

113th UPDATE – PRACTICE DIRECTION AMENDMENTS

The amendments to the Practice Directions supplementing the Civil Procedure Rules 1998 are made by the Master of the Rolls under the powers delegated to him by the Lord Chief Justice under Schedule 2, Part 1, paragraph 2(2) of the Constitutional Reform Act 2005, and are approved by Chris Philp MP, Parliamentary Under-Secretary of State for Justice, by the authority of the Lord Chancellor.

The amendments to the existing Practice Directions come into force as follows, subject to the transitional provision made in this update—	
Practice Direction 2B – Allocation of Cases to Levels of Judiciary	6 April 2020
Practice Direction 2E – Jurisdiction of the county court that may be exercised by a legal adviser	31 March 2020
Practice Direction 7E – Money Claims Online	6 April 2020
Practice Direction 16 – Statements of Case	6 April 2020
Practice Direction 22 – Statements of Truth	6 April 2020
Practice Direction 32 – Evidence	6 April 2020
Practice Direction 44 – General Rules About Costs	6 April 2020
Practice Direction 51O – The Electronic Working Pilot Scheme	31 March 2020
Practice Direction 51R – Online Civil Money Claims Pilot	31 March 2020
Practice Direction 51T – The County Court Legal Advisers Pilot Scheme – Final Charging Orders	31 March 2020
Practice Direction 52A – Appeals	6 April 2020
Practice Direction 52D – Statutory Appeals and Appeals Subject to Special Provision	6 April 2020
Practice Direction – Proceedings Under Enactments Relating to Equality	6 April 2020

The Right Honourable Sir Terence Etherton
Master of the Rolls and Head of Civil Justice

Signed by authority of the Lord Chancellor:
Chris Philp MP,
Parliamentary Under Secretary of State, Ministry of Justice

27 January 2020

TRANSITIONAL PROVISION

- 1) In relation to the omission of Practice Direction 51T – The County Court Legal Advisers Pilot Scheme – Final Charging Orders, any applications for a final charging order considered by a legal adviser under powers contained in that practice direction before 31st March 2020 will continue under Civil Procedure Rules Part 73 as if the application had been considered by a legal adviser under Part 73.

PRACTICE DIRECTION 2B – ALLOCATION OF CASES TO LEVELS OF JUDICIARY

- 1) Omit paragraph 16 (Appeals) and the entry for that paragraph in the Table of Contents.

PRACTICE DIRECTION 2E – JURISDICTION OF THE COUNTY COURT THAT MAY BE EXERCISED BY A LEGAL ADVISER

- 2) In paragraph 1.2—
 - a) at the end of sub-paragraph (b)(i), omit “or”;
 - b) at the end of sub-paragraph (b)(ii), for the comma substitute “; or”; and
 - c) after sub-paragraph (b)(ii) insert—

“(iii) a Fellow of the Chartered Institute of Legal Executives,”.

- 3) In paragraph 3.4, for “must” substitute “may”.

PRACTICE DIRECTION 7E – MONEY CLAIMS ONLINE

- 1) In paragraph 6.2, for “mcolaos@hmcourts-service.gsi.gov.uk” substitute “ccbc@justice.gov.uk”.

PRACTICE DIRECTION 16 – STATEMENTS OF CASE

- 1) After paragraph 6.2 insert—

“Hire of replacement motor vehicle following a road traffic accident

6.3 Where the claim includes the cost of hire of a replacement motor vehicle following a road traffic accident, the claimant must state in the particulars of claim—

- (1) the need for the replacement vehicle at the relevant time;
- (2) the period of hire claimed (providing the start and end of the period);
- (3) the rate of hire claimed;
- (4) the reasonableness of the period and rate of hire; and
- (5) impecuniosity (if the claim relates to credit hire).

6.4 In paragraph 6.3—

- (1) “relevant time” means at the start of the hire and throughout the period of hire;
 - (2) the obligation to state the matters there set out includes an obligation to state relevant facts.”.
- 2) In paragraph 8.2(8), for “mitigation of loss or damage” substitute “a claim for mitigation expenditure”.

PRACTICE DIRECTION 22 – STATEMENTS OF TRUTH

- 1) In paragraph 2.1, in the wording of the statement of truth, at the end insert “I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.”.
- 2) In paragraph 2.2—
 - a) after “as follows” insert “(and provided in the language of the witness statement)”; and
 - b) in the wording of the statement of truth, at the end insert “I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.”.

3) After paragraph 2.3 insert—

“2.4 The statement of truth must be in the witness’s own language.

2.5 A statement of truth must be dated with the date on which it was signed.”.

4) In paragraph 3.8(2), after “to the client” insert “(through an interpreter where necessary)”.

5) For the heading above paragraph 3A.1 substitute—

“Inability of persons, other than by reason of language alone, to read or sign documents to be verified by a statement of truth”

6) In paragraph 3A.1, after “the document,” insert “other than by reason of language alone,”.

PRACTICE DIRECTION 32 – EVIDENCE

1) In paragraph 17.2—

- a) at the end of sub-paragraph (4), omit “and”;
- b) at the end of sub-paragraph (5), for the full stop substitute “; and”; and
- c) after sub-paragraph (5) insert—

“(6) the date of any translation.”.

2) In paragraph 18.1—

- a) in the first sentence, after “own words” insert “and must in any event be drafted in their own language”;
- b) at the end of sub-paragraph (3), omit “and”;
- c) at the end of sub-paragraph (4), for the full stop substitute “; and”; and
- d) after sub-paragraph (4) insert—

“(5) the process by which it has been prepared, for example, face-to-face, over the telephone, and/or through an interpreter.”.

3) In paragraph 19.1—

- a) at the end of sub-paragraph (6), omit “and”;
- b) at the end of sub-paragraph (7), for the full stop substitute “; and”; and
- c) after sub-paragraph (7) insert—

“(8) be drafted in the witness’s own language.”.

- 4) In paragraph 20.1, for “that he believes” substitute “in their own language that they believe”.
- 5) In paragraph 20.2, in the wording of the statement of truth, at the end insert “I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.”
- 6) In the words in parentheses after paragraph 20.3, after “the document” insert “other than by reason of language alone”.
- 7) For paragraph 23.2 substitute—

“**23.2** Where a witness statement is in a foreign language—

(a) the party wishing to rely on it must—

(i) have it translated; and

(ii) file the foreign language witness statement with the court; and

(b) the translator must sign the original statement and must certify that the translation is accurate.”.

PRACTICE DIRECTION 44 – GENERAL RULES ABOUT COSTS

- 1) In Paragraph 12.6, for “In proceedings to which rule 44.16 applies” substitute “In a case to which rule 44.16(1) or rule 44.16(2)(a) applies”.

PRACTICE DIRECTION 51O – THE ELECTRONIC WORKING PILOT SCHEME

- 1) In paragraph 1.1(1)(a), for “2020” substitute “2021”.

PRACTICE DIRECTION 51R – ONLINE CIVIL MONEY CLAIMS PILOT

- 1) In the words in parentheses at the end of paragraph 20.1(2), for “barrister or solicitor” substitute “barrister, solicitor or Fellow of the Chartered Institute of Legal Executives”.

PRACTICE DIRECTION 51T – THE COUNTY COURT LEGAL ADVISERS PILOT SCHEME – FINAL CHARGING ORDERS

- 1) Omit Practice Direction 51T – The County Court Legal Advisers Pilot Scheme – Final Charging Orders.

PRACTICE DIRECTION 52A – APPEALS

- 1) In paragraph 3.4, in the definition of “C.J.”, omit the words after “recorder”.
- 2) For paragraph 4.5A substitute—

“4.5A (1) Where the appeal is an appeal to the High Court or within the County Court, any judge who may hear the appeal, could be authorised to hear the appeal or to whom the appeal could be allocated may—

(a) hear any application made within the appeal, including an application for a stay but excluding an application for permission to appeal; and

(b) give directions in the appeal.

- (2) In addition, where the appeal is to the High Court and is from the decision of a Circuit Judge sitting in the County Court, a Group C Judge may—

(a) hear any application made within the appeal, including an application for a stay but excluding an application for permission to appeal; and

(b) give directions in the appeal.”

PRACTICE DIRECTION 52D – STATUTORY APPEALS AND APPEALS SUBJECT TO SPECIAL PROVISION

- 1) In paragraph 27.1A, for “Training Rules” to “bodies)” substitute “Qualification Rules”.

PRACTICE DIRECTION – PROCEEDINGS UNDER ENACTMENTS RELATING TO EQUALITY

- 1) Paragraph 2 is renumbered as paragraph 2.1.
- 2) After paragraph 2.1 (as renumbered) insert—

“**2.2** Notice under paragraph 2.1 should be sent either—

(1) in hard copy, with the reference “commencement of proceedings”, to—

The Commission for Equality and Human Rights

Arndale House

Arndale Centre

Manchester M4 3AQ; or

(2) by e-mail, to commencementofproceedings@equalityhumanrights.com .

2.3 In the event of non-compliance with the requirements of paragraphs 2.1 and 2.2—

(1) the court will consider whether any order should be made or any step taken; but

(2) any such order or step should not involve any sanction (including any stay, dismissal or striking out) or costs penalty or other costs order against the claimant.”.