STATUTORY INSTRUMENTS

2018 No. 239 (L. 3)

SENIOR COURTS OF ENGLAND AND WALES
COUNTY COURT, ENGLAND AND WALES

The Civil Procedure (Amendment) Rules 2018

Made - - - -	*23rd February 2018*
Laid before Parliament	*28th February 2018*
Coming into force - -	*6th April 2018*

The Civil Procedure Rule Committee, having power under section 2 of the Civil Procedure Act 1997(**1**) to make rules under section 1 of that Act and after consulting in accordance with section 2(6)(a) of that Act, makes the following Rules.

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Civil Procedure (Amendment) Rules 2018 and come into force on 6th April 2018.

(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(**2**).

Amendments to the Civil Procedure Rules 1998

2. The Civil Procedure Rules 1998 are amended in accordance with Rule 3 of these Rules.

Amendment of Part 45

3. In Part 45—

(a) in rule 45.42(1), for paragraph (b) substitute—

"(b) filed and served with the claim form a schedule of the claimant's financial resources, which is verified by a statement of truth and provides details of—

(i) the claimant's significant assets, liabilities, income and expenditure; and

(**1**) 1997 c.12. Section 2(1) was substituted by the Constitutional Reform Act 2005 (c.4), section 15 and Schedule 4, Part 1. Section 1(1) was amended by the Crime and Courts Act 2013 (c.22), section 17(5) and Schedule 9, Part 3, paragraph 67(a) and by the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), section 174(2). Section 1(3) was substituted by section 82(1) of the Courts Act 2003 (c.39) and further amended by the Constitutional Reform Act 2005, sections 15 and 146 and Schedule 4, Part 1, paragraphs 261 and 262 and Schedule 18.

(**2**) S.I. 1998/3132. There are relevant amendments in S.I. 2010/1953, S.I. 2011/88, S.I. 2013/262 and S.I. 2017/95.

(ii) in relation to any financial support which any person has provided or is likely to provide to the claimant, the aggregate amount which has been provided and which is likely to be provided."; and

(b) in rule 45.44—

(i) in paragraph (2), after the words "remove such a limit only" insert "on an application made in accordance with paragraphs (5) to (7) ("an application to vary") and"; and

(ii) after paragraph (4), above the words in parentheses, insert—

"(5) Subject to paragraph (6), an application to vary must—

(a) if made by the claimant, be made in the claim form and provide the claimant's reasons why, if the variation were not made, the costs of the proceedings would be prohibitively expensive for the claimant;

(b) if made by the defendant, be made in the acknowledgment of service and provide the defendant's reasons why, if the variation were made, the costs of the proceedings would not be prohibitively expensive for the claimant; and

(c) be determined by the court at the earliest opportunity.

(6) An application to vary may be made at a later stage if there has been a significant change in circumstances (including evidence that the schedule of the claimant's financial resources contained false or misleading information) which means that the proceedings would now—

(a) be prohibitively expensive for the claimant if the variation were not made; or

(b) not be prohibitively expensive for the claimant if the variation were made.

(7) An application under paragraph (6) must—

(a) if made by the claimant—

(i) be accompanied by a revised schedule of the claimant's financial resources or confirmation that the claimant's financial resources have not changed; and

(ii) provide reasons why the proceedings would now be prohibitively expensive for the claimant if the variation were not made; and

(b) if made by the defendant, provide reasons why the proceedings would now not be prohibitively expensive for the claimant if the variation were made.".

The Right Honourable Sir Terence Etherton, MR
Mr Justice Coulson
Mr Justice Birss
Mr Justice Kerr
Master Richard Roberts
His Honour Judge Martin McKenna
District Judge Christopher Lethem
John Dagnall
Brett Dixon