

2024 No. 106 (L. 3)

SENIOR COURTS OF ENGLAND AND WALES

COUNTY COURT, ENGLAND AND WALES

The Civil Procedure (Amendment) Rules 2024

Made - - - - - *30th January 2024*

Laid before Parliament *1st February 2024*

Coming into force - - - *6th April 2024*

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 after fulfilling the requirements of section 2(6) of that Act, makes the following Rules.

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Civil Procedure (Amendment) Rules 2024 and come into force on 6th April 2024.

(2) 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(b).

Amendments to the Civil Procedure Rules 1998

2. The Civil Procedure Rules 1998 are amended in accordance with rules 3 to 11 of these rules.

Amendment of Part 8

3. In rule 8.9(b)(i), for “rules 14.4 to 14.7 do” substitute “rule 14.2 does”.

Amendment of Part 15

4. In rule 15.4(2), for “24.4(2)” substitute “24.4(4)”.

Amendment of Part 19

5. In rule 19.2(1), for “19.5” substitute “19.6”.

(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), section 3, Schedule, Part 1, paragraph 19, the Crime and Courts Act 2013, section 175, Schedule 9, Part 3, paragraph 67(b).

(b) S.I. 1998/3132. There are relevant amendments in S.I. 2000/2092, S.I. 2003/364, S.I. 2013/262, S.I. 2013/1974, S.I. 2015/670, S.I. 2020/747, S.I. 2023/105 and S.I. 2023/572.

Amendment of Part 26

- 6.**—(1) In 26.7(1)(a), for “when” substitute “after”.
- (2) In rule 26.9(10)—
- (a) in sub-paragraph (b)—
- (i) in paragraph (i), at the end, for “and” substitute “;”; and
- (ii) for paragraph (ii) substitute—
- “(ii) there has been an admission of liability in full, which means that the defendant accepts that the claimant has suffered loss, including the injury set out in the letter of claim under the Pre-Action Protocol for the Resolution of Clinical Disputes, caused by the defendant’s breach of duty of care; and
- (iii) the admission in paragraph (ii) is made in the defendant’s letter of response provided in accordance with the Pre-Action Protocol for the Resolution of Clinical Disputes,
- provided that the defendant has not raised a defence to the claim under the Limitation Act 1980(a);”;
- (b) in sub-paragraph (d), at the end, omit “or”;
- (c) in sub-paragraph (e)(ii), at the end, for the full stop substitute “; or”; and
- (d) after sub-paragraph (e), insert—
- “(f) a claim against a public authority for trespass to the person, unless, having regard to the matters mentioned in rule 26.13(1), the court considers that it would not be in the interests of justice to do so.”.

Amendment of Part 28

- 7.**—(1) In rule 28.2—
- (a) in paragraph (1), for “When it allocates a case to the fast track or the intermediate track, the” substitute “The”;
- (b) renumber paragraph (2) as paragraph (4); and
- (c) for paragraph (3), what is currently paragraph (4) and paragraph (5), substitute—
- “(2) When it allocates a case to the fast track, the court shall give directions unless it considers that it is necessary to fix a case management conference.
- (3) When it allocates a case to the intermediate track, the court may give directions or fix a case management conference under rule 28.12.”.
- (2) In rule 28.12, for “shall” substitute “may”.
- (3) For rule 28.14(3)(c) substitute—
- “(c) any expert report shall not exceed 20 pages—
- (i) including the expert’s description of the issues on which they are instructed to give their opinion, the conclusions they have reached and the reasons for those conclusions; but
- (ii) excluding the expert’s curriculum vitae, any supporting materials to which the reasons for their conclusions refer and any necessary photographs, plans and academic articles attached to the report.”.

Amendment of Part 31

- 8.** In rule 31.5—

(a) 1980 c. 58.

- (9) In rule 45.60, for “In a claim” substitute “Subject to rule 45.15A, in a claim”.
- (10) In rule 45.61—
- (a) in paragraph (1), for “paragraph (2)” substitute “rule 45.15A”; and
 - (b) omit paragraph (2).

Amendment of Part 54

- 10.**—(1) In rule 54.8(1), for “relevant practice” substitute “approved”.
- (2) In rule 54.5—
- (a) in paragraph (4), for “(5) and (6)” substitute “(5), (6) and (7)”; and
 - (b) after paragraph (6) insert—
“(7) Where the application for judicial review is in respect of a failure by a competent authority to comply with the Public Service Obligations in Transport Regulations 2023(a) in deciding to enter into a public services contract or make a general rule, the claim form must be filed within the applicable time period specified in regulation 24(1) of those Regulations.”.
- (3) In rule 54.8(4)(a), paragraphs (i), (ia) and (ii) are renumbered respectively as (i), (ii) and (iii).
- (4) After rule 54.8 insert—

“Reply to acknowledgment of service

- 54.8A.**—(1) A claimant who has been served with any acknowledgment of service in accordance with rule 54.8(2)(b)(i) may file a reply.
- (2) Any reply must be—
- (a) filed not more than 7 days after service of the acknowledgment of service; and
 - (b) served on—
 - (i) the defendant; and
 - (ii) any person served with the claim form,
as soon as practicable and in any event not later than 7 days after it is filed.
- (3) The time limits under this rule may not be extended by agreement between the parties.
- (4) Practice Direction 54A makes provision as to the content and length of any reply.”.

Amendment of Part 81

- 11.**—(1) In rule 81.2, in the definition of “penal notice”, for ““penal notice” to “warning” substitute “A “penal notice” is a prominent notice added to the front of an order by or at the request of a party warning”.
- (2) In rule 81.4(e)—
- (a) for “confirmation that” substitute “whether a penal notice had been added to the front of”; and
 - (b) omit “included a penal notice”.

*Sir Geoffrey Vos, MR
Lord Justice Birss
Mr Justice Trower
Senior Master Cook
District Judge Clarke*

(a) S.I. 2023/1369.

*District Judge Johnson
Ben Roe
David Marshall
Ian Curtis-Nye*

I allow these rules.

Bellamy

Parliamentary Under Secretary of State for Justice
Ministry of Justice

30th January 2024

EXPLANATORY NOTE

(This note is not part of these Rules)

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

- amending Part 8 (alternative procedure for claims) to change a cross-reference in consequence of changes previously made to Part 14 (admissions);
- amending Part 15 (defence and reply) to change a cross-reference to Part 24 (summary judgment);
- amending Part 19 to update a cross-reference to rule 19.5 (which is now rule 19.6);
- amending Part 26 (case management – preliminary stage)—
 - to clarify that the court shall allocate a claim to track after the parties have filed their directions questionnaires, not at the point at which the directions questionnaires are filed;
 - to provide that in the circumstances in which a claim for clinical negligence may be allocated to the intermediate track rather than the multi-track, the defendant’s admission of liability in full must be provided in accordance with the appropriate pre-action protocol letter of response, and to define the meaning of “admission of liability in full”; and
 - to provide that a claim against a public authority for trespass to the person must be allocated to the multi-track, unless, having regard to rule 26.13(1), the court considers that it would not be in the interests of justice to do so;
- amending Part 28 (the fast track and the intermediate track)—
 - to provide that the court shall give directions when it allocates a claim to the fast track, unless it fixes a case management conference, and may give directions or fix a case management conference when it allocates a claim to the intermediate track;
 - to provide that, in the intermediate track, the holding of a case management conference is at the court’s discretion, rather than mandatory; and
 - to clarify the documents which should be included, and those which should be excluded, when applying the twenty page limit on expert reports in claims allocated to the intermediate track;
- amending Part 31 (disclosure and inspection of documents) to provide that rule 31.5 applies to claims allocated to the intermediate track as well as the multi-track;
- amending Part 45 (fixed costs)—
 - to provide that any changes to the fixed recoverable costs in Tables 12, 14 or 15 in Practice Direction 45 which come into force on 6th April 2024 will apply to orders for costs made on or after that date in claims issued before that date
 - to clarify that in claims to which Sections IV, VI, VII or VIII of that Part apply, the parties may expressly agree that Part 45 shall not apply;

- to provide that Part 45 does not apply to costs incurred in respect of, or in connection with, inquest proceedings;
 - to address the situation under rule 45.5(8) where one or more claimants, jointly entitled to one set of costs under rule 45.5, might be entitled to both additional costs under Part 36 and increased costs under rule 45.13(2), rather than only additional costs or increased costs;
 - to provide that the costs incurred in respect of restoration proceedings are recoverable in claims to which Sections VI, VII and VIII of Part 45 apply, and not, as was previously the case, Section VIII only, in respect of which some consequential amendments are made to Sections VIII and IX of Part 45; and
 - to change two cross-references to Part 36 (offers to settle);
- amending Part 54 (judicial review and statutory review) to flag the specific time limit provided for in the Public Service Obligations in Transport Regulations 2023; to make provision for claimants in judicial review proceedings to be able to file a reply to an acknowledgment of service; and to make minor updating changes;
 - amending Part 81 (applications and proceedings in relation to contempt of court) to clarify the nature of a penal notice in the light of *Taray Brokering* [2022] EWHC 2958 (Ch).

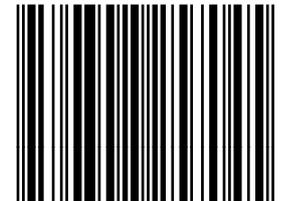
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