



# Courts Act 2003

## 2003 CHAPTER 39

### PART 7

#### PROCEDURE RULES AND PRACTICE DIRECTIONS

##### *Civil Procedure Rules*

PROSPECTIVE

#### **82 Civil Procedure Rules**

(1) For section 1(3) of the 1997 Act (general objectives of Civil Procedure Rules) substitute—

“(3) Any power to make or alter Civil Procedure Rules is to be exercised with a view to securing that—

- (a) the system of civil justice is accessible, fair and efficient, and
- (b) the rules are both simple and simply expressed.”

(2) “The 1997 Act” means the Civil Procedure Act 1997 (c. 12).

#### **83 Civil Procedure Rule Committee**

(1) For section 2(1)(a) and (b) of the 1997 Act (ex officio members of the Committee) substitute—

- “(aa) the Head of Civil Justice,
- (ab) the Deputy Head of Civil Justice (if there is one),
- (a) the Master of the Rolls (unless he holds an office mentioned in paragraph (aa) or (ab)), and”.

(2) For section 2(2)(a) of the 1997 Act (one judge of the [F1Senior Courts] to be appointed to Committee) substitute—

*Status: This version of this cross heading contains provisions that are prospective.*

*Changes to legislation: Courts Act 2003, Cross Heading: Civil Procedure Rules is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

“(a) either two or three judges of the Supreme Court.”

(3) For section 2(2)(g) and (h) of the 1997 Act (appointment of persons with experience etc. of lay advice sector and consumer affairs) substitute “and

(g) two persons with experience in and knowledge of the lay advice sector or consumer affairs.”

#### Textual Amendments

**F1** Words in s. 83 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148, **Sch. 11 para. 4**; [S.I. 2009/1604](#), **art. 2**

## 84 Power to change certain requirements relating to Committee

After section 2 of the 1997 Act insert—

### “2A Power to change certain requirements relating to Committee

- (1) The Lord Chancellor may by order—
  - (a) amend section 2(2) (persons to be appointed to Committee by Lord Chancellor), and
  - (b) make consequential amendments in any other provision of section 2.
- (2) Before making an order under this section the Lord Chancellor must consult—
  - (a) the Head of Civil Justice,
  - (b) the Deputy Head of Civil Justice (if there is one), and
  - (c) the Master of the Rolls (unless he holds an office mentioned in paragraph (a) or (b)).
- (3) The power to make an order under this section is exercisable by statutory instrument.
- (4) A statutory instrument containing such an order is subject to annulment in pursuance of a resolution of either House of Parliament.”

PROSPECTIVE

## 85 Process for making Civil Procedure Rules

- (1) Omit section 2(6) to (8) of the 1997 Act (process for making Civil Procedure Rules).
- (2) For section 3 of the 1997 Act (section 2: supplementary) substitute—

### “3 Process for making Civil Procedure Rules

- (1) The Civil Procedure Rule Committee must, before making Civil Procedure Rules—
  - (a) consult such persons as they consider appropriate, and
  - (b) meet (unless it is inexpedient to do so).
- (2) Rules made by the Civil Procedure Rule Committee must be—

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- (a) signed by a majority of the members of the Committee, and
  - (b) submitted to the Lord Chancellor.
- (3) The Lord Chancellor may allow, disallow or alter rules so made.
- (4) Before altering rules so made the Lord Chancellor must consult the Committee.
- (5) Rules so made, as allowed or altered by the Lord Chancellor—
  - (a) come into force on such day as the Lord Chancellor directs, and
  - (b) are to be contained in a statutory instrument to which the Statutory Instruments Act 1946 applies as if the instrument contained rules made by a Minister of the Crown.
- (6) Subject to subsection (7), a statutory instrument containing Civil Procedure Rules is subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) A statutory instrument containing rules altered by the Lord Chancellor is of no effect unless approved by a resolution of each House of Parliament before the day referred to in subsection (5)(a).”

**Status:**

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**Changes to legislation:**

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**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. 75(6) inserted by [2022 c. 35 Sch. 4 para. 3\(2\)](#)
- s. 76(2B) inserted by [2010 c. 26 Sch. 3 para. 14](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 3 Pt. 2 repealed (4.9.2013) without ever being in force by [2013 c. 22](#), s. 17(4) ; S.I. 2013/2200 art. 2(a))
- s. 81(6) inserted by [2022 c. 35 Sch. 4 para. 3\(3\)](#)
- s. 85EA(5) words substituted by [2022 c. 32 Sch. 11 para. 29](#)
- Sch. 5 para. 13(1)(ca) inserted by [2013 c. 22 s. 26\(3\)](#)

**Commencement Orders yet to be applied to the Courts Act 2003**

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2005/547 art. 2](#) commences ([2003 c. 39](#))