

83rd Update coming into force April 2016

The 83rd Update to the Civil Procedure Rules introduces changes in a number of areas.

The majority of the amendments come into force on 1 or 6 April 2016.

Part 3 - The Court's Case Management Powers

Practice Direction - 3E Costs Management

The costs management rules are amended to provide that only the first page of Precedent H is to be exchanged and filed in cases where the value of the claims is under £50,000 or the costs are less than £25,000. Claims made on behalf of a child are also excluded from the regime, and in cases where the Claimant has a limited or severely impaired life expectation the court will ordinarily disapply cost management. Amendments are also made to the point at which a costs budget must be filed. For lower value claims the budget must be filed with the Directions Questionnaire, for other claims it must be filed 21 days before the case management conference. Agreed budget discussion reports must be filed seven days before the first hearing. Amendments are also made to provide that costs claimed in each phase of the proceedings, are made available to the court when assessing costs at the end of a case. Consequential amendments are made to Practice Direction 3E.

Practice Direction 4 - Forms

The practice direction is revised with forms grouped together by subject-matter and supporting alphabetical index. The subject-matter groups will be reflected on the HMCTS FormFinder. A large number of forms have been revised and are listed at the end of this document.

Part 47 and Practice Direction 47 - Procedure for Assessment of Costs and Default Provisions

The rules are amended to provide that details of costs budgets are provided when detailed assessment of costs is required (Model Precedent Q).

PD51L - New Bill of Costs

The pilot scheme for a new bill of costs is extended whilst the impact of its mandatory introduction is assessed.

Practice Direction 51P - Pilot for Insolvency Trials

Pilot for Insolvency Express Trials. A pilot to provide litigants in the Bankruptcy and Companies Court of the High Court with a quick, more streamlined procedure, and an early date for trial of disposal of simple applications. The pilot will run for two years from 1 April 2016.

Practice Direction 52C - Appeals to the Court of Appeal

Amendments facilitate the provision of skeleton arguments (anonymised in family proceedings) to accredited law reporters and the media in cases being heard in the Court of Appeal at the time of the appeal.

Practice Direction 52D - Statutory Appeals and Appeals subject to special provision

Amendments implement the Recall of MPs Act 2015 (Recall Petition) Regulations 2016 and provide that any accounts submitted by a petition officer may be the subject of detailed assessment in the County Court. Similar separate provisions are made in respect of accounts of the petition officers of Welsh MPs. Consequential amendments are made to PD8A.

Part 73 - Charging Orders

Rules are amended to provide for the centralised handling of the majority of applications for charging in orders in the County Court. Applications will be processed at the County Court Money Claims Centre and will be paper based for the most part. A court officer at CCMCC may make the interim order providing certain conditions are met in respect of a charge over land. Parties may also apply for a review of an interim charging order made by a court officer. Applications where the court officer may not make an interim order will be referred to a judge for a decision on the making of an interim order and/or transfer of the matter to a local hearing centre. Once an interim order is made at the CCMCC and served, the parties will have a period of 28 days between service on them of the interim order and referral to a judge to object to the making of the final charging order. If an objection is received the matter will be sent to a local County Court hearing centre. The service provisions are also amended. Consequential amendments are also made to PD7C, PD7E, PD70 and PD73.

Practice Direction 74A - Enforcement of Judgments in Different Jurisdictions

Amendments to the Civil Procedure Rules contained in the Hague Convention on Choice of Court Agreements and Civil Jurisdiction and Judge (Hague Convention on Choice of Court Agreements 2005) Regulations 2015, were made in October 2015. Amendments are now made to the practice direction to support those rule changes. Consequential amendments are made to PD12.

Part 89 - Attachment of Earnings

CCR Order 27 is omitted. A new part sets out the procedure for applications to attach earnings. The amendments also provide for the handling of applications for Attachment of Earnings Orders at the County Court Money Claims Centre. Responses to the application will be dealt with at the CCMCC, but where the judgment debtor does not respond the process will be sent to a local County Court hearing centre. Consequential amendments are made to PD7C, PD7E, and PD70.

Forms:

The following forms are amended:

Form 110 (replaces No.110) Certificate for the enforcement in a foreign country under [section 10 of the Administration of Justice Act 1920] [section 10 the Foreign Judgments (Reciprocal Enforcement Act 1933)] [section 12 of the Civil Jurisdiction and Judgments Act 1982] (CPR 74.12 and PD74A paragraph 7)

Form 111 (replaces No. 111) Certificate for the enforcement in Scotland or Northern Ireland of a money judgment of the High Court or the County Court (section 18 of and Schedule 6 to the Civil Jurisdiction and Judgments Act 1982) (CPR 74.17 and PD 74A paragraph 8.2)

Form 112 (replaces No.112) Certificate annexed to sealed copy of judgment of the High Court or of the County Court for enforcement of non-money provisions in Scotland or Northern Ireland (section 18 of and Schedule 7 to the Civil Jurisdiction and Judgments Act 1982) (CPR 74.18 and Practice Direction 74A paragraph 8.3)

No.32 Order for examination within jurisdiction of witness before trial or hearing (rule 34.8)

No.33 Application for an order for the issue of a letter of request to judicial authorities out of the jurisdiction (rule 34.13 and PD34A paragraph 5)

No.34 Order for the issue of a letter of request to judicial authorities out of the jurisdiction (rule 34.13)

No.35 Draft Letter of request for examination of witness out of jurisdiction
(to be filed by a party under rule 34.13(6))

No.37 Order for appointment of special examiner to take evidence of witness out of
jurisdiction (rule 34.13(4) and PD34A paragraph 5.8)

No.41 Default judgment upon request in claim relating to detention of goods (rule 12.4(1)(c))

No.44 Part 24 Judgment for Claimant

No.44A Part 24 Judgment for Defendant

No. 44B Order under refusing judgment under Part 24 and giving directions as to the future
conduct of the case

No.44C Order under Part 24 imposing condition of payment into court (rule 3.1(3) and PD24
paragraphs 5.1 and 5.2) (replaces PF13)

No.44D Order under Part 24 for detailed assessment of solicitor's bill of costs and for
judgment on the amount found due thereunder (replaces PF15)

No.45 Judgment after trial before Judge without Jury (CPR Practice Direction 40B paragraph
14.1(1))

No.46 Judgment after trial before Judge with Jury (CPR Practice Direction 40B paragraph
14.1(2))

No.47 Judgment after trial before a Master or District Judge (PD40B paragraph 14)

No.48 Order after separate trial of issue under rule 3.1(2)(i)

No.49 Judgment against personal representative (PD40B paragraph 14.3)

No.52 Notice of Claim to non-parties (CPR 19.8A(4)(a)(i))

No.52A Notice of Judgment or Order to non-parties (CPR 19.8A(4)(a)(i))

No.67 Writ of sequestration (rule 81.20(1) and rule 81.27)

N86 Interim Charging Order

N87 Final Charging Order

N149C Notice of proposed allocation to the Multi-Track

N217 Order for service of claim form by an alternative method or at an alternative place
(CPR 6.15)

N218 Notice of service of the claim form on partnership (where partners are being sued in
the name of their firm) (CPR 6.5(3)(c))

N224 Request for service of the claim form out of the jurisdiction under CPR 6.43

N224A Request for service of the claim form on a State under CPR 6.44

N293A Combined Certificate of Judgment and request for writ of control/possession (against trespassers only)

N379 Application for a charging order on land

N380 Application for a charging order on securities

PF1 Application for time (rule 3.1(2)(a)) (other than an application to extend time for service of a claim form)

PF2 Order for time (rule 3.1(2)(a))

PF3 Application for an extension of time for serving a claim form (rule 7.6)

PF4 Order for extension of time for serving a claim form (rule 7.6)

PF6A Application for permission to serve claim form out of jurisdiction (rules 6.36 and 6.37)

PF6B Order for permission to serve claim form out of jurisdiction (rule 6.37(5))

PF7A Request for service of document abroad through foreign government, foreign judicial authority or British consular authority (rule 6.43)

PF8 Standard "Unless" Order or other Order upon failure to file directions questionnaire (rule 26.3, PD 26 paragraphs 2.5 and Form N181)

PF10 Anonymity and Prohibition of Publication Order

PF11 Application for Part 24 Judgment on the whole of a claim or on a particular issue (rule 24.2)

PF16 NOTICE of court's proposal to make an order of its own initiative (rules 3.3(2) and 3.3(3))

PF17 Order made on court's own initiative without notice (rule 3.3(4) and (5))

PF19 Group Litigation Order (rule 19.11)

PF20A Application for permission to issue an additional claim under rules 20.4(2)(b), 20.5(1) or 20.7(3)(b)

PF20B Application for directions in an additional claim

PF21 Order for permission to make an additional claim under rules 20.4(2)(b), 20.5(1) or 20.7(3)(b) and directions following such permission

PF22 Notice claiming contribution or indemnity against another defendant (rule 20.6)

PF43 Application for security for costs under rule 25.12 and 25.13

PF44 Order for security for costs (rules 25.12 and 25.13)

PF48 Court Record Form

PF52 Order in the Queen's Bench Division for case management and costs management directions in the Multi-Track (Part 29)

PF52A Shortened PF52 in the Queen's Bench Division for multi-track case and costs management directions in Mesothelioma and Asbestosis claims

PF53 Order for separate trial of an issue (rule 3.1(2)(i))

PF56 Request for further information or clarification (Part 18 and PD 18)

PF57 Application for further information or clarification (Part 18 and Practice Direction 18, paragraph 5)

PF58 Order for further information or clarification (Part 18 and Practice Direction 18)

PF63 Interim Order for Receiver in Pending Claim
(CPR Part 69)

PF67 Evidence in support of application to make Order of the Supreme Court of the United Kingdom an Order of the High Court of Justice (PD40B 13.2)

PF68 Order making an Order of the Supreme Court of the United Kingdom an Order of the High Court of Justice (PD40B paragraph 13.3)

PF72 List of Exhibits handed in at Trial (PD39A paragraph 7)

PF74 Order for Trial of Whole Claim or of an Issue by Master or District Judge
(PD2B paragraph 4.1)

PF78 Solicitor's Undertaking as to Expenses (rule 34.13(6)(b))

PF83 Judgment on non-attendance of party at trial (rule 39.3 and PD39A paragraph 2)

PF84A Request for Judgment on failure to comply with an order made under rule 3.5(1)
(previously PF85A)

PF84B Judgment on Request arising from failure to comply with an Order made under rule 3.5(1) (rule 3.5(2)) (previously PF85B)

PF84D Judgment on application arising from a failure to comply with an order made under rule 3.5(1) (previously PF84B)

PF85B Order on application arising from a failure to comply with a condition imposed under rule 3.1(3) (previously PF84A)

PF86 Request for issue of Writ of Control (rule 83.9(3))

PF87 Request for Issue of Writ of Sequestration (rule 83.9(3))

PF88 Request for Issue of Writ of Possession (rule 83.9(3) and rule 83.13)

PF89 Request for Issue of Writ of Possession and Writ of Control combined

(rule 83.9(3) and rule 83.13(9))

PF90A Request for issue of a Writ of Specific Delivery where judgment or order does not give the alternative of paying the assessed value of the goods (rules 83.9(3) and 83.14(1))

PF90B Request for issue of a Writ of Delivery where judgment or order gives the alternative of paying the assessed value of the goods (rules 83.9(3) and 83.14(2)(a))

PF90C Request for issue of a Writ of Specific Delivery where order made under rule 83.14(2)(b)(rules 83.9(3) and 83.14(2)(b))

PF91 Application for permission to issue a writ of possession (rule 83.13)

PF102 Bench Warrant

PF103 Warrant of committal (general) (rule 81.30)

PF104 Warrant of committal (contempt in face of the court)

PF105 Bench Warrant (failure of witness to attend)

PF106 Warrant of committal (of prisoner) (rule 81.30)

PF113 Evidence on Application for Service by an Alternative Method or at an Alternative Place (rules 6.15, 6.27 and PD6A paragraph 9)

PF130 Form of advertisement of service by an alternative method (rule 6.15)

PF141 Witness Statement/Affidavit of Personal Service of Judgment or Order (rules 81.6 and 81.9)

PF147 Application by another party for Order declaring that Solicitor has ceased to act by reason of death etc. (rule 42.4 and PD42 paragraph 4)

PF148 Order declaring that Solicitor has ceased to act by reason of death etc. (rule 42.4 and PD42 paragraph 4)

PF149 Application by Solicitor for declaration that he has ceased to act (rule 42.3 and PD42 paragraph 3)

PF150 Order declaring that Solicitor has ceased to act for a party (rule 42.3 and PD42 paragraph 3.3)

PF152 Evidence in support of application for Examination of a Witness and production of documents under the Evidence (Proceedings in other Jurisdictions) Act 1975 (rule 34.17 and PD34 paragraph 6.3)

PF153 Certificate following examination under the Evidence (Proceedings in Other Jurisdictions) Act 1975 (rule 34.19(2))

PF154 Order for permission to register a foreign judgment under [s. 9 of the Administration of Justice Act 1920] [s. 2 of the Foreign Judgments (Reciprocal Enforcement) Act 1933] [s. 4 of the Civil Jurisdiction and Judgments Act 1982] [EU Regulation 1215/2012] (rule 74.3 and 4)

PF156 Evidence in support of application for registration of a Community Judgment (rules 74.19 and 74.21)

PF157 Order for registration of a Community judgment to be served on every person against whom the judgment is given (rule 74.22)

PF159A Evidence in support of application for registration for enforcement in England and Wales of a foreign judgment under the Administration of Justice Act 1920 (CPR 74.3 and 74.4 and Practice Direction 74A paragraph 4.4 and paragraph 5)

PF159B Evidence in support of application for registration for enforcement in England and Wales of a foreign judgment under the Foreign Judgments (Reciprocal Enforcement) Act 1933 (CPR 74.3 and 74.4 and Practice Direction 74A paragraph 4.4 and paragraph 5)

PF159C Evidence in support of application for registration for enforcement in England and Wales of a foreign judgment under section 4 of the Civil Jurisdiction and Judgments Act 1982 (CPR 74.3 and 74.4 and Practice Direction 74A paragraph 4.4)

PF159D Evidence in support of application for registration for enforcement in England and Wales of a foreign judgment under the Lugano Convention (CPR 74.3 and 74.4 and Practice Direction 74A paragraphs 4 and 6A)

PF159E Evidence in support of application for registration for enforcement in England and Wales of a foreign judgment under section 4B of the Civil Jurisdiction and Judgments Act 1982 (registration and enforcement of Judgments under the 2005 Hague Convention) (CPR 74.3(1) and CPR 74.4(5A))

PF160 Order for registration for enforcement in England and Wales of a foreign judgment under the Administration of Justice Act 1920, the Foreign Judgments (Reciprocal Enforcement) Act 1933, section 4 of the Civil Jurisdiction and Judgments Act 1982, section 4A of the Civil Jurisdiction and Judgments Act 1982 (the Lugano Convention) or section 4B of the Civil Jurisdiction and Judgments Act 1982 (the Hague Convention) (CPR 74.6)

PF163 Evidence in support of application for certified copy of a judgment obtained in the High Court or in the County Court for enforcement in a foreign country (CPR 74.12 and 74.13)

PF164A Evidence in support of application to the High Court for the registration of a certificate for the enforcement of money provisions of a judgment given in another part of the United Kingdom (rule 74.15)

PF 164B Evidence in support of application to the High Court for the registration for the enforcement of the non-money provisions of a judgment in another part of the United Kingdom (rule 74.16)

PF165 Evidence in support of application for registration in the High Court of a Judgment of a court in a another part of the United Kingdom containing non-money provisions (rule 74.16)

PF166 Certificate as to finality, etc. of Arbitration Award for Enforcement Abroad (Arbitration Act 1996, s.58)

PF167 Order to stay proceedings under section 9 of the Arbitration Act 1996 (rule 62.8)

PF168 Order on application to transfer claim from High Court to County Court (sections 40(1) and (2) County Courts Act 1984; High Court and County Court Jurisdiction Order 1991 (as amended); rule 30.3) (see also new form PF168A)

PF170A Application for approval of settlement or compromise for a child or protected party in personal injury or Fatal Accidents Act claim before proceedings are begun (rule 21.10(2) and PD21 paragraphs 5 and 7)

PF170B Application for approval of settlement or compromise for a child or protected party in personal injury or Fatal Accidents Act claim after proceedings have been issued (rule 21.10(2) and PD21 paragraphs 6.1 and 7)

PF177 Order for partnership membership statement (PD7A paragraph 5B)

PF179 Evidence on registration of a Bill of Sale given by way of security for the payment of money (Bills of Sale Act 1878 sections 8 and 10; Bills of Sale Act (1878) Amendment Act 1882 section 10)

PF180 Evidence on registration of an Absolute Bill of Sale, Settlement and Deed of Gift (Bills of Sale Act 1878, sections 8 and 10)

PF180B Evidence on application to rectify an omission or misstatement in the registration or renewal of registration of a bill of sale (Bills of Sale Act 1878, section 14; PD 8A paragraph 10A)

PF181 Evidence on renewal of registration of a Bill of Sale (Bills of Sale Act 1878, section 11)

PF182 Order for extension of time to register a Bill of Sale or an affidavit of renewal thereof (Bills of Sale Act 1878, section 14; PD8A paragraph 10A.3)

PF183 Evidence for permission to enter Memorandum of Satisfaction on Bill of Sale (Bills of Sale Act 1878, section 15; PD8A paragraph 11.5)

PF184 Claim form for an order that a memorandum of satisfaction be written of the registered copy of a Bill of Sale (Bills of Sale Act 1878, section 15; PD8A paragraph 11.2)

PF185 Order for entry of Memorandum of Satisfaction on the registered copy of a Bill of Sale (Bills of Sale Act 1878, section 15; PD8A paragraph 11.5)

PF186 Evidence on application to register Assignment of Book Debts (section 344 Insolvency Act 1986; sections 8 and 10 Bills of Sale Act 1878; PD8A paragraph 15B.4)

PF187 Application for solicitor's charging order (section 73 Solicitors Act 1974)

PF188 Charging order; solicitor's costs (section 73 Solicitors Act 1974)

PF197 Application for order for transfer from the Royal Courts of Justice to a district registry or vice-versa or from one district registry to another (rule 30.2(4))

PF198 Order for transfer from the Royal Courts of Justice to a district registry or vice-versa or from one district registry to another (rule 30.2(4))

PF205 Evidence in support of application for permission to execute for costs of previous attempts to enforce judgment (section 15(3) and (4) of the Courts and Legal Services Act 1990)

The following forms are introduced (some replacing existing forms):

CH1 Case Management Directions for normal use in Chancery Division (replaces Proc01A)

CH2 Full Draft Case Management directions (replaces Proc01)

CH3 Order for Costs and Case Management Conference and trial date (replaces Proc01 CCMC)

CH4 Unless order (replaces Proc 10)

CH5 Order for service out (replaces Appl 5)

CH6 Group litigation order (see also PF19 for non-Chancery)

CH7 Notice of Claim to non-parties (replaces Proc 24)

CH8 Notice of judgment or order to non-parties (replaces Proc 25)

CH9 Witness statement/affidavit in support of application for appointment of new litigation for child (replaces PF32CH)

CH10 Order for an injunction (intended action) Part 25 (replaces PF39CH)

CH11 Order for interim injunction Part 25 (replaces PF40CH)

CH12 Order for stay for ADR PD26 (replaces Proc01S)

CH13 Executor's/Administrator's Account Part 40 (replaces PF28CH)

CH14 Order stating results of proceedings on usual accounts and inquiries in admin claim Part 40 (replaces PF29CH)

CH15 Common form of Order for Sale rule 40.16 (replaces Sale 1)

CH16 Order nominating person to execute sale rule 40.16 (replaces Sale 2)

CH17 Order for account and inquiry PD40A (replaces Inquiry 2)

CH18 Order for partnership account and inquiry PD40A (replaces Inquiry3)

CH19 Result of partnership account and inquiry PD40A (replaces Inquiry 5)

CH20 Result of account of money due PD40A (replaces Inquiry 6)

CH21 Order declaring that a solicitor has ceased to act rule 42.3 (replaces Proc 20)

CH22 Mortgage: suspended possession order Part 55 (replaces Mg/PF5CH)

CH23 Mortgage possession order Part 55 (replaces Mg 2)

CH24 Order appointing administrator pending determination of probate claim Part 57 Section 1 and PD57A (replaces PF36CH)

CH25 Security of receiver/administrator pending determination of probate claim Part 57 (replaces PF30CH)

CH26 Order in Probate claim involving compromise Part 57 (replaces PF38CH)

CH27 Handing out testamentary documents for examination rule 57.5 (replaces Prob 4)

CH28 Revocation/refusal of grant of probate rule 57.5 (replaces Prob 3)

CH29 Order pronouncing for some words, against others Part 57 Section II (replaces Prob 5)

CH30 Order pronouncing for completed copy/torn up will Part 57 Section II (replaces Prob 6 and 7)

CH31 Tomlin Order – 1975 Act Part 57 Section IV (replaces Family 1)

CH32 Order for approval of compromise (replaces Family 2)

CH33 order granting permission to make application under 1975 Act after time expired Part 57 Section IV (replaces Family 3)

CH34 Order for Claimant to be Defendant – 1975 Act Part 57 Section IV (replaces Family 4)

CH35 Order for provision under 1975 Act Part 57 Section IV (replaces Family 5)

CH36 Enforcing charging order (single defendant) (replaces Mg 3)

CH37 Enforcing charging order (multiple defendants) (replaces Mg 4)

CH38 Order for distribution of a Lloyds Estate

CH39 Lloyd's Estate Form of Witness Statement

N208PC Planning Statutory Review. Part 8 Claim form

PF7B Request for service of document on a State (rule 6.44)
(to be filed in the Central Office of the Royal Courts of Justice)

PF71 Evidence in support of application for relief from sanctions (rule 3.8 and 3.9)

PF84C Application for entry of judgment on failure to comply with an order made under rule 3.5(1) (rule 3.5(5))

PF85A Application for order arising on failure to comply with a condition imposed under rule 3.1(3)

PF84C Application for entry of judgment on failure to comply with an order made under rule 3.5(1)

PF168A Order of the court's own initiative to transfer claim from High Court to County Court (section 40(1) and (2) County Courts Act 1984; High Court and County Court Jurisdiction Order 1991 (as amended); rule 30.3)

PF180A Evidence on application to extend time for registration of a bill of sale or an affidavit of its renewal (Bills of Sale Act 1878, section 14; PD8A paragraph 10A)

The following forms are deleted:

No.90

No.105

No.106

No.104

No.110 replaced by Form 110

No.111 replaced by Form 111

No.112 replaced by Form 112

PF12

PF13 replaced by No.44C

PF15 replaced by No.44D

PF21A (now part of PF21)

PF98

PF99

PF100

PF101

PF158 see PF157 as amended

PF155

PF159 replaced by PF159A-E

PF161 redundant due to form 160 and rule 74.9

PF164 replaced by PF164A and PF164B

PF29CH replaced by CH14

PF30CH replaced by CH25

PF32CH replaced by CH9

PF36CH replaced by CH24

PF38CH replaced by CH26

PF39CH replaced by CH10

PF40CH replaced by CH11