STATUTORY INSTRUMENTS

2016 No. 788 (L. 11)

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

The Civil Procedure (Amendment No. 3) Rules 2016

Made - - - -	*20th July 2016*
Laid before Parliament	*21st July 2016*
Coming into force - -	*3rd October 2016*

The Civil Procedure Rule Committee, having power under section 2 of the Civil Procedure Act 1997(**1**) to make rules of court 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. These Rules may be cited as the Civil Procedure (Amendment No. 3) Rules 2016.

2. These Rules come into force on 3rd October 2016.

3. 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

4. The Civil Procedure Rules 1998 are amended in accordance with rules 5 to 15 of these Rules.

Amendment of Part 2

5. In rule 2.4(a), after "Master" insert ", Registrar in Bankruptcy".

Amendment of Part 26

6. In rule 26.2A—

(**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(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. 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).

(**2**) S.I. 1998/3132, to which there are relevant amendments in S.I. 1999/1008, S.I. 2000/2092, S.I. 2002/2058, S.I. 2005/2292, S.I. 2007/3543 and S.I. 2013/262.

(a) in paragraph (3), for "Subject to paragraph (5)", substitute "Subject to paragraphs (5) and (5A)";

(b) in paragraph (4), for "Subject to paragraph (5)", substitute "Subject to paragraphs (5) and (5A)";

(c) in paragraph (5), for "If, on their directions questionnaire", substitute "Subject to paragraph (5A), if, on their directions questionnaire"; and

(d) after paragraph (5), insert—

"(5A) At the relevant time, the claim must be sent to the County Court at Central London if—

(a) the claim is started at the County Court Business Centre or the County Court Money Claims Centre;

(b) a court officer provisionally decides, pursuant to rule 26.3, that the track which appears to be most suitable for the claim is the multi-track; and

(c) either—

(i) in respect of a defendant under paragraphs (3) and (5)(a), the home court (or the home court of the defendant who first files their defence) or the hearing centre specified on the directions questionnaire; or

(ii) in respect of a claimant under paragraphs (4) and (5)(b), the preferred hearing centre or the hearing centre specified on the directions questionnaire,

is one of the hearing centres listed in Practice Direction 26 at paragraph 10.4.".

Amendment of Part 40

7. In rule 40.2(4)—

(a) omit sub-paragraph (a);

(b) in sub-paragraph (b), after "appeal court" insert ", with an indication of the division of the High Court where the High Court is the appeal court"; and

(c) in sub-paragraph (d), after "appeal court" insert ", including the appropriate division where relevant,".

Amendment of Part 45

8. In the words in parentheses after rule 45.41, for "52.9A" substitute "52.19".

Amendment of Part 47

9. In rule 47.14(7), for "52.4" substitute "52.12".

Substitution of Part 52

10. For Part 52, substitute the new Part 52 in the Schedule to these Rules.

Amendment of Part 54

11. In rule 54.5(6), for "regulation 92" substitute "regulation 92(2)".

Amendment of Part 63

12. In rule 63.19—

(a) omit paragraph (1A); and

(b) in paragraph (3), delete "specialist" before "claim".

Amendment of Part 76

13.—(1) In rule 76.12(2)—

(a) in sub-paragraph (a), for "rule 52.3" substitute "rules 52.3, 52.4 and 52.6";

(b) in sub-paragraph (b), for "52.4" substitute "52.12";

(c) in sub-paragraph (c), for "52.5" substitute ""52.13"; and

(d) in sub-paragraph (d), for "52.11" substitute "52.21".

(2) In rule 76.16(2)—

(a) in sub-paragraph (b), for "52.4" substitute "52.12"; and

(b) in sub-paragraph (c), for "52.5" substitute "52.13".

Amendment of Part 80

14.—(1) In rule 80.8(2)—

(a) in sub-paragraph (a), for "rule 52.3" substitute "rules 52.3, 52.4 and 52.6";

(b) in sub-paragraph (b), for "52.4" substitute "52.12";

(c) in sub-paragraph (c), for "52.5" substitute ""52.13"; and

(d) in sub-paragraph (d), for "52.11" substitute "52.21".

(2) In rule 80.12(2)—

(a) in sub-paragraph (b), for "52.4(1)" substitute "52.12(1)"; and

(b) in sub-paragraph (c), for "52.5" substitute "52.13".

Amendment of Part 88

15. In rule 88.15(2)—

(a) in sub-paragraph (a), for "52.4(1)" substitute "52.12(1)"; and

(b) in sub-paragraph (b), for "52.5" substitute "52.13".

Transitional provision

16.—(1) Where an appellant's notice has been issued before 3rd October 2016, the provisions of Part 52 in force immediately before that date continue to apply in relation to that case.

(2) Where a request was made under rule 52.16 before 3rd October 2016 for—

(a) review of a decision of a court officer; or

(b) reconsideration of a decision of a single judge or a court officer made without a hearing,

the provisions of rule 52.16 in force immediately before that date continue to apply for the purposes of that review or reconsideration.

The Right Honourable Lord Dyson, MR
Michael Briggs, LJ
Mr Justice Birss
Mr Justice Coulson
His Honour Judge Martin McKenna
District Judge Michael Hovington
Edward Pepperall QC
Brett Dixon
Andrew Underwood
Kate Wellington

I allow these Rules
Signed by authority of the Lord Chancellor

Oliver Heald
Minister of State
Ministry of Justice

20th July 2016

SCHEDULE Rule 10

"PART 52

APPEALS

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