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## EXPLANATORY NOTE

*(This note is not part of the Order)*

These Rules amend the Civil Procedures Rules 1998 ([SI 1998/3132](#)) (“the Rules”) by—

- in Part 26 (case management – preliminary stage), providing that the court will make such order as it considers appropriate where a party fails to file an allocation questionnaire by the specified date as well as providing for the automatic transfer of proceedings in those cases where a claim is a designated money claim issued in Northampton County Court. In addition, provision is made as regards the orders for costs that may be made in these circumstances;
- in Part 27 (the small claims track), providing for the recovery of the costs of obtaining transcripts in appeals from the small claims track from another party to the proceedings, as well as omitting an incorrect reference to Rule 27.14(3)(d) in that Part;
- in Parts 40 (judgments, orders, sale of land etc.), 52 (appeals), 76 (proceedings under the Prevention of Terrorism Act 2005), 79 (proceedings under the Counter-Terrorism Act 2008) and 80 (proceedings under the Terrorism Prevention and Investigation Measures Act 2011), making amendments consequential on the replacement of Practice Direction 52, supporting Part 52 by a new set of Practice Directions 52A to 52E;
- in Part 52 (appeals), extending to High Court Judges, Designated Civil Judges and Specialist Circuit Judges the power which currently enables the Court of Appeal when refusing permission to appeal without a hearing, and where the application is considered to be totally without merit, to make an order that the person seeking permission may not request the decision to be reconsidered at a hearing. “Specialist Circuit Judge” is also defined;
- in Part 54 (judicial review and statutory review), providing for the delegation of specified judicial powers to qualified barristers and solicitors working in the Administrative Court Office
- in Parts 52 and 54, establishing a procedure in respect of applications for judicial review of non-appealable decisions of the Upper Tribunal, following the Supreme Court’s judgment in [Cart\(1\)](#);
- in Part 63 (intellectual property claims), providing for a small claims track in a patents county court;
- inserting new Part 81 (applications and proceedings in relation to contempt of court), which replaces the existing procedural rules in relation to contempt of court and, in particular, those rules found in RSC Order 52 (committal) and CCR Order 29 (committal for breach of order or undertaking); and
- in consequence of the introduction of new Part 81—
  - (a) amending Parts 31 (disclosure and inspection of documents), 32 (evidence), 65 (proceedings relating to anti-social behaviour and harassment) and 71 (orders to obtain information from judgment debtors) and RSC Orders 45 (enforcement of judgments and orders: general) and 46 (writs of execution: general) in Schedule 1 to the Rules;
  - (b) omitting RSC Orders 52 (committal), 64 (sittings, vacations and office hours) and CCR Orders 29 (committal for breach of order or undertaking) and 34 (penal and disciplinary provisions) in Schedules 1 and 2 to the Rules respectively; and

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(1) [R \(on the application of Cart\) v. The Upper Tribunal](#); [R \(on the application of MR \(Pakistan\)\) v. The Upper Tribunal \(Immigration and Asylum Chamber\)](#) and [Secretary of State for the Home Department \[2011\] UKSC 28](#)

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

- (c) inserting in the glossary to the Rules a definition of “Divisional Court”.