

2020 No. 82 (L. 6)

SENIOR COURTS OF ENGLAND AND WALES

COUNTY COURT, ENGLAND AND WALES

The Civil Procedure (Amendment) Rules 2020

Made - - - - - *27th January 2020*

Laid before Parliament *3rd February 2020*

Coming into force in accordance with rule 1

The Civil Procedure Rule Committee, having power under section 2 of the Civil Procedure Act 1997(a) to make rules 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) Rules 2020 and, subject to paragraph (2), come into force on 6th April 2020.

(2) The amendments made by rules 4 and 9 come into force on 30th March 2020.

(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(b).

Amendments to the Civil Procedure Rules 1998

2. The Civil Procedure Rules 1998 are amended in accordance with rules 3 to 9 of these Rules.

Amendment of Part 12

3. In rule 12.3—

(a) in paragraph (1), after “if” insert “at the date on which judgment is entered”; and

(b) in paragraph (2)—

(i) in sub-paragraph (a), after “but” insert “at the date on which judgment is entered”;
and

(ii) in sub-paragraph (b), after “where” insert “at the date on which judgment is entered”.

(a) 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).

(b) S.I. 1998/3132. There are relevant amendments in S.I. 2000/2092, S.I. 2001/256, S.I. 2001/2792, S.I. 2009/3390, S.I. 2010/621, S.I. 2012/2208, S.I. 2013/262, S.I. 2014/407, S.I. 2014/867, S.I. 2016/234, S.I. 2016/788, S.I. 2017/950 and S.I. 2019/1118.

Amendment of Part 45

4. In rule 45.8, in Table 5, for the entry—

“On the making of a final charging order under rule 73.10(7)(a) or 73.10A(3)(a)”,
substitute—

“On the making of a final charging order under rule 73.10(6A)(a), 73.10(7)(a) or 73.10A(3)(a)”.

Amendment of Part 52

5.—(1) In rule 52.22(1), for “The” substitute “Unless the appeal court otherwise orders, the”.

(2) In rule 52.24(1)—

- (a) at the end of sub-paragraph (a), omit “or”;
- (b) at the end of sub-paragraph (b), insert “; or”; and
- (c) after sub-paragraph (b) insert—

“(c) a Fellow of the Chartered Institute of Legal Executives,”.

Amendment of Part 53

6. In rule 53.2(2), after “shall be” insert “nominated by the President of the Queen’s Bench Division to be”.

Amendment of Part 54

7. In rule 54.1A(1)—

- (a) at the end of sub-paragraph (a), omit “or”;
- (b) at the end of sub-paragraph (b), for the comma substitute “; or”; and
- (c) after sub-paragraph (b) insert—

“(c) a Fellow of the Chartered Institute of Legal Executives,”.

Amendment of Part 55

8.—(1) In rule 55.11—

- (a) in paragraph (1)(a), after “tenancy” insert “other than a demoted assured shorthold tenancy”;
- (b) in paragraph (1)(b)—
 - (i) omit “subject to rule 55.12(2)”; and
 - (ii) for “55.12(1)” substitute “55.12”; and
- (c) omit the words in parentheses at the end of the rule.

(2) For rule 55.12, substitute—

“**55.12.** The conditions referred to in rule 55.11(1)(b) are that—

- (a) the tenancy and any agreement for the tenancy were entered into on or after 28 February 1997;
- (b) the only purpose of the claim is to recover possession of the property and no other claim is made;
- (c) the tenancy did not immediately follow an assured tenancy which was not an assured shorthold tenancy;
- (d) the tenancy fulfilled the conditions provided by section 19A of the 1988 Act;

- (e) all the tenancies under which the defendant has occupied the property—
 - (i) were the subject of written agreements; or
 - (ii) arose by virtue of section 5 of the 1988 Act.”.

Amendment of Part 73

9.—(1) In the table of contents of Part 73, after the entry for rule 73.10, insert—

“Reconsideration of a decision made by a legal adviser	Rule 73.10ZA ”.
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(2) In rule 73.1(2)—

(a) after sub-paragraph (c) insert—

“(ca) “final charging order” means an order confirming that a charge imposed by an interim charging order continues;”; and

(b) after sub-paragraph (e) insert—

“(ea) “legal adviser” means a court officer assigned to the county court who is—

- (i) a barrister;
- (ii) a solicitor; or
- (iii) a Fellow of the Chartered Institute of Legal Executives,
who may exercise the jurisdiction of the county court with regard to matters set out in this Part to the extent specified in this Part, with the consent of the Designated Civil Judge for Greater Manchester, or their nominee;”.

(3) In rule 73.10—

(a) in paragraph (6), after “a judge” insert “or a legal adviser”;

(b) after paragraph (6) insert—

“(6A) When considering the application under paragraph (6), a legal adviser may only—

- (a) make a final charging order, if it provides that the charge imposed by the interim charging order is to continue without modification (except for the amount secured);
- (b) discharge the interim charging order and dismiss the application, if the applicant has requested it; or
- (c) refer the matter to a judge.

(6B) Decisions of a legal adviser are to be made without a hearing.”; and

(c) in paragraph (7), for “court” substitute “judge”.

(4) After rule 73.10 insert—

“Reconsideration of a decision made by a legal adviser

73.10ZA.—(1) Any interested person may request any decision of a legal adviser to be reconsidered by a District Judge.

(2) A request must be filed within 14 days after the interested person is served with a notice of the decision, or becomes aware of the decision.

(3) The request may include a summary of the issue and an explanation of why the reconsideration is sought.

(4) Reconsideration may take place without a hearing.

(5) When reconsidering the decision of the legal adviser, the District Judge may exercise any of the powers listed in rule 73.10(7).”.

(5) In rule 73.10B(1), after “rule” insert “73.10(6A) or”.

*The Right Honourable Sir Terence Etherton, MR
Lord Justice Coulson
Mr Justice Birss
Mr Justice Kerr
His Honour Judge Jarman QC
Master Cook
District Judge Cohen
District Judge Parker
John Dagnall
Brett Dixon
Andrew Underwood*

I allow these Rules
Signed by authority of the Lord Chancellor

Chris Philp
Parliamentary Under-Secretary of State for Justice
Ministry of Justice

27th January 2020

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Civil Procedure Rules 1998 (S.I. 1998/3132) by—

- amending rule 12.3 to clarify the meaning of the rule as being that an acknowledgment of service or a defence will be a bar to the entry of judgment in default so long as it is filed before judgment is entered;
- amending rule 52.22(1) to make it clear that the court may have a “rolled-up” hearing of both substantive issues and costs issues notwithstanding the general rule that a Part 36 offer (to settle the claim) should not to be referred to in the appeal proceedings until all issues other than costs have been determined;
- amending rule 52.24 and rule 54.1 to allow for court staff who are Fellows of the Chartered Institute of Legal Executives (as well as those who are barristers or solicitors) to be able to be authorised to perform certain functions of the court;
- amending rule 53.2 to make clear how the Judge in Charge of the Media and Communications List is appointed;
- amending rule 55.11 and substituting a revised rule for rule 55.12 to remove demoted tenancies and oral tenancy agreements, cases involving which are now rare, from the accelerated possession process;
- amending Part 73 to enable legal advisers (court officers with certain legal qualifications), in certain circumstances, to make final charging orders, discharge interim charging orders, or otherwise refer the matter to a judge. Decisions of a legal adviser may be reconsidered by a District Judge. The provisions replace Practice Direction 51T – The County Court Legal Advisers Pilot Scheme – Final Charging Orders. A consequential amendment is made to rule 45.8.

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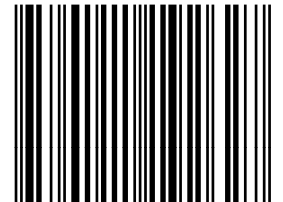
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