STATUTORY INSTRUMENTS

2015 No. 1569 (L. 20)

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

The Civil Procedure (Amendment No. 4) Rules 2015

Made - - - - *22nd July 2015*

Laid before Parliament *24th July 2015*

Coming into force in accordance with rule 1

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.—(1) These Rules may be cited as the Civil Procedure (Amendment No. 4) Rules 2015.

(2) These Rules come into force on 1st October 2015, except as provided in paragraph (3).

(3) Rules 9 and 10 of these Rules come into force on the day on which, and immediately after, section 91 of the Criminal Justice and Courts Act 2015(**2**) comes into force.

(4) 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 the Civil Procedure Rules 1998

2. The Civil Procedure Rules 1998 are amended in accordance with rules 3 to 11.

Amendment of Part 3 Table of Contents

3. In the Table of Contents for Part 3, after the entry for rule 3.1, insert the following entry—

(**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**) 2015 c. 2.

(**3**) S.I. 1998/3132, to which there are relevant amendments in S.I. 2006/1689, S.I. 2008/3327, S.I. 2009/3390, S.I. 2013/262 and S.I. 2014/2044.

"Case management – unrepresented parties	Rule 3.1A".

Amendment of rule 3.1

4. In rule 3.1(2)(m), after "objective" insert ", including hearing an Early Neutral Evaluation with the aim of helping the parties settle the case".

Insertion of new rule 3.1A

5. After rule 3.1, insert—

"**Case management – unrepresented parties**

3.1A.—(1) This rule applies in any proceedings where at least one party is unrepresented.

(2) When the court is exercising any powers of case management, it must have regard to the fact that at least one party is unrepresented.

(3) Both the parties and the court must, when drafting case management directions in the multi-track and fast track, take as their starting point any relevant standard directions which can be found online at www.justice.gov.uk/courts/procedure-rules/civil and adapt them as appropriate to the circumstances of the case.

(4) The court must adopt such procedure at any hearing as it considers appropriate to further the overriding objective.

(5) At any hearing where the court is taking evidence this may include—

(a) ascertaining from an unrepresented party the matters about which the witness may be able to give evidence or on which the witness ought to be cross-examined; and

(b) putting, or causing to be put, to the witness such questions as may appear to the court to be proper.".

Amendment of rule 5.4D

6. After rule 5.4D, insert the following words in parentheses—

"(Rules 5.4, 5.4B and 5.4C are disapplied by rules 76.34, 79.30, 80.30, 82.18 and 88.33; and rule 5.4C is disapplied, and rule 5.4B applied subject to court order, by paragraph 23 of Practice Direction 8A.)".

Amendment of rule 7.4

7. In rule 7.4, in paragraph (3), for "separately from the claim form in accordance with paragraph (1)(b)," substitute ", then unless a copy of the particulars has already been filed,".

Amendment of rule 47.6

8. In rule 47.6, in paragraph (1)—

(a) at the end of sub-paragraph (a), omit "and"; and

(b) at the end of sub-paragraph (b), insert—

"; and

(c) if a costs management order has been made, a breakdown of the costs claimed for each phase of the proceedings".

Amendment of Part 52 Table of Contents

9. In the Table of Contents for Part 52, after the entry for rule 52.15A, insert the following entry—

"Planning statutory review appeals	Rule 52.15B".

Insertion of new rule 52.15B

10. After rule 52.15A, insert—

"**Planning statutory review appeals**

52.15B.—(1) Where permission to apply for a planning statutory review has been refused at a hearing in the High Court, the person seeking that permission may apply to the Court of Appeal for permission to appeal (see Part 8 and Practice Direction 8C).

(2) Where permission to apply for a planning statutory review has been refused and recorded as totally without merit in accordance with rule 23.12—

(a) the claimant may apply to the Court of Appeal for permission to appeal;

(b) the application will be determined on paper without an oral hearing.

(3) An application in accordance with paragraph (1) or (2) must be made within 7 days of the decision of the High Court to refuse to give permission to apply for a planning statutory review or, in the case of an application under paragraph (2), within 7 days of service of the order of the High Court refusing permission to apply for a planning statutory review.

(4) On an application under paragraph (1) or (2) the Court of Appeal may, instead of giving permission to appeal, give permission to apply for a planning statutory review.

(5) Where the Court of Appeal gives permission to apply for a planning statutory review in accordance with paragraph (4), the case will proceed in the High Court unless the Court of Appeal orders otherwise.".

Insertion of new Part 63A

11. After Part 63, insert Part 63A as set out in the Schedule to these Rules.

The Right Honourable Lord Dyson, MR
Stephen Richards, LJ
Mr Justice Birss
His Honour Judge Martin McKenna
Edward Pepperall QC
Richard Viney
Andrew Underwood
Tim Lett