STATUTORY INSTRUMENTS

2015 No. 670 (L. 9)

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

The Civil Procedure (Amendment No. 2) Rules 2015

Made - - - - *12th March 2015*

Laid before Parliament *13th March 2015*

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 that Act, makes the following Rules:

Citation, commencement and interpretation

1. These Rules may be cited as the Civil Procedure (Amendment No. 2) Rules 2015.

2.—(1) These Rules come into force on 5th April 2015, except as provided in paragraphs (2) and (3).

(2) Rule 5 of these Rules comes into force on 6th April 2015.

(3) Rules 6 and 12(1) of these Rules comes into force on the day on which, and immediately after, section 87 of the Criminal Justice and Courts Act 2015(**2**) comes into force.

(4) Rules 7 to 10 and 12(2) of these Rules come into force on the day on which, and immediately after, section 84 of the Criminal Justice and Courts Act 2015 comes 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 the Civil Procedure Rules 1998

4. The Civil Procedure Rules 1998 are amended in accordance rules 5 to 10.

(**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**) 2015 c. 2.

(**3**) S.I. 1998/3132, to which there are relevant amendments in S.I. 2000/2092, S.I. 2013/262, S.I. 2013/1974.

5. In rule 46.4—

(a) in paragraph (3), before "Practice Direction 46" insert "paragraph (5) or in"; and

(b) after paragraph (4) insert—

"(5) Where the costs payable comprise only the success fee claimed by the child's or protected party's legal representative under a conditional fee agreement or the balance of any payment under a damages based agreement, the court may direct that—

(a) the assessment procedure referred to in rule 46.10 and paragraph 6 of Practice Direction 46 shall not apply; and

(b) such costs be assessed summarily.".

6. After rule 46.14, insert—

"V COSTS IN CLAIMS FOR JUDICIAL REVIEW

Claims for judicial review: costs against interveners

46.15.—(1) In this rule the terms "intervener" and "relevant party" have the same meaning as in section 87 of the Criminal Justice and Courts Act 2015 ("the 2015 Act").

(2) A relevant party may apply to the court for an order for an intervener to pay costs in accordance with section 87 of the 2015 Act.

(Section 87 of the 2015 Act applies to judicial review proceedings in the High Court and Court of Appeal.)

(Rule 54.17 makes provision for any person to be able to apply for permission to file evidence or make representations at the hearing of a judicial review.)"

7. After rule 54.8(4)(a)(i) insert—

"(ia) where the person filing it intends to contest the application for permission on the basis that it is highly likely that the outcome for the claimant would not have been substantially different if the conduct complained of had not occurred, set out a summary of the grounds for doing so; and"

8. After rule 54.8(5), insert—

"(Section 31(3C) of the Senior Courts Act 1981(**4**) requires the court, where it is asked to do so by the defendant, to consider whether the outcome for the claimant would have been substantially different if the conduct complained of had not occurred.)"

9. After rule 54.11(a), insert—

"(ai) any certificate (if not included in the order) that permission has been granted for reasons of exceptional public interest in accordance with section 31(3F) of the Senior Courts Act 1981; and"

10. After rule 54.11, insert—

"**Permission decision where court requires a hearing**

54.11A.—(1) This rule applies where the court wishes to hear submissions on—

(a) whether it is highly likely that the outcome for the claimant would not have been substantially different if the conduct complained of had not occurred; and if so

(b) whether there are reasons of exceptional public interest which make it nevertheless appropriate to give permission.

(**4**) 1981 c.54.