

133rd UPDATE – PRACTICE DIRECTION AMENDMENTS

The amendments to the Practice Directions which supplement the Civil Procedure Rules 1998 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 Lord Wolfson of Tredegar QC, Parliamentary Under-Secretary of State for Justice, by the authority of the Lord Chancellor.

The amendments to the existing Practice Directions come into force as follows, subject to the transitional provision made in this update—	
Practice Direction 4 – Forms	1 October 2021
Practice Direction 5B – Communication and Filing of Documents by e-mail	1 October 2021
Practice Direction 25B – Interim Payments	1 October 2021
Practice Direction 51O – Electronic Working Pilot Scheme	18 July 2021
Practice Direction 51U – Disclosure Pilot for the Business and Property Courts	1 October 2021
Practice Direction 52B – Appeals in the County Court and the High Court	1 October 2021
Practice Direction 52D – Statutory Appeals and Appeals Subject to Special Provision	1 October 2021
Practice Direction 55C – Coronavirus: Temporary Provision In Relation To Possession Proceedings	18 July 2021
Practice Direction 56 – Landlord and Tenant Claims and Miscellaneous Provisions About Land	1 October 2021
Practice Direction 61 – Admiralty Claims	1 October 2021
Practice Direction 70 – Enforcement of Judgments and Orders	1 October 2021
Practice Direction 74A – Enforcement of Judgments in Different Jurisdictions	1 October 2021

The Right Honourable Sir Geoffrey Vos
Master of the Rolls and Head of Civil Justice

Signed by authority of the Lord Chancellor:

Lord Wolfson of Tredegar QC

Parliamentary Under-Secretary of State for Justice

Ministry of Justice

Date: 16th July 2021

PRACTICE DIRECTION 4 – FORMS

- 1) In Annex A, in the section headed “ENFORCEMENT”, in the list of forms headed “Orders to obtain information”, after the entry for Form N40B(CC) insert—

“Form N79A Suspended committal order for disobedience (order to attend court for questioning)”.

PRACTICE DIRECTION 5B – COMMUNICATION AND FILING OF DOCUMENTS BY E-MAIL

- 1) In paragraph 2.3(a), for paragraphs (i) and (ii) substitute—

“(i) both—

(aa) provide a Fee Account number which the party has authority to charge for the applicable fee; and

(bb) authorise the court to charge the applicable fee to that Account; or

(ii) outline the preferred method of payment (credit or debit card) and provide the court with a contact number to take payment over the telephone.”.

- 2) In paragraph 2.4, for sub-paragraphs (a) and (b) substitute—

“(a) the sender has not complied with paragraph 2.2;

(b) a fee is payable pursuant to paragraph 2.3(a) and—

(i) the sender has not complied with paragraph 2.3(a); or

(ii) the sender has complied with paragraph 2.3(a) but the court has not been able to charge or take the fee; or

(c) the sender has not complied with paragraph 2.3(b) to (d).”

PRACTICE DIRECTION 25B – INTERIM PAYMENTS

1) In paragraph 4.1—

a) in sub-paragraph (3), for “36.15(1)(c)” substitute “36.22(1)(c)”;

b) in the full-out words after sub-paragraph (3), for “36.15(1)(e)” substitute “36.22(1)(e)”.

2) In paragraph 4.3, for “36.15(1)(d)” substitute “36.22(1)(d)”

PRACTICE DIRECTION 51O – ELECTRONIC WORKING PILOT SCHEME

1) In paragraph 1.1(1)(b)—

a) at the end of sub-paragraph (iii), omit “and”;

b) at the end of sub-paragraph (iv), omit “and”; and

c) after sub-paragraph (iv) insert—

“(v) the District Registries of the Queen’s Bench Division situated in Birmingham, Bristol, Leeds, Liverpool, Manchester, Newcastle and Cardiff (“QB DRs”); and

(vi) the Court of Appeal (Civil Division).”.

2) In paragraph 1.1(1)(c)—

a) at the end of sub-paragraph (iii), omit “and”;

b) at the end of sub-paragraph (iv), for the full stop substitute a semi-colon; and

c) after sub-paragraph (iv) insert—

“(v) in the QB DRs, to proceedings commenced after 19 July 2021 and will not apply to existing proceedings unless otherwise ordered by the court; and

(vi) to existing proceedings and proceedings started on or after 22 November 2021 in the Court of Appeal (Civil Division).”

- 3) In paragraph 1.1(2), omit the hyperlink at the end.
- 4) In paragraph 1.2(2), in the list of provisions of the CPR—
 - a) at the start of the list insert “Part 8 (alternative procedure for claims); and
 - b) after the entry for Part 49, insert “Part 52 (Appeals)”.
- 5) In paragraph 1.2(4), for “will also need to” substitute “should also (as appropriate)”.
- 6) In paragraph 1.2(5), after Practice Direction 5B,” insert “or Practice Direction 52C,”.
- 7) For paragraphs 2.2 to 2.2E substitute—

“2.2 Electronic Working applies to and may be used to start and/or continue (subject to the provisions in paragraph 1.1(1)(c)) CPR Part 7, Part 8 and Part 20 claims, pre-action applications including applications under rule 31.16, insolvency proceedings, and arbitration claims in the Rolls Building Jurisdictions, the B&PCs District Registries, the Central Office of the Queen’s Bench Division, QB DRs and detailed assessment proceedings and Part 8 claims in the Costs Office and applications for permission to appeal and appeals in the Court of Appeal (Civil Division).

2.2A In the Rolls Building Jurisdictions from 1 October 2017—

(a) for a party who is legally represented, Electronic Working must be used by that party to start and/or continue any relevant claims or applications; and

(b) for a party who is not legally represented, Electronic Working may be used by that party to start and/or continue any relevant claims or applications.

2.2B In the Central Office of the Queen’s Bench Division—

(a) from 1 January 2019, for a party who is legally represented, as well as for a party who is not legally represented, Electronic Working may be used by that party to start and/or continue any relevant claims or applications; and

(b) from 1 July 2019, for a party who is legally represented, Electronic Working must be used by that party to start and/or continue any relevant claims or applications.

2.2C In the B&PCs District Registries from 25 February 2019, for a party who is legally represented, as well as for a party who is not legally represented, Electronic Working may be used by that party to start and/or continue any relevant claims or applications.

2.2D In the B&PCs District Registries from 30 April 2019, for a party who is legally represented, Electronic Working must be used by that party to start and/or continue any relevant claims or applications.

2.2E In the Costs Office from 7 October 2019, for a party who is legally represented, as well as for a party who is not legally represented, Electronic Working may be used by that party to start and/or continue any relevant claims, detailed assessment proceedings or applications.

2.2F In the Costs Office from 20 January 2020, for a party who is legally represented, Electronic Working must be used by that party to start and/or continue any relevant claims, detailed assessment proceedings or applications.

2.2G In the QB DRs from 19 July 2021, for a party who is legally represented, as well as for a party who is not legally represented, Electronic Working may be used by that party to start and/or continue any relevant claims or applications.

2.2H In the QB DRs from 18 October 2021 for a party who is legally represented, Electronic Working must be used by that party to start and/or continue any relevant claims or applications.

2.2I In the Court of Appeal (Civil Division) from 22 November 2021, for a party who is legally represented, as well as for a party who is not legally represented, Electronic Working may be used by that party to start and/or continue any appeals or applications.

2.2J In the Court of Appeal (Civil Division) from 17 January 2022, for a party who is legally represented, Electronic Working must be used by that party to start and/or continue any relevant appeals or applications.”

8) In paragraph 2.4—

a) after “Queen’s Bench Division” insert “, QB DRs”; and

b) after “Costs Office” insert “, and the Court of Appeal (Civil Division)”.

9) In paragraph 3.4(2), for “Master or Registrar” substitute “Master, Registrar, District Judge or court officer authorised to exercise the jurisdiction of the Court of Appeal (as defined in rule 52.24)”.

10) In paragraph 5.4(6), after “claim form” insert “, appeal notice,”.

- 11) In paragraph 5.5, for “or the Costs Office” substitute “QB DRs, the Costs Office, or the Court of Appeal (Civil Division)”.
- 12) In paragraph 7.1, after “claim form” in both places where it appears, insert “, appeal notice”.
- 13) In paragraph 8.1, after “claim form” insert “, appeal notice”.
- 14) In paragraph 8.2, for “or the Costs Office” substitute “QB DRs, the Costs Office, or the Court of Appeal (Civil Division)”.
- 15) In paragraph 9.3, for “or the Costs Office” substitute “QB DRs, the Costs Office, or the Court of Appeal (Civil Division)”.
- 16) In paragraph 10.2(a), for “unless ordered otherwise” substitute “unless otherwise stated either by order or in a practice direction”.
- 17) At the beginning of paragraph 10.3(b), insert “either (i) comply with the formatting requirements of any rule, practice direction, order of the court or relevant Court guide; or (ii) where no relevant requirements within (i) apply,”
- 18) For paragraph 10.4 substitute—
- 19) “**10.4** Where the application bundle is also provided in paper format that must be indexed and paginated so as to correspond exactly to the electronic version of the bundle.”.
- 20) After paragraph 13.4 insert—

“Bundles in the Court of Appeal (Civil Division)

14.1 A bundle in support of an application for permission to appeal may be filed using Electronic Working providing the bundle complies with the requirements at paragraph 10.3.

14.2 If a bundle in support of an application for permission to appeal is filed in paper format the court may order an electronic version also to be filed.

14.3 Bundles for appeal hearings must be filed with the court in paper format.

14.4 An electronic version of the appeal bundle must also be filed if the court so orders, in which case it must comply with the requirements of paragraph 10.3 and the paper copy must comply with paragraph 10.4.

14.5 The court will retain any electronic copy bundles for a period of 2 (two) months after judgment has been delivered, after which they may be deleted.

14.6 The time in paragraph 14.5 may be extended by order of the court at the request of a party or on the court’s own initiative.”

- 21) The following are renumbered—

- a) Paragraphs 14.1 to 14.4 are renumbered as paragraphs 15.1 to 15.4;
- b) Paragraphs 15.1 and 15.2 are renumbered as paragraphs 16.1 and 16.2;
- c) Paragraph 16 is renumbered as paragraph 17; and
- d) Paragraph 17 is renumbered as paragraph 18.

PRACTICE DIRECTION 51U – DISCLOSURE PILOT FOR THE BUSINESS AND PROPERTY COURTS

- 1) In paragraphs 1.1 and 1.6, for “three” where it occurs substitute “four”.
- 2) For paragraph 9.2 substitute—

“**9.2** In a case where no order for Extended Disclosure is made in respect of a party on any Issue for Disclosure, that party must still disclose all known adverse documents within 60 days of the first case management conference and provide a Disclosure Certificate certifying that this has been done.”

PRACTICE DIRECTION 52B – APPEALS IN THE COUNTY COURT AND THE HIGH COURT

- 1) Omit paragraph 3.1 of Practice Direction 52B.

PRACTICE DIRECTION 52D – STATUTORY APPEALS AND APPEALS SUBJECT TO SPECIAL PROVISION

- 1) For paragraph 27A.1(2)(c) substitute—

“(c) any of sections 59, 97, 101 or 105 of the Welsh Language (Wales) Measure 2011.”

PRACTICE DIRECTION 55C – CORONAVIRUS: TEMPORARY PROVISION IN RELATION TO POSSESSION PROCEEDINGS

- 1) In paragraph 1.1, for “30 July 2021” substitute “30 November 2020”.

PRACTICE DIRECTION 56 – LANDLORD AND TENANT CLAIMS AND MISCELLANEOUS PROVISIONS ABOUT LAND

- 1) Omit paragraph 6.1.
- 2) Omit paragraph 13.3.
- 3) In consequence of the omission of paragraph 13.3, paragraphs 13.4, 13.5 and 13.6 are renumbered as paragraphs 13.3, 13.4 and 13.5 respectively.
- 4) Omit paragraph 14.6.
- 5) In consequence of the omission of paragraph 14.6, paragraph 14.7 is renumbered as paragraph 14.6.
- 6) In paragraph 15.1—
 - a) In sub-paragraph (2)—
 - i) at the end of paragraph (a), omit “and”;
 - ii) at the end of paragraph (b), for the full stop substitute “; and”; and
 - iii) after paragraph (b) insert—

“(c) copies of all orders and other entries in the records of the court relating to the question.”; and
 - iv) for the words in parentheses at the end of the paragraph substitute—

“(Paragraph 15.1 applies to proceedings in Wales but does not apply to proceedings in England.)”.
- 7) After paragraph 15.1 insert—

“Transfer to the First-tier Tribunal under the Commonhold and Leasehold Reform Act 2002

16.1 If a question is ordered to be transferred to the First-tier Tribunal for determination under section 176A of the Commonhold and Leasehold Reform Act 2002, the court will—

- (1) send notice to all parties to the claim; and
- (2) send to the First-tier Tribunal—
 - (a) the order for transfer;
 - (b) all documents filed in the claim relating to the question; and
 - (c) copies of all orders and other entries in the records of the court relating to the question.

(Paragraph 16.1 applies to proceedings in England but does not apply to proceedings in Wales.)”

PRACTICE DIRECTION 61 – ADMIRALTY CLAIMS

1) After paragraph 1.1 insert—

“**1.2** Practice Direction 57AC (Witness Evidence at Trial) applies to witness statements for use at trials in admiralty claims (including claims in rem, collision claims, and limitation claims) in the Admiralty Court, notwithstanding that such claims are not proceedings under CPR Part 7 or Part 8. It applies to proceedings in the Admiralty Court whenever begun, but only to trial witness statements signed on or after 1 October 2021.

(Rule 61.1(2) defines an ‘admiralty claim’ as a claim within the Admiralty jurisdiction of the High Court as set out in section 20 of the Senior Courts Act 1981.)”

2) In paragraph 9.3, for “An” substitute “Unless the Admiralty Judge orders otherwise, an”.

PRACTICE DIRECTION 70 – ENFORCEMENT OF JUDGMENTS AND ORDERS

1) Practice Direction 70 is renumbered as Practice Direction 70A.

PRACTICE DIRECTION 74A – ENFORCEMENT OF JUDGMENTS IN DIFFERENT JURISDICTIONS

1) Omit Section II of Practice Direction 74A.