
EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules make amendments to the Civil Procedure Rules 1998 and to the RSC and CCR Rules in Schedules 1 and 2 to those Rules. In particular the following new provisions are inserted:

- A new rule 7.12 which provides for a practice direction to make provision for claims to be started electronically. The practice direction will provide for the continuation of the service known as Money Claim Online which is presently operating as a pilot scheme.
- A new rule 30.8 which requires any proceedings which raise an issue of competition law relating to the application of Article 81 or Article 82 of the EEC Treaty to be transferred to the Chancery Division.
- A new rule 34.13A which prescribes the procedure for applications to the High Court by a party to proceedings under Part 5 of the Proceeds of Crime Act 2002 for the issue of a letter of request for evidence to be taken abroad.
- A new rule 52.16(6A) which requires any request by a party to an appeal to the Court of Appeal for the review or reconsideration of a decision of a single judge or a court officer to be filed within 7 days after the party is served with notice of the decision.
- A new RSC Order 52 rule 7A and a new CCR Order 29 rule 1(5A) providing that a warrant for the arrest of a person against whom an order of committal has been made (in the High Court) or a warrant of committal (in a county court) shall not, without further order of the court, be enforced more than 2 years after the date on which the warrant is issued.

In addition the following amendments are made:

- Rule 45.10 is amended to clarify that, in costs-only proceedings brought under Section II of Part 45 by a party funded by a body which indemnifies its members or other persons against liabilities for costs which they may incur in proceedings, the court may allow that party as a disbursement a sum not exceeding such amount as would be allowed under section 30 of the Access to Justice Act 1999.
- Rule 45.11 is amended to specify the amount of the success fee which a claimant may recover in proceedings under Section II of Part 45 if he has entered into a conditional fee agreement or a collective conditional fee agreement which provides for a success fee.
- Rule 52.12(1) is amended to clarify that the fact that a Part 36 offer or payment has been made must not be disclosed to a judge who is to hear or determine an application for permission to appeal.
- Rule 54.1 and RSC Orders 45, 79 and 93 are amended to omit references to the Latin names of the prerogative orders available by judicial review, and rule 54.3 is amended to allow the remedies of restitution and the award of a liquidated sum to be sought on a claim for judicial review.
- RSC Orders 45 to 47 (enforcement) and RSC Order 17 and CCR Order 16 (interpleader) are amended in consequence of the enactment of section 99 of and Schedule 7 to the Courts Act 2003, which abolish any rule of law requiring a writ of execution issued from the High Court to be directed to a sheriff and provide for the authorisation of High Court enforcement officers.
- CCR Order 49 rule 17 (proceedings relating to discrimination) is amended to apply certain provisions of that rule to proceedings under the Employment Equality (Religion or Belief) Regulations 2003 and the Employment Equality (Sexual Orientation) Regulations 2003.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

- Minor amendments are made to rule 21.1(2)(b) (the definition of “patient” for the purposes of Part 21), rule 57.9 (probate counterclaim in other proceedings), rules 63.7, 63.9 and 63.16 (patents and other intellectual property claims) and rule 74.19 (enforcement in England and Wales of European Community judgments).