

---

**Changes to legislation:** Constitutional Reform Act 2005, Cross Heading: Civil Procedure Act 1997 (c. 12) is up to date with all changes known to be in force on or before 24 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](#)

---

## SCHEDULES

### SCHEDULE 4

#### OTHER FUNCTIONS OF THE LORD CHANCELLOR AND ORGANISATION OF THE COURTS

##### PART 1

##### AMENDMENTS

###### *Civil Procedure Act 1997 (c. 12)*

- 261 The Civil Procedure Act 1997 is amended as follows.
- 262 In section 1 (civil procedure rules), in subsection (3) (as amended by section 82 of the Courts Act 2003) omit “or alter”.
- 263 (1) Section 2 (Civil Procedure Rule Committee) is amended as follows.
- (2) For subsection (1) substitute—
- “(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).”
- (3) In subsection (2) for “The Lord Chancellor must appoint” substitute “ The persons to be appointed in accordance with subsections (1A) and (1B) are ”.
- (4) For subsection (3) substitute—
- “(3) Before appointing a person in accordance with subsection (1A), the Lord Chief Justice must consult the Lord Chancellor.”
- (5) In subsection (4) for “under paragraph (e) or (f) of subsection (2), the Lord Chancellor must consult” substitute “ 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 ”.
- (6) After subsection (8) insert—

---

*Changes to legislation:* Constitutional Reform Act 2005, Cross Heading: Civil Procedure Act 1997 (c. 12) is up to date with all changes known to be in force on or before 24 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

---

- “(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.”
- 264 (1) Section 2A (power to change certain requirements relating to Committee) is amended as follows.
- (2) In subsection (1) for paragraph (a) substitute—  
 “(a) amend section 2(2), (3) or (4), and”.
- (3) For subsection (2) substitute—  
 “(2) The Lord Chancellor may make an order under this section only with the concurrence of the Lord Chief Justice.
- (2A) Before making an order under this section the Lord Chancellor must consult the following persons—  
 (a) the Head of Civil Justice;  
 (b) the Deputy Head of Civil Justice (if there is one).
- (2B) 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.”
- 265 (1) Section 3 (process for making Civil Procedure rules) (as amended by section 85 of the Courts Act 2003 (c. 39)) is amended as follows.
- (2) For subsections (3) and (4) substitute—  
 “(3) The Lord Chancellor may allow or disallow Rules so made.  
 (4) If the Lord Chancellor disallows Rules, he must give the Committee written reasons for doing so.”
- (3) In subsection (5) for “, as allowed or altered” substitute “ and allowed ”.
- (4) In subsection (6) omit “Subject to subsection (7),”.
- (5) Omit subsection (7).
- 266 After section 3 insert—

**“3A Rules to be made if required by Lord Chancellor**

- (1) This section applies if the Lord Chancellor gives the Civil Procedure Rules Committee written notice that he thinks it is expedient for Civil Procedure Rules to include provision that would achieve a purpose specified in the notice.
- (2) The Committee must make such Rules as it considers necessary to achieve the specified purpose.
- (3) Those rules must be—  
 (a) made within a reasonable period after the Lord Chancellor gives notice to the Committee;  
 (b) made in accordance with section 3.”

---

**Changes to legislation:** Constitutional Reform Act 2005, Cross Heading: Civil Procedure Act 1997 (c. 12) is up to date with all changes known to be in force on or before 24 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

---

- 267 (1) Section 4 (power to make consequential amendments) (as amended by section 85 of the Courts Act 2003 (c. 39)) is amended as follows.
- (2) In subsections (1) and (2) after “Lord Chancellor may” insert “, after consulting the Lord Chief Justice,”.
- (3) After subsection (5) insert—
- “(6) 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 subsection (1) or (2).”
- 268 (1) Section 6 (Civil Justice Council) is amended as follows.
- (2) After subsection (2) insert—
- “(2A) The Lord Chancellor must decide the following questions, after consulting the Lord Chief Justice—
- (a) how many members of the Council are to be drawn from each of the groups mentioned in subsection (2);
- (b) how many other members the Council is to have.
- (2B) It is for—
- (a) the Lord Chief Justice to appoint members of the judiciary to the Council, after consulting the Lord Chancellor;
- (b) the Lord Chancellor to appoint other persons to the Council.”
- (3) After subsection (4) insert—
- “(5) 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.”

**Changes to legislation:**

Constitutional Reform Act 2005, Cross Heading: Civil Procedure Act 1997 (c. 12) is up to date with all changes known to be in force on or before 24 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.

[View outstanding changes](#)

**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. 132(4A) words substituted by [2015 c. 2 s. 83\(1\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(2\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(3\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(4\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(6\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(8\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(9\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(10\)\(a\)](#)
- Sch. 7 para. 4Pt. A words substituted by [2007 c. 15 s. 144\(10\)\(b\)](#)