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STATUTORY INSTRUMENTS

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**2016 No. 234**

**The Civil Procedure (Amendment) Rules 2016**

**Citation, commencement and interpretation**

1. These Rules may be cited as the Civil Procedure (Amendment) Rules 2016.
2. Subject to rules 23 to 26, these Rules come into force on 6th April 2016.
3. In these Rules—
  - (a) a reference to a Part or rule by number alone means the Part or rule so numbered in the Civil Procedure Rules 1998(1);
  - (b) a reference to an Order by number and pre-fixed “RSC” means the RSC Order so numbered in Schedule 1 to those Rules; and
  - (c) a reference to an Order by number and pre-fixed “CCR” means the CCR Order so numbered in Schedule 2 to those Rules.

**Amendments to Part 3**

4. In the table of contents to Part 3, in the entry for rule 3.13, after “exchanging budgets”, insert “and budget discussion reports”; and
5. In rule 3.12(1), for subparagraph (c), substitute—
  - “(c) where in proceedings commenced on or after 6th April 2016 a claim is made by or on behalf of a person under the age of 18 (a child) (and on a child reaching majority this exception will continue to apply unless the court otherwise orders); or
  - (d) where the proceeding are the subject of fixed costs or scale costs; or
  - (e) the court otherwise orders.”.
6. In rule 3.13—
  - (a) in the heading to that rule, after “exchanging budgets”, insert “and budget discussion reports”; and
  - (b) for rule 3.13, substitute—

“**3.13.**—(1) Unless the court otherwise orders, all parties except litigants in person must file and exchange budgets—

    - (a) where the stated value of the claim on the claim form is less than £50,000, with their directions questionnaires; or
    - (b) in any other case, not later than 21 days before the first case management conference.

(2) In the event that a party files and exchanges a budget under paragraph (1), all other parties, not being litigants in person, must file an agreed budget discussion report no later than 7 days before the first case management conference.”.

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(1) S.I. 1998/3132, to which there are relevant amendments in S.I. 2001/2792, 2008/3327, 2009/3390, 2013/262, 2013/1695, 2014/407, 2014/867, to which there is a relevant amendment in S.I. 2014/1233, and 2015/1569.

7. In rule 3.18, in the words in parenthesis immediately after subparagraph (b), for “rule 44.3(2) (a) and rule 44.3(5)”, substitute “rules 44.3(2)(a) and 44.3(5)”.

#### **Amendments to Part 44**

8. In rule 44.5(1), for “Subject to paragraphs (2) to (4)”, substitute “Subject to paragraphs (2) and (3)”.

#### **Amendments to Part 45**

9. In rule 45.8, in Table 5—

- (a) in the entry for making a final charging order, for “73.8(2)(a)”, substitute “73.10(7)(a) or 73.10A(3)(a)”; and
- (b) in the entry for where an application for an attachment of earnings order is made and costs are allowed, for “CCR Order 27 rule 9”, substitute “rule 89.10”.

#### **Amendments to Part 47**

10. In rule 47.6, in paragraph (2), for “and the bill” substitute “, the bill and, if a costs management order has been made, the breakdown”.

#### **Amendments to Part 66**

11. In rule 66.6(1)—

- (a) in subparagraph (a), for “83 and 84” substitute “83, 84 and 89”.
- (b) in subparagraph (c), for “Orders 27 and”, substitute “Order”.

#### **Amendments to Part 70**

12. In rule 70.1, in the words in parentheses following subparagraph (1), for “83, and 84, and Schedule 2 CCR Orders 27 and 28” substitute “83, 84 and 89, and Schedule 2 CCR Order 28”.

13. In rule 70.5—

- (a) in paragraph (2A), for “83, and 84, and Schedule 2 CCR Orders 27 and 28”, substitute “83, 84 and 89, and Schedule 2 CCR Order 28”; and
- (b) in paragraph (4)(b), after “unless”, insert “an enactment, rule or practice direction provides otherwise or”.

#### **Amendments to Part 73**

14. For rules 73.1 to 73.10, substitute rules 73.1 to 73.10C as set out in Schedule 1 to these Rules.

15. In the Table of Contents for Part 73, for the entries for rules 73.1 to 73.10, substitute—

Scope of this Part and interpretation	Rule 73.1
Section I Charging Orders	
Scope of this Section	Rule 73.2
Application for charging order	Rule 73.3
Interim charging order – County Court Money Claims Centre	Rule 73.4

Review of a decision made by a court officer	Rule 73.5
Interim charging order – venues other than the County Court Money Claims Centre	Rule 73.6
Service of interim order	Rule 73.7
Effect of interim order in relation to securities	Rule 73.8
Effect of interim charging order in relation to funds in court	Rule 73.9
Further consideration of the application where interim charging order was made at the County Court Money Claims Centre and has not been transferred under rule 73.4(6) for a hearing	Rule 73.10
Further consideration of the application where interim charging order was made other than at the County Court Money Claims Centre, or has been transferred out of that Centre under rule 73.4(6)	Rule 73.10A
Discharge or variation of order	Rule 73.10B
Enforcement of charging order by sale	Rule 73.10C

16. In rule 73.12(3)(b)(ii), for “73.5(1)(d)”, substitute “73.7(7)(f)”.

17. In rule 73.17, in the words in parenthesis following subparagraph (1), for “73.8(3)” substitute “73.10(8) or 73.10A(4)”.

#### **Amendments to Part 75**

18. For rule 75.6(d), substitute—  
“(d) Part 89.”.

19. In rule 75.10, for “Parts 71, 72 or 73 or CCR Order 27”, substitute “Parts 71, 72, 73 or 89”.

#### **Insertion of new Part 89**

20. After Part 88, insert new Part 89 as set out in Schedule 2 to these Rules.

#### **RSC Order 115**

21. In RSC Order 115 rule 4(4), for “73.5(1)(c) to (e)” substitute “73.7(7)(e) to (g)”.

#### **CCR Order 27 – Attachment of Earnings**

22. Omit CCR Order 27 – Attachment of Earnings.

#### **Transitional provisions**

23. The amendments made by rules 4 and 6 apply to proceedings commenced on or after 6<sup>th</sup> April 2016.

24. The amendments made by rules 9(a), 14 to 17 and 21 apply to applications for charging orders made on or after the 6th April 2016.

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

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25. The amendments made by rules 9(b), 11, 12, 13(a), 18, 19, 20 and 22 apply to applications for attachment of earnings orders made on or after the 6th April 2016.

26. The amendment made by rule 13(b) applies to applications for charging orders or attachment of earnings orders made on or after 6th April 2016.

*The Right Honourable Lord Dyson, MR  
Michael Briggs, LJ  
Mr Justice Birrs  
Mr Justice Coulson  
Master Roberts  
His Honour Judge Martin McKenna  
District Judge Michael Hovington  
District Judge Christopher Lethem  
Edward Pepperall QC  
Richard Viney  
Andrew Underwood  
Kate Wellington*

I allow these Rules  
Signed by authority of the Lord Chancellor

23rd February 2016

*Edward Faulks*  
Minister of State  
Ministry of Justice