STATUTORY INSTRUMENTS

2016 No. 234 (L. 3)

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

The Civil Procedure (Amendment) Rules 2016

Made - - - - *23rd February 2016*

Laid before Parliament *25th February 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 and after consulting in accordance with section 2(6)(a) of the Civil Procedure Act 1997, and having power under sections 14(4) and 17(3) of the Attachment of Earnings Act 1971(**2**), makes the following Rules.

Citation, commencement and interpretation

1. These Rules may be cited as the Civil Procedure (Amendment) Rules 2016.

2. Subject to rules 23 to 26, these Rules come into force on 6th April 2016.

3. In these Rules—

(a) a reference to a Part or rule by number alone means the Part or rule so numbered in the Civil Procedure Rules 1998(**3**);

(b) a reference to an Order by number and pre-fixed "RSC" means the RSC Order so numbered in Schedule 1 to those Rules; and

(c) a reference to an Order by number and pre-fixed "CCR" means the CCR Order so numbered in Schedule 2 to those Rules.

(**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**) 1971 c. 32. Section 14(4) was amended by S.I. 2006/1737, articles 34, 41 and there are amendments not yet in force (see the Tribunals, Courts and Enforcement Act 2007, section 91, Schedule 15, Part 1, paragraph 1, and Part 2, paragraph 13). Section 17(3) was amended by the Magistrates' Courts Act 1980 (c. 43), section 154 and Schedule 7, paragraph 99 and the Access to Justice Act 1999, section 90 and Schedule 13, paragraphs 64 and 67, S.I. 2006/1737, articles 34 and 43 and the Crime and Courts Act 2013 section 17(5), Schedule 9, Part 2, paragraph 25(1) & (3). There are also amendments to section 17(3) not yet in force (see the Tribunals, Courts and Enforcement Act 2007, section 91 and Schedule 15, Part 1, paragraph 1, and Part 2, paragraphs 17 and 18).

(**3**) S.I. 1998/3132, to which there are relevant amendments in S.I. 2001/2792, 2008/3327, 2009/3390, 2013/262, 2013/1695, 2014/407, 2014/867, to which there is a relevant amendment in S.I. 2014/1233, and 2015/1569.

Amendments to Part 3

4. In the table of contents to Part 3, in the entry for rule 3.13, after "exchanging budgets", insert "and budget discussion reports"; and

5. In rule 3.12(1), for subparagraph (c), substitute—

"(c) where in proceedings commenced on or after 6th April 2016 a claim is made by or on behalf of a person under the age of 18 (a child) (and on a child reaching majority this exception will continue to apply unless the court otherwise orders); or

(d) where the proceeding are the subject of fixed costs or scale costs; or

(e) the court otherwise orders.".

6. In rule 3.13—

(a) in the heading to that rule, after "exchanging budgets", insert "and budget discussion reports"; and

(b) for rule 3.13, substitute—

"**3.13.**—(1) Unless the court otherwise orders, all parties except litigants in person must file and exchange budgets—

(a) where the stated value of the claim on the claim form is less than £50,000, with their directions questionnaires; or

(b) in any other case, not later than 21 days before the first case management conference.

(2) In the event that a party files and exchanges a budget under paragraph (1), all other parties, not being litigants in person, must file an agreed budget discussion report no later than 7 days before the first case management conference.".

7. In rule 3.18, in the words in parenthesis immediately after subparagraph (b), for "rule 44.3(2)(a) and rule 44.3(5)", substitute "rules 44.3(2)(a) and 44.3(5)".

Amendments to Part 44

8. In rule 44.5(1), for "Subject to paragraphs (2) to (4)", substitute "Subject to paragraphs (2) and (3)".

Amendments to Part 45

9. In rule 45.8, in Table 5—

(a) in the entry for making a final charging order, for "73.8(2)(a)", substitute "73.10(7)(a) or 73.10A(3)(a)"; and

(b) in the entry for where an application for an attachment of earnings order is made and costs are allowed, for "CCR Order 27 rule 9", substitute "rule 89.10".

Amendments to Part 47

10. In rule 47.6, in paragraph (2), for "and the bill" substitute ", the bill and, if a costs management order has been made, the breakdown".

Amendments to Part 66

11. In rule 66.6(1)—

(a) in subparagraph (a), for "83 and 84" substitute "83, 84 and 89".

(b) in subparagraph (c), for "Orders 27 and", substitute "Order".

Amendments to Part 70

12. In rule 70.1, in the words in parentheses following subparagraph (1), for "83, and 84, and Schedule 2 CCR Orders 27 and 28" substitute "83, 84 and 89, and Schedule 2 CCR Order 28".

13. In rule 70.5—

(a) in paragraph (2A), for "83, and 84, and Schedule 2 CCR Orders 27 and 28", substitute "83, 84 and 89, and Schedule 2 CCR Order 28"; and

(b) in paragraph (4)(b), after "unless", insert "an enactment, rule or practice direction provides otherwise or".

Amendments to Part 73

14. For rules 73.1 to 73.10, substitute rules 73.1 to 73.10C as set out in Schedule 1 to these Rules.

15. In the Table of Contents for Part 73, for the entries for rules 73.1 to 73.10, substitute—

Scope of this Part and interpretation	Rule 73.1
Section I Charging Orders	
Scope of this Section	Rule 73.2
Application for charging order	Rule 73.3
Interim charging order – County Court Money Claims Centre	Rule 73.4
Review of a decision made by a court officer	Rule 73.5
Interim charging order – venues other than the County Court Money Claims Centre	Rule 73.6
Service of interim order	Rule 73.7
Effect of interim order in relation to securities	Rule 73.8
Effect of interim charging order in relation to funds in court	Rule 73.9
Further consideration of the application where interim charging order was made at the County Court Money Claims Centre and has not been transferred under rule 73.4(6) for a hearing	Rule 73.10
Further consideration of the application where interim charging order was made other than at the County Court Money Claims Centre, or has been transferred out of that Centre under rule 73.4(6)	Rule 73.10A
Discharge or variation of order	Rule 73.10B
Enforcement of charging order by sale	Rule 73.10C

16. In rule 73.12(3)(b)(ii), for "73.5(1)(d)", substitute "73.7(7)(f)".

17. In rule 73.17, in the words in parenthesis following subparagraph (1), for "73.8(3)" substitute "73.10(8) or 73.10A(4)".

Amendments to Part 75

18. For rule 75.6(d), substitute—

"(d) Part 89.".

19. In rule 75.10, for "Parts 71, 72 or 73 or CCR Order 27", substitute "Parts 71, 72, 73 or 89".

Insertion of new Part 89

20. After Part 88, insert new Part 89 as set out in Schedule 2 to these Rules.

RSC Order 115

21. In RSC Order 115 rule 4(4), for "73.5(1)(c) to (e)" substitute "73.7(7)(e) to (g)".

CCR Order 27 – Attachment of Earnings

22. Omit CCR Order 27 – Attachment of Earnings.

Transitional provisions

23. The amendments made by rules 4 and 6 apply to proceedings commenced on or after 6th April 2016.

24. The amendments made by rules 9(a), 14 to 17 and 21 apply to applications for charging orders made on or after the 6th April 2016.

25. The amendments made by rules 9(b), 11, 12, 13(a), 18, 19, 20 and 22 apply to applications for attachment of earnings orders made on or after the 6th April 2016.

26. The amendment made by rule 13(b) applies to applications for charging orders or attachment of earnings orders made on or after 6th April 2016.

The Right Honourable Lord Dyson, MR
Michael Briggs, LJ
Mr Justice Birrs
Mr Justice Coulson
Master Roberts
His Honour Judge Martin McKenna
District Judge Michael Hovington
District Judge Christopher Lethem
Edward Pepperall QC
Richard Viney
Andrew Underwood
Kate Wellington

I allow these Rules
Signed by authority of the Lord Chancellor

Edward Faulks
Minister of State
Ministry of Justice

23rd February 2016