



# Civil Procedure Act 1997

## 1997 CHAPTER 12

### *Rules and directions*

#### **2 Rule Committee.**

[<sup>F1</sup>(1) Civil Procedure Rules are to be made by a committee known as the Civil Procedure Rule Committee, which is to consist of the following persons—

- (a) the Head of Civil Justice;
- (b) the Deputy Head of Civil Justice (if there is one);
- (c) the persons currently appointed in accordance with subsections (1A) and (1B).

(1A) The Lord Chief Justice must appoint the persons falling within paragraphs (a) to (d) of subsection (2).

(1B) The Lord Chancellor must appoint the persons falling within paragraphs (e) to (g) of subsection (2).]

(2) [<sup>F2</sup>The persons to be appointed in accordance with subsections (1A) and (1B) are]

- [<sup>F3</sup>(a) either two or three judges of the [<sup>F4</sup>Senior Courts],]
- (b) one Circuit judge,
- [<sup>F5</sup>(c) either one or two district judges]
- [<sup>F6</sup>(ca) one person who is a judge of the Senior Courts, a Circuit judge or a district judge and who has particular experience of the law applicable in Wales,]
- (d) one person who is a Master referred to in Part II of Schedule 2 to the <sup>M1</sup>[<sup>F7</sup>Senior Courts Act 1981],
- (e) three persons who have a [<sup>F4</sup>Senior Courts] qualification (within the meaning of section 71 of the <sup>M2</sup>Courts and Legal Services Act 1990), including at least one with particular experience of practice in [<sup>F8</sup>the county court ],
- (f) three persons who have been [<sup>F9</sup>authorised by a relevant approved regulator] to conduct litigation in relation to all proceedings in the [<sup>F4</sup>Senior Courts], including at least one with particular experience of practice in [<sup>F8</sup>the county court ], [<sup>F10</sup>and
- (g) two persons with experience in and knowledge of the lay advice sector or consumer affairs.]

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[<sup>F11</sup>(2A) In subsection (2)(f) “ relevant approved regulator ” is to be construed in accordance with section 20(3) of the Legal Services Act 2007. ]

[<sup>F12</sup>(3) Before appointing a person in accordance with subsection (1A), the Lord Chief Justice must consult the Lord Chancellor.]

(4) Before appointing a person [<sup>F13</sup>in accordance with subsection (1B), the Lord Chancellor must consult the Lord Chief Justice and, if the person falls within paragraph (e) or (f) of subsection (2), must also consult] any body which—

- (a) has members who are eligible for appointment under that paragraph, and
- (b) is an authorised body for the purposes of section 27 or 28 of the Courts and Legal Services Act 1990.

(5) The Lord Chancellor may reimburse the members of the Civil Procedure Rule Committee their travelling and out-of-pocket expenses.

(6) The Civil Procedure Rule Committee must, before making or amending Civil Procedure Rules—

- (a) consult such persons as they consider appropriate, and
- (b) meet (unless it is inexpedient to do so).

(7) The Civil Procedure Rule Committee must, when making Civil Procedure Rules, try to make rules which are both simple and simply expressed.

(8) Rules made by the Civil Procedure Rule Committee must be signed by at least eight members of the Committee and be submitted to the Lord Chancellor, who may allow or disallow them.

[<sup>F14</sup>(9) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.]

[<sup>F15</sup>(9) If the Lord Chancellor disallows rules under subsection (8), he must give the Civil Procedure Rule Committee written reasons for doing so.]

#### Textual Amendments

- F1** S. 2(1)(1A)(1B) substituted (3.4.2006) for s. 2(1) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 148(1), **Sch. 4 para. 263(2)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(v)
- F2** Words in s. 2(2) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 148(1), **Sch. 4 para. 263(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(v)
- F3** S. 2(2)(a) substituted (26.1.2004) by [Courts Act 2003 \(c. 39\)](#), **ss. 83(2)**, 110(1); S.I. 2003/3345, **art. 2(b)(viii)**
- F4** Words in s. 2(2)(a)(e)(f) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59(5), 148(1), **Sch. 11 para. 4**; S.I. 2009/ 1604, {art. 2(d)}
- F5** Words in s. 2(2)(c) substituted (1.9.2006) by [The Civil Procedure Act 1997 \(Amendment\) Order 2006 \(S.I. 2006/1847\)](#), **art. 2**
- F6** S. 2(2)(ca) inserted (19.12.2017) by [The Civil Procedure Act 1997 \(Amendment\) Order 2017 \(S.I. 2017/1148\)](#), **arts. 1, 2**
- F7** Words in s. 2(2)(d) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59(5), 148(1), **Sch. 11 para. 1(2)**; S.I. 2009/ 1604, {art. 2(d)}
- F8** Words in s. 2(2)(e)(f) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 9 para. 67(a)**; S.I. 2014/954, **art. 2(c)** (with **art. 3**) (with transitional provisions and savings in S.I.

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2014/956, arts. 3-11); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

- F9** Words in s. 2(2)(f) substituted (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 208(1), 211(2), [Sch. 21 para. 122\(a\)](#) (with ss. 29, 192, 193); S.I. 2009/ 3250, {art. 2(h)} (with arts. 6, 9)
- F10** S. 2(2)(g) and word substituted (26.1.2004) for s. 2(2)(g)(h) and word by [Courts Act 2003 \(c. 39\)](#), ss. [83\(3\)](#), 110(1); S.I. 2003/3345, [art. 2\(b\)\(viii\)](#)
- F11** S. 2(2A) inserted (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 208(1), 211(2), [Sch. 21 para. 122\(b\)](#) (with ss. 29, 192, 193); S.I. 2009/ 3250, {art. 2(h)} (with arts. 6, 9)
- F12** S. 2(3) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 148(1), [Sch. 4 para. 263\(4\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 11(v)
- F13** Words in s. 2(4) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 148(1), [Sch. 4 para. 263\(5\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 11(v)
- F14** S. 2(9) inserted "after subsection (8)" (3.4.2006) by virtue of [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 148(1), [Sch. 4 para. 263\(6\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 11(v)
- F15** S. 2(9) inserted "after subsection (8)" (temp. from 3.4.2006 with effect as mentioned in [Sch. 4 para. 361](#) of the amending Act) by virtue of [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 148(1), [Sch. 4 para. 385\(2\)\(3\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 11(cc)

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#### Marginal Citations

- M1** 1981 c. 54.  
**M2** 1990 c. 41.

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**Changes and effects yet to be applied to :**

- s. 2(6)-(8) repealed by [2003 c. 39 s. 85\(1\)Sch. 10](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(4) inserted by [2022 c. 35 Sch. 4 para. 2\(2\)](#)
- s. 3(3)(4) substituted by [2005 c. 4 Sch. 4 para. 265\(2\)](#) (This amendment is made to s. 3 as prospectively amended by 2003 c. 39, s. 85(2). Although it is in force at 3.4.2006 by S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(v), it cannot be applied until the substitution of s. 3 has been brought into force)
- s. 3(5) words substituted by [2005 c. 4 Sch. 4 para. 265\(3\)](#) (This amendment is made to s. 3 as prospectively amended by 2003 c. 39, s. 85(2). Although it is in force at 3.4.2006 by S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(v), it cannot be applied until the substitution of s. 3 has been brought into force)
- s. 3(6) words repealed by [2005 c. 4 Sch. 4 para. 265\(4\)Sch. 18 Pt. 2](#) (This amendment is made to s. 3 as prospectively amended by 2003 c. 39, s. 85(2). Although it is in force at 3.4.2006 by S.I. 2006/1014, art. 2(a), Sch. 1 paras. 11(v), 30(b), it cannot be applied until the substitution of s. 3 has been brought into force)
- s. 3(7) repealed by [2005 c. 4 Sch. 4 para. 265\(5\)Sch. 18 Pt. 2](#) (This amendment is made to s. 3 as prospectively amended by 2003 c. 39, s. 85(2). Although it is in force at 3.4.2006 by S.I. 2006/1014, art. 2(a), Sch. 1 paras. 11(v), 30(b), it cannot be applied until the substitution of s. 3 has been brought into force)
- s. 5(7) inserted by [2022 c. 35 Sch. 4 para. 2\(3\)](#)