

126th UPDATE – PRACTICE DIRECTION AMENDMENTS

The amendments to the 107th Update are made by the Master of the Rolls under the powers delegated to him by the Lord Chief Justice under Schedule 2, Part 1, paragraph 2(2) of the Constitutional Reform Act 2005, and are approved by Alex Chalk MP, Parliamentary Under-Secretary of State for Justice, by the authority of the Lord Chancellor.

The amendments made by the 107th Update come into force on at the same time as the Civil Procedure Rules 1998 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/521)¹. The amendments to that Update made by this Update come into force on the day after this Update is approved.

The Right Honourable Sir Terence Etherton
Master of the Rolls and Head of Civil Justice

Signed by authority of the Lord Chancellor:

Alex Chalk MP
Parliamentary Under-Secretary of State for Justice
Ministry of Justice

Date: 19 December 2020

AMENDMENTS IN RELATION TO TRANSITIONAL PROVISION

1) In paragraph 4 of the Transitional Provision (transitional provision in relation to amendment of Practice Direction 52D), after sub-paragraph (a) insert—

“(b) The amendments made by this Update to paragraph 7.1(12) and (13) do not apply in relation to proceedings relating to competition described in paragraph 14(2) of Schedule 4 to the Competition (Amendment etc.) (EU Exit) Regulations 2019 which concern a matter in respect of which the European Commission has continued competence after IP completion day in accordance with Article 92 of the EU withdrawal agreement.”.

2) In paragraph 6 (transitional provision in relation to amendment of Practice Direction 52D), after sub-paragraph (a) insert—

¹ Regulation 1(1) of S.I. 2009/521 provides that it comes into force on exit day. By virtue of paragraph 1(1) of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020, that provision is to be read as providing for the instrument to come into force on IP completion day (11.00 p.m. on 31 December 2020).

“(b) The amendments made by this Update to paragraphs 5.2 and 5.3 do not apply in relation to proceedings relating to competition described in paragraph 14(2) of Schedule 4 to the Competition (Amendment etc.) (EU Exit) Regulations 2019 which concern a matter in respect of which the European Commission has continued competence after IP completion day in accordance with Article 92 of the EU withdrawal agreement.”.

3) After paragraph 6 insert—

“7) PRACTICE DIRECTION – APPLICATIONS FOR A WARRANT UNDER THE COMPETITION ACT 1989

a) The amendments made by this Update do not apply in relation to applications issued by virtue of paragraph 8C of Schedule 4 to the Competition (Amendment etc.) (EU Exit) Regulations 2019.”.

AMENDMENTS IN RELATION TO PRACTICE DIRECTION 31C – DISCLOSURE AND INSPECTION IN RELATION TO COMPETITION CLAIMS

1) In paragraph 1 of the amendments to Practice Direction 31C, in the words in parentheses inserted after paragraph 1.1(b) of that Practice Direction, for “pre-exit day” substitute “pre-IP completion day”.

AMENDMENTS IN RELATION TO PRACTICE DIRECTION 52D – STATUTORY APPEALS AND APPEALS SUBJECT TO SPECIAL PROVISIONS

1) In paragraph 4(d)(ii) of the amendments to Practice Direction 52D, in the second set of words substituted in paragraph 7.1(3) of that Practice Direction, for “Victoria House, Southampton Row, London WC1B 4AD” substitute “The Cabot, 25 Cabot Square, London, E14 4QZ”.

AMENDMENTS IN RELATION TO PRACTICE DIRECTION – COMPETITION LAW – CLAIMS RELATING TO THE APPLICATION OF ARTICLES 81 AND 82 OF THE EC TREATY AND CHAPTERS I AND II OF PART I OF THE COMPETITION ACT 1998

1)) In paragraph 8(b) of the amendments to the Practice Direction – Competition Law – Claims Relating to the Application of Articles 81 and 82 of the EC Treaty and Chapters I and II of Part I of the Competition Act 1998, in the second set of words substituted in paragraph 3 of that Practice Direction, for “Victoria House, Southampton Row, London WC1B 4AD” substitute “The Cabot, 25 Cabot Square, London, E14 4QZ”.

AMENDMENTS IN RELATION TO PRACTICE DIRECTION – APPLICATION FOR A WARRANT UNDER THE COMPETITION ACT 1998

- 1) Omit paragraph 1 of the amendments to the Practice Direction – Application for a Warrant under the Competition Act 1988 (“the Warrants PD”).
- 2) In paragraph 2 of the amendments to the Warrants PD—
 - a) in sub-paragraph (d) omit “and “and” at the end”;
 - b) omit sub-paragraph (e);
 - c) omit sub-paragraph (f)(ii).
- 3) Omit paragraph 4 of the amendments to the Warrants PD.
- 4) In paragraph 5 of the amendments to the Warrants PD, omit sub-paragraph (a).
- 5) Omit paragraph 6 of the amendments to the Warrants PD.
- 6) Omit paragraph 8(b) of the amendments to the Warrants PD.
- 7) In paragraph 9 of the amendments to the Warrants PD, omit—
 - a) sub-paragraph (a)(ii); and
 - b) sub-paragraph (c).
- 8) Omit paragraph 11 of the amendments to the Warrants PD.
- 9) Omit paragraph 13 of the amendments to the Warrants PD.