



Civil Procedure Act 1997

1997 CHAPTER 12

Rules and directions

1 Civil Procedure Rules.

- (1) There are to be rules of court (to be called “Civil Procedure Rules”) governing the practice and procedure to be followed in—
 - (a) the civil division of the Court of Appeal,
 - (b) the High Court^[F1] except in relation to its jurisdiction under the Extradition Act 2003], and
 - (c) ^[F2] the county court].
- (2) Schedule 1 (which makes further provision about the extent of the power to make Civil Procedure Rules) is to have effect.
- (3) The power to make Civil Procedure Rules is to be exercised with a view to securing that the civil justice system is accessible, fair and efficient.

Textual Amendments

- F1** Words in s. 1(1)(b) inserted (6.10.2014) by [Anti-social Behaviour, Crime and Policing Act 2014](#) (c. 12), **ss. 174(2)**, 185(1) (with [ss. 21, 33, 42, 58, 75, 93](#)); [S.I. 2014/2454](#), art. 4
- F2** Words in s. 1(1)(c) substituted (22.4.2014) by [Crime and Courts Act 2013](#) (c. 22), s. 61(3), **Sch. 9 para. 67(a)**; [S.I. 2014/954](#), art. 2(c) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

Modifications etc. (not altering text)

- C1** S. 1: power to make rules of court extended (25.3.2002) by [1979 c. 53, s. 5\(2\)](#) (as substituted 25.3.2002 by [S.I. 2002/439, art. 5\(a\)](#))

[F3]2A Power to change certain requirements relating to Committee

- (1) The Lord Chancellor may by order—

Status: Point in time view as at 22/11/2018.

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- [^{F4}(a) amend section 2(2), (3) or (4), and]
 - (b) make consequential amendments in any other provision of section 2.
- [^{F5}(2) The Lord Chancellor may make an order under this section only with the concurrence of the Lord Chief Justice.
- (2A) Before making an order under this section the Lord Chancellor must consult the following persons—
- (a) the Head of Civil Justice;
 - (b) the Deputy Head of Civil Justice (if there is one).
- (2B) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.]
- (3) The power to make an order under this section is exercisable by statutory instrument.
- (4) A statutory instrument containing such an order is subject to annulment in pursuance of a resolution of either House of Parliament.]

Textual Amendments

- F3** S. 2A inserted (26.1.2004) by Courts Act 2003 (c. 39), ss. 84, 110(1); S.I. 2003/3345, art. 2(b)(ix)
- F4** S. 2A(1)(a) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148(1), Sch. 4 para. 264(2); S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(v)
- F5** S. 2A(2)(2A)(2B) substituted (3.4.2006) for s. 2A(2) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148(1), Sch. 4 para. 264(3); S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(v)

2 Rule Committee.

- [^{F6}(1) Civil Procedure Rules are to be made by a committee known as the Civil Procedure Rule Committee, which is to consist of the following persons—
- (a) the Head of Civil Justice;
 - (b) the Deputy Head of Civil Justice (if there is one);
 - (c) the persons currently appointed in accordance with subsections (1A) and (1B).
- (1A) The Lord Chief Justice must appoint the persons falling within paragraphs (a) to (d) of subsection (2).
- (1B) The Lord Chancellor must appoint the persons falling within paragraphs (e) to (g) of subsection (2).]
- (2) [^{F7}The persons to be appointed in accordance with subsections (1A) and (1B) are]
- [^{F8}(a) either two or three judges of the [^{F9}Senior Courts],]
 - (b) one Circuit judge,
 - [^{F10}(c) either one or two district judges]
 - [^{F11}(ca) one person who is a judge of the Senior Courts, a Circuit judge or a district judge and who has particular experience of the law applicable in Wales,]
 - (d) one person who is a Master referred to in Part II of Schedule 2 to the ^{M1}[^{F12}Senior Courts Act 1981],

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- (e) three persons who have a [^{F9}Senior Courts] qualification (within the meaning of section 71 of the ^{M2}Courts and Legal Services Act 1990), including at least one with particular experience of practice in [^{F13} the county court],
 - (f) three persons who have been [^{F14}authorised by a relevant approved regulator] to conduct litigation in relation to all proceedings in the [^{F9}Senior Courts], including at least one with particular experience of practice in [^{F13} the county court], [^{F15}and
 - (g) two persons with experience in and knowledge of the lay advice sector or consumer affairs.]
- [^{F16}(2A) In subsection (2)(f) “ relevant approved regulator ” is to be construed in accordance with section 20(3) of the Legal Services Act 2007.]
- [^{F17}(3) Before appointing a person in accordance with subsection (1A), the Lord Chief Justice must consult the Lord Chancellor.]
- (4) Before appointing a person [^{F18}in accordance with subsection (1B), the Lord Chancellor must consult the Lord Chief Justice and, if the person falls within paragraph (e) or (f) of subsection (2), must also consult] any body which—
 - (a) has members who are eligible for appointment under that paragraph, and
 - (b) is an authorised body for the purposes of section 27 or 28 of the Courts and Legal Services Act 1990.
 - (5) The Lord Chancellor may reimburse the members of the Civil Procedure Rule Committee their travelling and out-of-pocket expenses.
 - (6) The Civil Procedure Rule Committee must, before making or amending Civil Procedure Rules—
 - (a) consult such persons as they consider appropriate, and
 - (b) meet (unless it is inexpedient to do so).
 - (7) The Civil Procedure Rule Committee must, when making Civil Procedure Rules, try to make rules which are both simple and simply expressed.
 - (8) Rules made by the Civil Procedure Rule Committee must be signed by at least eight members of the Committee and be submitted to the Lord Chancellor, who may allow or disallow them.
- [^{F19}(9) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.]
- [^{F20}(9) If the Lord Chancellor disallows rules under subsection (8), he must give the Civil Procedure Rule Committee written reasons for doing so.]

Textual Amendments

- F6** S. 2(1)(1A)(1B) substituted (3.4.2006) for s. 2(1) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 148(1), [Sch. 4 para. 263\(2\)](#); [S.I. 2006/1014](#), [art. 2\(a\)](#), [Sch. 1 para. 11\(v\)](#)
- F7** Words in s. 2(2) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 148(1), [Sch. 4 para. 263\(3\)](#); [S.I. 2006/1014](#), [art. 2\(a\)](#), [Sch. 1 para. 11\(v\)](#)
- F8** S. 2(2)(a) substituted (26.1.2004) by [Courts Act 2003 \(c. 39\)](#), ss. [83\(2\)](#), 110(1); [S.I. 2003/3345](#), [art. 2\(b\)\(viii\)](#)

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- F9** Words in s. 2(2)(a)(e)(f) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 59\(5\), 148\(1\), Sch. 11 para. 4](#); S.I. 2009/ 1604, {art. 2(d)}
- F10** Words in s. 2(2)(c) substituted (1.9.2006) by [The Civil Procedure Act 1997 \(Amendment\) Order 2006 \(S.I. 2006/1847\), art. 2](#)
- F11** S. 2(2)(ca) inserted (19.12.2017) by [The Civil Procedure Act 1997 \(Amendment\) Order 2017 \(S.I. 2017/1148\), arts. 1, 2](#)
- F12** Words in s. 2(2)(d) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 59\(5\), 148\(1\), Sch. 11 para. 1\(2\)](#); S.I. 2009/ 1604, {art. 2(d)}
- F13** Words in s. 2(2)(e)(f) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 9 para. 67\(a\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F14** Words in s. 2(2)(f) substituted (1.1.2010) by [Legal Services Act 2007 \(c. 29\), ss. 208\(1\), 211\(2\), Sch. 21 para. 122\(a\)](#) (with ss. 29, 192, 193); S.I. 2009/ 3250, {art. 2(h)} (with arts. 6, 9)
- F15** S. 2(2)(g) and word substituted (26.1.2004) for s. 2(2)(g)(h) and word by [Courts Act 2003 \(c. 39\), ss. 83\(3\), 110\(1\); S.I. 2003/3345, art. 2\(b\)\(viii\)](#)
- F16** S. 2(2A) inserted (1.1.2010) by [Legal Services Act 2007 \(c. 29\), ss. 208\(1\), 211\(2\), Sch. 21 para. 122\(b\)](#) (with ss. 29, 192, 193); S.I. 2009/ 3250, {art. 2(h)} (with arts. 6, 9)
- F17** S. 2(3) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), ss. 15, 148\(1\), Sch. 4 para. 263\(4\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 11(v)
- F18** Words in s. 2(4) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), ss. 15, 148\(1\), Sch. 4 para. 263\(5\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 11(v)
- F19** S. 2(9) inserted "after subsection (8)" (3.4.2006) by virtue of [Constitutional Reform Act 2005 \(c. 4\), ss. 15, 148\(1\), Sch. 4 para. 263\(6\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 11(v)
- F20** S. 2(9) inserted "after subsection (8)" (temp. from 3.4.2006 with effect as mentioned in Sch. 4 para. 361 of the amending Act) by virtue of [Constitutional Reform Act 2005 \(c. 4\), ss. 15, 148\(1\), Sch. 4 para. 385\(2\)\(3\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 11(cc)

Marginal Citations

- M1** 1981 c. 54.
M2 1990 c. 41.

3 Section 2: supplementary.

- (1) Rules made and allowed under section 2 are to—
- come into force on such day as the Lord Chancellor may direct, and
 - be contained in a statutory instrument to which the ^{M3}Statutory Instruments Act 1946 is to apply as if it contained rules made by a Minister of the Crown.
- (2) A statutory instrument containing Civil Procedure Rules shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Modifications etc. (not altering text)

- C2** S. 3(2) excluded (11.3.2005) by [Prevention of Terrorism Act 2005 \(c. 2\), s. 11\(5\), Sch. para. 3\(7\)\(a\)](#)
- C3** S. 3(2) excluded until [Courts Act 2003 \(c. 39\), s. 85](#) comes into force, whereupon s. 3(6) excluded (27.11.2008) by [Counter-Terrorism Act 2008 \(c. 28\), ss. 72\(6\), 100\(2\)](#) (with s. 101(2))
- C4** S. 3(2) excluded until [Courts Act 2003 \(c. 39\), s. 85](#) comes into force, whereupon s. 3(6) excluded (17.12.2010) by [Terrorist Asset-Freezing etc. Act 2010 \(c. 38\), ss. 29\(9\)\(a\)\(11\), 55\(1\)](#)
- C5** S. 3(2) excluded until [Courts Act 2003 \(c. 39\), s. 85](#) comes into force, whereupon s. 3(6) excluded (15.12.2011) by [Terrorism Prevention and Investigation Measures Act 2011 \(c. 23\), s. 31\(2\), Sch. 4 para. 7\(8\)\(a\)\(9\)](#) (with Sch. 8)

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- C6** S. 3(2) excluded until Courts Act 2003 (c. 39), s. 85 comes into force, whereupon s. 3(6) excluded (25.6.2013) by Justice and Security Act 2013 (c. 18), s. 20(1), Sch. 3 para. 3(9)(a)(10); S.I. 2013/1482, art. 2 (with arts. 3, 4)
- C7** S. 3(2) excluded until Courts Act 2003 (c. 39), s. 85 comes into force, whereupon s. 3(6) excluded (12.2.2015) by Counter-Terrorism and Security Act 2015 (c. 6), s. 52(5), Sch. 3 para. 7(8)(a)(9) (with Sch. 3 para. 11)
- C8** S. 3(2) excluded until Courts Act 2003 (c. 39), s. 85 comes into force, whereupon s. 3(6) excluded (22.11.2018) by Sanctions and Anti-Money Laundering Act 2018 (c. 13), s. 40(11)(a)(13), 64(2) (with ss. 52(3), 53, 58); S.I. 2018/1213, reg. 2(b)

Marginal Citations

- M3** 1946 c. 36.

[^{F21}3A Rules to be made if required by Lord Chancellor

- (1) This section applies if the Lord Chancellor gives the Civil Procedure Rules Committee written notice that he thinks it is expedient for Civil Procedure Rules to include provision that would achieve a purpose specified in the notice.
- (2) The Committee must make such Rules as it considers necessary to achieve the specified purpose.
- (3) Those rules must be—
 - (a) made within a reasonable period after the Lord Chancellor gives notice to the Committee;
 - (b) made in accordance with section 3.]

Textual Amendments

- F21** S. 3A inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148(1), Sch. 4 para. 266; S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(v)

4 Power to make consequential amendments.

- (1) The Lord Chancellor may [^{F22}, after consulting the Lord Chief Justice,] by order amend, repeal or revoke any enactment to the extent he considers necessary or desirable in consequence of—
 - (a) section 1 or 2, or
 - (b) Civil Procedure Rules.
- (2) The Lord Chancellor may [^{F22}, after consulting the Lord Chief Justice,] by order amend, repeal or revoke any enactment passed or made before the commencement of this section to the extent he considers necessary or desirable in order to facilitate the making of Civil Procedure Rules.
- (3) Any power to make an order under this section is exercisable by statutory instrument.
- (4) A statutory instrument containing an order under subsection (1) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) No order may be made under subsection (2) unless a draft of it has been laid before and approved by resolution of each House of Parliament.

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[^{F23}(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (1) or (2).]

Textual Amendments

F22 Words in s. 4(1)(2) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148(1), **Sch. 4 para. 267(2)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(v)

F23 S. 4(6) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148(1), **Sch. 4 para. 267(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(v)

[^{F24}5 Practice directions.

- (1) Practice directions may be given in accordance with Part 1 of Schedule 2 to the Constitutional Reform Act 2005.
- (2) Practice directions given otherwise than under subsection (1) may not be given without the approval of—
 - (a) the Lord Chancellor, and
 - (b) the Lord Chief Justice.
- (3) Practice directions (whether given under subsection (1) or otherwise) may provide for any matter which, by virtue of paragraph 3 of Schedule 1, may be provided for by Civil Procedure Rules.
- (4) The power to give practice directions under subsection (1) includes power—
 - (a) to vary or revoke directions given by any person;
 - (b) to give directions containing different provision for different cases (including different areas);
 - (c) to give directions containing provision for a specific court, for specific proceedings or for a specific jurisdiction.
- (5) Subsection (2)(a) does not apply to directions to the extent that they consist of guidance about any of the following—
 - (a) the application or interpretation of the law;
 - (b) the making of judicial decisions.
- (6) Subsection (2)(a) does not apply to directions to the extent that they consist of criteria for determining which judges may be allocated to hear particular categories of case; but the directions may, to that extent, be given only—
 - (a) after consulting the Lord Chancellor, and
 - (b) with the approval of the Lord Chief Justice.]

Textual Amendments

F24 S. 5 substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 13, 148(1), **Sch. 2 para. 6**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 7

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