
STATUTORY INSTRUMENTS

2011 No. 88

The Civil Procedure (Amendment) Rules 2011

Citation, commencement and interpretation

1. These Rules may be cited as the Civil Procedure (Amendment) Rules 2011, and come into force on 6th April 2011.

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(1).

Amendments to the Civil Procedure Rules 1998

3. In Part 5—

(a) in rule 5.4C(1)(b), after “a hearing”, insert “, subject to paragraph (1B)”.

(b) after rule 5.4C(1A), insert—

“(1B) No document—

(a) relating to an application under rule 78.24(1) for a mediation settlement enforcement order;

(b) annexed to a mediation settlement enforcement order made under rule 78.24(5);

(c) relating to an application under rule 78.26(1) or otherwise for disclosure or inspection of mediation evidence; or

(d) annexed to an order for disclosure or inspection made under rule 78.26 or otherwise,

may be inspected without the court’s permission.”.

4. In Part 6—

(a) In the table of contents—

(i) in the entry for the heading of Section II, at end insert “or in specified circumstances within the EEA”;

(ii) in the entry for the heading of rule 6.7, substitute “Service on a solicitor or European Lawyer within the United Kingdom or in any other EEA state”;

(iii) in the entry for the heading of rule 6.8, after “where” insert “before service”;

(iv) in the entry for the heading of Section III, at end insert “or in specified circumstances within the EEA”;

(v) in the entry for the heading of rule 6.23, at end insert “to be given after proceedings are started”;

(b) in rule 6.2—

(i) at the end of sub-paragraph (c), delete “and”;

(ii) at the end of sub-paragraph (d), for “.” substitute “; and”; and

(iii) after sub-paragraph (d) insert—

“(e) “European Lawyer” has the meaning set out in article 2 of the [European Communities \(Services of Lawyers\) Order 1978 \(S. I. 1978/1910\)](#).

(The European Communities (Services of Lawyers) Order 1978 is annexed to Practice Direction 6A.)”;

- (c) in the heading to Section II, at end insert “or in specified circumstances within the EEA”;
- (d) in rule 6.3(1), after “A claim form may” insert “(subject to Section IV of this Part and the rules in this Section relating to service out of the jurisdiction on solicitors, European Lawyers and parties)”;
- (e) in rule 6.4(1), for “The” substitute “Subject to Section IV of this Part and the rules in this Section relating to service out of the jurisdiction on solicitors, European Lawyers and parties, the”;
- (f) in rule 6.6—
- (i) in paragraph (1), after “rule 6.7(2)” insert “, 6.7(3)”;
 - (ii) in paragraph (2), after “full postcode” insert “or its equivalent in any EEA state (if applicable)”;
- (g) for rule 6.7 substitute—

“Service on a solicitor or European Lawyer within the United Kingdom or in any other EEA state

6.7.—(1) Solicitor within the jurisdiction: Subject to rule 6.5(1), where—

- (a) the defendant has given in writing the business address within the jurisdiction of a solicitor as an address at which the defendant may be served with the claim form; or
- (b) a solicitor acting for the defendant has notified the claimant in writing that the solicitor is instructed by the defendant to accept service of the claim form on behalf of the defendant at a business address within the jurisdiction,

the claim form must be served at the business address of that solicitor.

(“Solicitor” has the extended meaning set out in rule 6.2(d).)

(2) Solicitor in Scotland or Northern Ireland or EEA state other than the United Kingdom: Subject to rule 6.5(1) and the provisions of Section IV of this Part, and except where any other rule or practice direction makes different provision, where—

- (a) the defendant has given in writing the business address in Scotland or Northern Ireland of a solicitor as an address at which the defendant may be served with the claim form;
- (b) the defendant has given in writing the business address within any other EEA state of a solicitor as an address at which the defendant may be served with the claim form; or
- (c) a solicitor acting for the defendant has notified the claimant in writing that the solicitor is instructed by the defendant to accept service of the claim form on behalf of the defendant at a business address within any other EEA state,

the claim form must be served at the business address of that solicitor.

(3) **European Lawyer in any EEA state:** Subject to rule 6.5(1) and the provisions of Section IV of this Part, and except where any other rule or practice direction makes different provision, where—

(a) the defendant has given in writing the business address of a European Lawyer in any EEA state as an address at which the defendant may be served with the claim form; or

(b) a European Lawyer in any EEA state has notified the claimant in writing that the European Lawyer is instructed by the defendant to accept service of the claim form on behalf of the defendant at a business address of the European Lawyer,

the claim form must be served at the business address of that European Lawyer.

(“European Lawyer” has the meaning set out in rule 6.2(e).)

(For Production Centre Claims see paragraph 2.3(7) of Practice Direction 7C; for Money Claims Online see paragraph 4(6) of Practice Direction 7E; and for Possession Claims Online see paragraph 5.1(4) of Practice Direction 55B.)

(h) in rule 6.8—

(i) in the heading, after “where” insert “before service”;

(ii) after “rules 6.5(1) and 6.7” insert “and the provisions of Section IV of this Part”;

(iii) in sub-paragraph (a), for “within the jurisdiction” substitute “at which the defendant resides or carries on business within the UK or any other EEA state and”;

(iv) at end insert—

“(For Production Centre Claims see paragraph 2.3(7) of Practice Direction 7C; for Money Claims Online see paragraph 4(6) of Practice Direction 7E; and for Possession Claims Online see paragraph 5.1(4) of Practice Direction 55B.)

(For service out of the jurisdiction see rules 6.40 to 6.47.)”;

(i) in rule 6.9—

(i) in paragraph (1)(b), after “solicitor” insert “or European Lawyer”;

(ii) at end insert—

“(For service out of the jurisdiction see rules 6.40 to 6.47.)”;

(j) in rule 6.14, after “A claim form served” insert “within the United Kingdom”;

(k) in the heading to Section III, at end insert “or in specified circumstances within the EEA”;

(l) in rule 6.20(1), for “A” substitute “Subject to Section IV of this Part and the rules in this Section relating to service out of the jurisdiction on solicitors, European Lawyers and parties, a”;

(m) in rule 6.21(1), for “A” substitute “Subject to Section IV of this Part and the rules in this Section relating to service out of the jurisdiction on solicitors, European Lawyers and parties, a”;

(n) in rule 6.22—

(i) in paragraph (2)(a), after “rule 6.23” delete “(2)(a)”;

(ii) at end insert—

“(For service out of the jurisdiction see rules 6.40 to 6.47.)”;

(o) in rule 6.23—

(i) in the heading, at end insert “to be given after proceedings are started”;

- (ii) in paragraph (1), after “full postcode” insert “or its equivalent in any EEA state (if applicable)”;
- (iii) for paragraph (2), substitute—
 - “(2) Except where any other rule or practice direction makes different provision, a party’s address for service must be—
 - (a) the business address either within the United Kingdom or any other EEA state of a solicitor acting for the party to be served; or
 - (b) the business address in any EEA state of a European Lawyer nominated to accept service of documents; or
 - (c) where there is no solicitor acting for the party or no European Lawyer nominated to accept service of documents —
 - (i) an address within the United Kingdom at which the party resides or carries on business; or
 - (ii) an address within any other EEA state at which the party resides or carries on business.

(For Production Centre Claims see paragraph 2.3(7) of Practice Direction 7C; for Money Claims Online see paragraph 4(6) of Practice Direction 7E; and for Possession Claims Online see paragraph 5.1(4) of Practice Direction 55B.)”;
- (iv) in paragraph (3), for the words from “there” to “business” substitute “none of subparagraphs (2)(a), (b) or (c) applies”;
- (v) in paragraph (4), for “Any” substitute “Subject to the provisions of Section IV of this Part (where applicable), any”;
- (vi) at end insert—
 - “(For service out of the jurisdiction see rules 6.40 to 6.47.)”;
- (p) in rule 6.26, after “claim form, served” insert “within the United Kingdom”;
- (q) in rule 6.40—
 - (i) in paragraph (2), for “any document” substitute “a claim form or other document”;
 - (ii) in paragraph (3)—
 - (aa) in the heading and where it subsequently occurs, for “defendant”, substitute “party”;
 - (bb) for “the claimant” substitute “a party”;
 - (cc) after “claim form or” in the first place where it occurs delete “any”;
 - (dd) after “Convention” insert “or Treaty”;
 - (iii) for the parentheses that follow the rule, substitute—
 - “(The texts of the Civil Procedure Treaties which the United Kingdom has entered into may be found on the Foreign and Commonwealth Office website at [- \(i\) in paragraph \(1\), for “the claimant” substitute “a party”;
 - \(ii\) in paragraph \(2\), for “claimant” substitute “party”;
 - \(iii\) in paragraph \(3\)—
 - \(aa\) for “the claimant” substitute “a party”;](http://www.fco.gov.uk/en/publications-and-documents/treaties/lists-treaties/bilateral-civil-procedure.”)”

(r) in rule 6.41—
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- (bb) for the words after “will” to the end substitute “forward the relevant documents to the Senior Master”;
- (iv) in the second set of parentheses that follow the rule, at end insert “The Regulation does not apply to service in EEA states that are not member states of the EU.”;
- (s) in rule 6.42—
 - (i) in paragraph (1)—
 - (aa) for “the claimant” substitute “a party”;
 - (bb) delete “on a defendant”;
 - (cc) after “Civil Procedure Convention” insert “or Treaty”;
 - (dd) after “Hague Convention” insert “or any other Civil Procedure Convention or Treaty”;
 - (ii) in paragraph (2)—
 - (aa) for “the claimant” substitute “a party”;
 - (bb) delete “on a defendant”;
 - (cc) after “Convention” insert “or Treaty”;
 - (iii) in paragraph (3)—
 - (aa) for “the claimant” the first time it occurs substitute “a party”;
 - (bb) after “Hague Convention” insert “or is such a party but HM Government has not declared acceptance of its accession to the Convention”;
 - (cc) for “the claimant” the second time it occurs substitute “the party”;
 - (dd) for “claimant’s” substitute “party’s”;
- (t) in rule 6.43—
 - (i) in paragraph (1), for “the claimant” substitute “a party”;
 - (ii) in paragraph (2), for “the claimant” substitute “that party”;
 - (iii) in paragraph (3), for “the claimant” substitute “a party”;
 - (iv) in paragraph (4), after “Hague Convention” insert “or any other Civil Procedure Convention or Treaty”;
 - (v) in paragraph (5), for “the Hague Convention” substitute “a Civil Procedure Convention or Treaty”;
- (u) in rule 6.44—
 - (i) in paragraphs (1) and (3), for “claimant” substitute “party”;
 - (ii) in paragraph (5), after “claim form” insert “or other document”; and
- (v) in rule 6.45—
 - (i) in paragraph (4)—
 - (aa) for “The claimant” substitute “A party”;
 - (bb) after “Convention” insert “or Treaty”;
 - (ii) in paragraph (5), for “The claimant” substitute “A party”.

5. Omit the fifth set of parentheses that follow rule 7.2.

6. In the second set of parentheses that follow rule 8.1, after “procedure.” insert “It also provides procedures for applications for mediation settlement enforcement orders in relation to certain cross-border disputes.”.

7. In rule 10.5, for the first set of parentheses that follow the rule substitute—
“(Rule 6.23 makes provision in relation to addresses for service.)”.

8. In rule 16.5—

- (a) in paragraph (8), for “he” substitute “the defendant”; and
- (b) for the second set of parentheses that follow the rule substitute—
“(Rule 6.23 makes provision in relation to addresses for service.)”.

9. In Part 31—

- (a) in rule 31.3(1)—
 - (i) at the end of paragraph (b), omit “or”;
 - (ii) at the end of paragraph (c), for “.”, substitute “; or”; and
 - (iii) after paragraph (c), insert—
“(d) rule 78.26 applies.”.
- (b) after the second set of parentheses that follow rule 31.3(1), insert—
“(Rule 78.26 contains rules in relation to the disclosure and inspection of evidence arising out of mediation of certain cross-border disputes.)”.
- (c) after the parentheses that follow rule 31.12(3), insert—
“(Rule 78.26 contains rules in relation to the disclosure and inspection of evidence arising out of mediation of certain cross-border disputes.)”.
- (d) at the end of rule 31.16, insert—
“(Rule 78.26 contains rules in relation to the disclosure and inspection of evidence arising out of mediation of certain cross-border disputes.)”.
- (e) at the end of rule 31.17, insert—
“(Rule 78.26 contains rules in relation to the disclosure and inspection of evidence arising out of mediation of certain cross-border disputes.)”.

10. At the end of rule 32.7(2), insert—

“(Rules 78.26 to 78.28 contain rules in relation to evidence arising out of mediation of certain cross-border disputes. Rule 78.27(1)(b) relates specifically to this rule.)”.

11. In Part 45—

- (a) in the table of contents, after—

“Summary assessment of the costs of an application where a party has Rule 45.43”
behaved unreasonably

insert—

“VIII FIXED COSTS: HM REVENUE AND CUSTOMS

Scope, interpretation and application	Rule 45.44
Amount of fixed commencement costs in a county court claim for the recovery of money	Rule 45.45
Costs on entry of judgment in a county court claim for recovery of money	Rule 45.46

“VIII FIXED COSTS: HM REVENUE AND CUSTOMS

When the defendant is only liable for the fixed commencement costs	Rule 45.47”;
	and

- (b) after rule 45.43 insert Section VIII (Fixed Costs: HM Revenue and Customs) as set out in Schedule 1 to these Rules.

12. In Part 78—

- (a) in the title to this Part omit “Order for Payment and European Small Claims”;
- (b) in the table of contents, after—

“Stay of or limitation on enforcement	Rule 78.22”
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insert—

“SECTION III – MEDIATION DIRECTIVE

Scope of this Section and interpretation	Rule 78.23
Making a mediation settlement enforceable (mediation settlement enforcement orders)	Rule 78.24
Mediation settlement enforcement orders: foreign currency	Rule 78.25
Mediation evidence: disclosure or inspection	Rule 78.26
Mediation evidence: witnesses and depositions	Rule 78.27
Mediation evidence: small claims	Rule 78.28”

- (c) after rule 78.1(2), insert—

“(2A) Section III contains rules about mediated cross-border disputes that are subject to Directive [2008/52/EC](#) of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters.”; and

- (d) after Section II, insert Section III as set out in Schedule 2 to these Rules.

Transitional Provision

13. The amendments made by rule 12 of these Rules, which insert a new Section III in Part 78, apply only where the mediation of a cross-border dispute was commenced on or after 6th April 2011.

Neuberger of Abbotsbury, M.R.
Martin Moore-Bick, L.J.
Launcelot Henderson, J.
HHJ Stephen Stewart Q.C.
District Judge Robert Hill
William Featherby Q.C.
David Grant
Edward Pepperall

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

I allow these Rules
Signed by authority of the Lord Chancellor

17th January 2011

J Djanogly
Parliamentary Under Secretary of State
Ministry of Justice