

61st UPDATE – PRACTICE DIRECTION AMENDMENTS

The new Practice Directions and the amendments to the existing Practice Directions supplementing 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 _____, Parliamentary Under Secretary of State, by the authority of the Lord Chancellor.

The new Practice Directions and amendments to the existing Practice Directions, and the amendments to the Pre-Action Protocols come into force as follows—	
Practice Direction 3F – Costs Capping	1 st April 2013
Practice Direction 51H – the Mediation Service Pilot Scheme	1 st April 2013
Practice Direction 51I – the Second Mediation Service Pilot Scheme	1 st April 2013

The Right Honourable The Lord Dyson
Master of the Rolls and Head of Civil Justice

Signed by authority of the Lord Chancellor:

Parliamentary Under Secretary of State
Ministry of Justice

PRACTICE DIRECTION 3F – COSTS CAPPING

- 1) In Practice Direction 3F—
 - a) in paragraph 2, for “this Practice Direction” substitute “Practice Direction 3E – Costs Management”; and
 - b) omit Precedent H that is annexed to the Practice Direction.

PRACTICE DIRECTION 51H – THE MEDIATION SERVICE PILOT SCHEME

- 2) Omit Practice Direction 51H – The Mediation Service Pilot Scheme.

PRACTICE DIRECTION 51I – THE SECOND MEDIATION SERVICE PILOT SCHEME

- 3) After Practice Direction 51G, insert Practice Direction 51I – The Second Mediation Service Pilot Scheme, as set out in Annex A to this Update.

ANNEX A

PRACTICE DIRECTION 51I - THE SECOND MEDIATION SERVICE PILOT SCHEME

This Practice Direction supplements CPR Part 26

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1. Scope and interpretation

1.1 In this Practice Direction –

- (a) “the CCMCC” means the County Court Money Claims Centre;
- (b) “MCOL” means Money Claim Online; and
- (c) “the Mediation Service” means the Small Claims Mediation Service operated by Her Majesty’s Courts and Tribunals Service.

1.2 This Practice Direction is made under rule 51.2. It provides for a pilot scheme (“the Second Mediation Service Pilot Scheme”) to operate in the CCMCC, the Production Centre and MCOL for a period of 6 months from 1 April to 30 September 2013.

1.3 The Second Mediation Service Pilot Scheme will apply to claims issued at the CCMCC, the Production Centre or MCOL if—

- (a) the claim is one which would normally be allocated to the small claims track pursuant to rule 26.6; and
- (b) the directions questionnaires are filed, as appropriate, at the CCMCC, the Production Centre or MCOL, within the 6 month period of the pilot.

1.4 This pilot scheme will not apply to—

- (a) road traffic accident, personal injury or housing disrepair claims; or
- (b) any claim in which any party to the proceedings does not agree to referral to the Mediation Service.

2. Referral to the Mediation Service

2.1 Where all parties indicate on their directions questionnaire that they agree to mediation, the claim will be referred to the Mediation Service.

3. Modifications of Relevant Rules and Practice Directions

3.1 The following modifications will apply during the operation of the Mediation Service Pilot Scheme.

Production Centre

3.2 In Practice Direction 7C—

- (a) paragraph 1.3(2) is modified to provide that the functions of the Production Centre will include—
 - (i) the handling of directions questionnaires; and
 - (ii) provisionally deciding the track which appears to be most suitable for the claim; and
- (b) paragraph 1.3(2)(e) is modified by substituting for the words “following the filing of a defence”, the words “if all parties have filed their directions questionnaires”.

Money Claim Online

3.3 In Practice Direction 7E, paragraph 12.1(3) is modified by substituting the following—

“(3) if a defence is filed to all or part of the claim, when all parties have filed their directions questionnaires;”

Allocation to track where the Second Mediation Service Pilot Scheme applies

3.4 Rule 26.5(1) is modified to provide that if—

- (a) a claim is referred to the Mediation Service under this pilot scheme; and
- (b) the CCMCC, the Production Centre or MCOL has not been notified in writing that a settlement has been agreed,
the claim will be allocated to a track in accordance with rule 26.5 no later than four weeks from the date on which the last directions questionnaire is filed.

4. Stay of claims following settlement under the Second Mediation Service Pilot Scheme

4.1 If a claim to which this pilot scheme applies is settled, the proceedings will automatically be stayed with liberty to apply for the purpose of carrying into effect the settlement agreement, unless the parties have agreed that the claim is to be dismissed or discontinued.