STATUTORY INSTRUMENTS

2016 No. 707 (L. 9)

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

The Civil Procedure (Amendment No. 2) Rules 2016

Made - - - -	*6th July 2016*
Laid before Parliament	*7th July 2016*
Coming into force in accordance with rule 2	

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, after consulting in accordance with section 2(6)(a) of that Act, and having power under section 88(5) of the Criminal Justice and Courts Act 2015(**2**), makes the following Rules.

Citation, commencement and interpretation

1. These Rules may be cited as the Civil Procedure (Amendment No. 2) Rules 2016.

2. These Rules come into force on the day on which, and immediately after, sections 88 to 90 of the Criminal Justice and Courts Act 2015 come into force.

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(**3**).

Amendments to Part 3

4. In rule 3.19—

(a) for paragraphs (1) and (2), substitute—

"(1) For the purposes of this Section—

(a) 'costs capping order' means an order limiting the amount of future costs (including disbursements) which a party may recover pursuant to an order for costs subsequently made; 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(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, paragraph 2. 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**) 2015 c. 2.

(**3**) S.I. 1998/3132, to which there are relevant amendments in S.I. 2013/262 and S.I. 2015/670.

(b) 'future costs' means costs incurred in respect of work done after the date of the costs capping order but excluding the amount of any additional liability.

(2) This Section does not apply to judicial review costs capping orders under Part 4 of the Criminal Justice and Courts Act 2015 or to protective costs orders.

(Rules 46.16 to 46.19 make provision for judicial review costs capping orders under Part 4 of the Criminal Justice and Courts Act 2015.)"; and

(b) omit paragraph (3).

Amendments to Part 46

5. In Part 46—

(a) in the Table of Contents of the Part, after the entry for rule 46.14 insert—

"**SECTION V – COSTS IN CLAIMS FOR JUDICIAL REVIEW**	
Claims for judicial review: costs against interveners	Rule 46.15
SECTION VI – JUDICIAL REVIEW COSTS CAPPING ORDERS UNDER PART 4 OF THE CRIMINAL JUSTICE AND COURTS ACT 2015	
Judicial review costs capping orders – general	Rule 46.16
Applications for judicial review costs capping orders	Rule 46.17
Court to consider making directions	Rule 46.18
Applications to vary judicial review costs capping orders	Rule 46.19"

(b) after rule 46.15, insert—

"SECTION VI

Judicial Review Costs Capping Orders under Part 4 of the Criminal Justice and Courts Act 2015

Judicial review costs capping orders – general

46.16.—(1) For the purposes of this Section—

(a) "judicial review costs capping order" means a costs capping order made by the High Court or the Court of Appeal in accordance with sections 88, 89 and 90 of the 2015 Act; and

(b) "the 2015 Act" means the Criminal Justice and Courts Act 2015.

(2) This Section does not apply to a costs capping order under rule 3.19.

(Rule 3.19 makes provision for orders limiting the amount of future costs (including disbursements) which a party may recover pursuant to an order for costs subsequently made.)

Applications for judicial review costs capping orders

46.17.—(1) An application for a judicial review costs capping order must—

(a) be made on notice and, subject to paragraphs (2) and (3), in accordance with Part 23; and

(b) be supported by evidence setting out—