

2011 No. 1979 (L. 17)

SENIOR COURTS OF ENGLAND AND WALES

COUNTY COURTS, ENGLAND AND WALES

The Civil Procedure (Amendment No.2) Rules 2011

Made - - - - - *6th August 2011*

Laid before Parliament *11th August 2011*

Coming into force in accordance with rule 1

The Civil Procedure Rule Committee makes the following Rules in exercise of the power conferred by section 2 of the Civil Procedure Act 1997(a) to make rules of court under section 1 of that Act, after consulting in accordance with section 2(6)(a) of that Act—

Citation, commencement and interpretation

- 1.—(1) These Rules may be cited as the Civil Procedure (Amendment No.2) Rules 2011.
 - (2) Rules 3 and 5(a) shall come into force on 1st September 2011.
 - (3) Subject to paragraph (4), Rules 4 and 5(b) and (c) shall come into force on 1st October 2011.
 - (4) Rule 4 applies to offers to settle made in accordance with rule 36.2 on or after 1st October 2011.
2. 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(b).

Amendments to the Civil Procedure Rules 1998

3. In Part 6—
- (a) in rule 6.7—
 - (i) after paragraph(2)(a), insert—

“(aa) a solicitor acting for the defendant has notified the claimant in writing that the solicitor is instructed by the defendant to accept service of the claim form on behalf of the defendant at a business address within Scotland or Northern Ireland;”

; and
 - (ii) in the second set of parentheses at the end of the rule, for “2.3(7)”, substitute “2.3(7A)”;

(a) 1997 c.12. Section 2 was amended by the Constitutional Reform Act 2005 (c.4), section 15(1) and Schedule 4, Part 1, paragraphs 261, 263(1) and (2).

(b) S.I. 1998/3132. There are relevant amendments in S.I. 2006/3435, S.I. 2008/2178, S.I. 2008/3085, S.I. 2009/2092, S.I. 2009/3390, S.I. 2010/621, S.I. 2010/3038 and S.I. 2011/88.

- (b) in rule 6.8—
 - (i) after “Section IV of this Part” insert “, and except where any other rule or practice direction makes different provision”; and
 - (ii) in the first set of parentheses at the end of the rule, for “2.3(7)”, substitute “2.3(7A)”; and
 - (c) In rule 6.23, in the parentheses at the end of paragraph (2)—
 - (i) after “2.3(7)” insert “and (7A)”; and
 - (ii) for “paragraph 4(6)” substitute “paragraph 4(3A) and (6)”; and
 - (iii) for “paragraph 5.1(4)” substitute “paragraph 5.1(3A) and (4)”.
4. In Part 36, after rule 36.14(1) insert—
- “(1A) For the purposes of paragraph (1), in relation to any money claim or money element of a claim, “more advantageous” means better in money terms by any amount, however small, and “at least as advantageous” shall be construed accordingly.”.
5. In Part 79—
- (a) in rule 79.14C(2)(b), for “application” substitute “appeal”;
 - (b) in rule 79.23(1)—
 - (i) at the end of subparagraph (b)(ii) insert “or”; and
 - (ii) omit subparagraph (b)(iii); and
 - (c) omit rule 79.23(1A).

Neuberger of Abbotsbury, M.R.
Martin Moore-Bick, L.J.
Launcelot Henderson, J.
Master Barbara Fontaine
HHJ Stephen Stewart Q.C.
District Judge Robert Hill
District Judge Suzanne Burn
William Featherby Q.C.
Nicholas Bacon Q.C.
Edward Pepperall
Katy Peters
Amanda Stevens
Tim Lett

I allow these rules
Signed by authority of the Lord Chancellor

6th August 2011

J Djanogly
Parliamentary Under Secretary of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

These Rules amend the Civil Procedure Rules 1998 (“the Rules”)—

- in Part 6 of the Rules (service of documents), to enable the address of a solicitor in Scotland or Northern Ireland to be provided as an address for service, and to make further minor amendments consequential on changes made in Practice Directions to enable claimants in Scotland and Northern Ireland to issue claims through the Claim Production Centre, Money Claim Online and Possession Claims Online services;
- in Part 36 of the Rules (offers to settle) to clarify the meaning of “more advantageous” and “at least as advantageous” in relation to any money claim or money element of a claim where a court is required to determine whether a judgment equals or betters an offer to settle made by one of the parties; and
- in Part 79 of the Rules (proceedings under the Counter-Terrorism Act 2008 and proceedings under the Counter-Terrorism Act 2008 and Part 1 of the Terrorist Asset Freezing Etc. Act 2010), to correct a drafting error and to omit the obligation in rule 79.23 (search for, filing of and service of material) to file and serve material which the disclosing party does not rely upon, but which adversely affects the other party’s case.

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