by section 3 of and paragraph 32 of the Schedule to the Courts and Tribunals (Judiciary and Functions of Staff) Act 2018 (c. 33).
- (c) 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.
- (d) 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 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”.

### **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”(a)—

(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”.

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(a) 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 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.”.

### **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)(a), 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”.

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(a) 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.

### **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”.
- (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—

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

#### (b) after the entry for rule 52.7 insert—

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

#### (c) after the entry for rule 52.15 insert—

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

### (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(a)”.
  - (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)—

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(a) 1981 c. 54.

- (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

## **SCHEDULE 1**

Rule 7(2)

### **“PART 14**

#### **ADMISSIONS**

##### **Contents of this Part**

<i>Title</i>	<i>Rule number</i>
Admissions made before commencement of proceedings	Rule 14.1
Admissions made after commencement of proceedings	Rule 14.2
Admissions made under the RTA Protocol, the EL/PL Protocol or the RTA Small Claims Protocol	Rule 14.3
Application for judgment on admission	Rule 14.4

Application for permission to withdraw admission	Rule 14.5
Time to pay	Rule 14.6
Request for judgment for an amount of money to be decided by the court – claims in the Civil National Business Centre	Rule 14.7

### **Admissions made before commencement of proceedings**

**14.1.**—(1) A person may, by notice in writing—

- (a) admit the whole or any part of another party’s case before commencement of proceedings (a “pre-action admission”);
- (b) withdraw a pre-action admission before commencement of proceedings, if the person to whom the admission was made agrees.

(2) After commencement of proceedings—

- (a) any party may apply to the court for judgment on the pre-action admission; and
- (b) the maker of the pre-action admission may apply to the court for permission to withdraw it.

### **Admissions made after commencement of proceedings**

**14.2.**—(1) After commencement of proceedings, a party may admit, by notice in writing, the whole or any part of another party’s claim or case.

(2) Where the claim is for money only, the defendant may admit, by notice in writing—

- (a) the whole or part of the claim for a specified amount;
- (b) the whole or part of the claim for an unspecified amount; or
- (c) liability for an unspecified amount to be determined.

(3) The defendant may offer, by notice in writing, a sum in satisfaction of a claim for a specified or unspecified amount.

(4) Where a defendant—

- (a) admits liability to pay the whole of or part of a claim for a specified sum of money;
- (b) admits liability to pay the whole of a claim for an unspecified amount of money; or
- (c) admits liability to pay a claim for an unspecified amount of money and offers a sum in satisfaction of the claim,

the claimant may file a request for judgment.

(5) Where a claimant files a request for judgment under paragraph (4) the court shall enter judgment.

(6) Where a defendant makes an admission under paragraph (4)(a), or makes an admission under paragraph (4)(c) and the claimant accepts the amount offered, the judgment shall be in accordance with the admission (less any payments made) and costs and shall—

- (a) subject to paragraph (8) below, give effect to any agreement between the parties on time to pay;
- (b) provide for payment at a time and rate decided by the court where there is no such agreement and the defendant has requested time to pay;
- (c) subject to paragraph (8) below, provide for payment on a date or at a rate specified by the claimant, where the defendant has not requested time to pay;
- (d) provide for payment immediately, where the claimant has not so specified and the defendant has not requested time to pay.

(7) Where the defendant makes an admission under paragraph (4)(b), the judgment shall be for an amount decided by the court and costs.

(8) If a repayment date is agreed or (where the defendant has not requested time to pay) is specified by the claimant and that date has passed before the court's judgment is made, the judgment must still be in accordance with the admission but—

- (a) if the whole amount owed is due by the date that has passed, the judgment must state that payment must be made immediately;
- (b) if the amount owed is to be paid by instalments and the date the first instalment is due has passed, the judgment must state that the first instalment must be paid by the date falling one calendar month after the date of the judgment, with subsequent instalments payable at calendar monthly intervals after that.

(9) Where the defendant makes an admission under paragraph (4)(c) but the claimant does not accept the amount offered, the judgment shall be for an amount decided by the court and costs.

(10) Where the claimant or defendant is a child or protected party, the approval of the court is required under rule 21.10 for any settlement, compromise, payment or acceptance of money paid into court.

(11) The court's permission is required to amend or withdraw an admission.

(Rule 3.1(3) provides that the court may attach conditions when it makes an order.)

### **Admissions made under the RTA Protocol, the EL/PL Protocol or the RTA Small Claims Protocol**

**14.3.**—(1) This rule applies to a pre-action admission made in a case to which one of the following applies—

- (a) the Pre-Action Protocol for Low Value Personal Injury Claims in Road Traffic Accidents (“the RTA Protocol”);
- (b) the Pre-action Protocol for Low Value Personal Injury (Employers' Liability and Public Liability) Claims (“the EL/PL Protocol”);
- (c) the Pre-Action Protocol for Personal Injury Claims below the Small Claims Limit in Road Traffic Accidents (“the RTA Small Claims Protocol”).

(2) The defendant may, by giving notice in writing, withdraw an admission of causation—

- (a) before commencement of proceedings—
  - (i) during the initial consideration period (or any extension to that period) where the RTA Protocol or the EL/PL Protocol applies, as defined in the relevant Protocol; or
  - (ii) at any time if the person to whom the admission was made agrees; or
- (b) after commencement of proceedings—
  - (i) if all the parties to the proceedings consent; or
  - (ii) with the court's permission on an application under Part 23.

(3) Where the RTA Small Claims Protocol applies, the defendant's admissions may be withdrawn under paragraph 8.9 of that Protocol.

(4) The defendant may, by giving notice in writing withdraw any other pre-action admission after commencement of proceedings—

- (a) if all the parties to the proceedings consent; or
- (b) with the permission of the court on an application under Part 23.

### **Application for judgment on admission**

**14.4.**—(1) Where a party applies for judgment on an admission, the court shall give such judgment as it considers the applicant is entitled to.

(2) If the claim is not admitted in full, the claimant may give written notice that the claim is to continue in relation to the balance not admitted to be due.

(3) The court shall give appropriate directions for determination of any outstanding issues.

#### **Application for permission to withdraw admission**

**14.5.** In deciding whether to give permission for an admission to be withdrawn, the court shall consider all the circumstances of the case, including—

- (a) the grounds for seeking to withdraw the admission;
- (b) whether there is new evidence that was not available when the admission was made;
- (c) the conduct of the parties;
- (d) any prejudice to any person if the admission is withdrawn or not permitted to be withdrawn;
- (e) what stage the proceedings have reached; in particular, whether a date or period has been fixed for the trial;
- (f) the prospects of success of the claim or of the part of it to which the admission relates; and
- (g) the interests of the administration of justice.

#### **Time to pay**

**14.6.—**(1) A claimant filing a request to enter judgment on an admission, or a defendant who admits all or part of a money claim may include a notice in writing of—

- (a) the date by which the judgment debt is to be paid; or
- (b) the times and rate at which it is to be paid by instalments.

(2) A request or admission under paragraph (1) may include a calculation of interest up to the date of the application or request and continuing thereafter.

(3) A defendant requesting time to pay must include in the notice a statement of income, outgoings, assets and liabilities.

(4) Where the rate of payment is determined by the court under rule 14.2(6)(b), the rate may be determined by a court officer, without a hearing, if the amount outstanding (including interest and costs) is not more than £50,000.

(5) A party may by notice in writing, within 14 days of the court officer's determination, request a re-determination by a judge.

(6) The judge shall determine the rate of payment without a hearing unless the judge directs otherwise.

(7) Where there is a relevant change of circumstances after the court's determination, either party may apply to vary the time and rate of payment of instalments.

#### **Request for judgment for an amount of money to be decided by the court – claims in the Civil National Business Centre**

**14.7.—**(1) If a claimant files a request for judgment in the Civil National Business Centre, for an amount of money to be decided by the court, the claim shall be sent to the preferred hearing centre.

(2) If a claim is sent to a preferred hearing centre under paragraph (1), any further correspondence must be sent to, and any further requests must be made at, the hearing centre to which the claim was sent."

## “PART 24

## SUMMARY JUDGMENT

**Contents of this Part**

<i>Title</i>	<i>Rule number</i>
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Types of proceedings in which summary judgment is available	Rule 24.2
Grounds for summary judgment	Rule 24.3
Timing of application and hearing	Rule 24.4
Application notice and evidence	Rule 24.5
Disposal of applications	Rule 24.6

**Scope of this Part****24.1.** This Part—

- (a) sets out a procedure by which the court may decide a claim or issue without a trial;
- (b) is subject to other Parts making special provision for particular types of case.

**Types of proceedings in which summary judgment is available****24.2.** The court may give summary judgment—

- (a) against a claimant in any type of proceedings;
- (b) against a defendant in any type of proceedings except proceedings for possession of residential premises against a mortgagor or tenant or contract-holder, or against a former tenant or former contract-holder holding over with protected occupancy.

**Grounds for summary judgment**

**24.3.** The court may give summary judgment against a claimant or defendant on the whole of a claim or on an issue if—

- (a) it considers that the party has no real prospect of succeeding on the claim, defence or issue; and
- (b) there is no other compelling reason why the case or issue should be disposed of at a trial.

**Timing of applications and hearing**

**24.4.—**(1) A claimant may not apply for summary judgment until the defendant against whom the application is made has filed an acknowledgment of service or a defence, unless—

- (a) the court gives permission; or
- (b) a rule or practice direction states otherwise.

(2) In civil proceedings against the Crown, as defined in rule 66.1(2), a claimant may not apply for summary judgment until after expiry of the period for filing a defence specified in rule 15.4.

## (3) In a claim—

- (a) for specific performance or rescission of an agreement (whether in writing or not) for the sale, purchase, exchange, mortgage or charge of any property, or for the

grant or assignment of a lease or tenancy of any property, with or without an alternative claim for damages; or

(b) for the forfeiture or return of any deposit made under such an agreement, the claimant may apply for summary judgment at any time after the claim form has been served, unless a rule or practice direction states otherwise.

(4) If a party applies for summary judgment before a defendant has filed a defence, the defendant by or against whom the application is made need not file a defence before the hearing.

(5) Where a summary judgment hearing is fixed, the respondent (or the parties where the hearing is fixed of the court's own initiative) must be given at least 14 days' notice of—

- (a) the date fixed for the hearing; and
- (b) the issues which it is proposed that the court will decide at the hearing.

(6) A rule or practice direction may provide for a different period of notice to be given.

### **Application notice and evidence**

**24.5.**—(1) The application notice must—

- (a) state that the application is for summary judgment;
- (b) identify concisely any point of law or document relied upon;
- (c) set out or attach any written evidence on which the applicant relies;
- (d) state that the applicant believes the respondent has no real prospect of succeeding on the claim, defence or issue to be determined;
- (e) state that the applicant knows of no reason why the disposal of the claim, defence or issue should await trial; and
- (f) draw the respondent's attention to their right to rely on evidence opposing the application.

(2) In claims falling within rule 24.4(3), the application notice must also have attached to it the text of the order sought by the claimant and must be served on the respondent not less than 4 days before the hearing of the application.

(3) If a party wishes to rely on written evidence at the hearing, other than in a claim under rule 24.4(3), they must file and serve copies of such evidence on every other party at least—

- (a) 7 days before the hearing in the case of a respondent's evidence, or evidence of any party where the hearing is fixed by the court of its own initiative;
- (b) 3 days before the hearing in the case of an applicant's evidence in reply, or reply evidence of any party where the hearing is fixed by the court of its own initiative.

(4) This rule does not require written evidence—

- (a) to be filed if it has already been filed; or
- (b) to be served on a party on whom it has already been served.

### **Disposal of applications**

**24.6.** When the court determines a summary judgment application it may—

- (a) give directions as to the filing and service of a defence;
- (b) give further directions about the management of the case;
- (c) make its order subject to conditions in accordance with rule 3.1(3)."



## EXPLANATORY NOTE

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

These Rules amend the Civil Procedure Rules 1998 (S.I. 1998/3132) by—

- replacing Part 14 (admissions) with a revised Part 14, as part of the ongoing exercise of review of the Civil Procedure Rules and related practice directions with a view to streamlining and simplifying their content (in furtherance of the objective of section 2(7) of the Civil Procedure Act 1997), and making consequential amendments in Parts 12, 18, 19, 20, 26, 40, 45, 58 and 59;
- amending Part 22 (statements of truth), with consequential amendments in Parts 18, 55 and 56, as part of the “section 2(7)” exercise referred to above;
- amending Part 23 (general rules about applications for court orders), with consequential amendments in Parts 3 and 39, as part of the section 2(7) exercise;
- replacing Part 24 (summary judgment) with a revised Part 24 as part of the section 2(7) exercise;
- amending Part 34 (witnesses, depositions and evidence for foreign courts) so that foreign evidence requests are all handled centrally via the Royal Courts of Justice, and enabling the same route to be used for requests for evidence for the purpose of tribunal proceedings;
- amending Part 52 (appeals) to ensure that appeals in contempt proceedings are appropriately covered, and to respond to caselaw (*R (Kearney) v Chief Constable of Hampshire Police* [2019] EWCA Civ 1841);
- amending Parts 3, 7, 13, 14, 26, 71, 72, 73, 83, 84 and 89 in consequence of the establishment of the Civil National Business Centre;
- making a number of amendments (in particular in Parts 19 and 21) to correct errors identified by the Joint Committee on Statutory Instruments;
- making minor amendments in various places to correct minor errors such as typographical errors or incorrect cross-references.

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£6.90

<http://www.legislation.gov.uk/id/uksi/2023/788>

ISBN 978-0-34-824995-8



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