

1999 No. 1217

**SUPREME COURT OF ENGLAND AND WALES
COUNTY COURTS**

**The Civil Procedure (Modification of Enactments) Order
1999**

Made - - - - - *25th April 1999*

Coming into force *26th April 1999*

The Lord Chancellor, in exercise of the powers conferred on him by section 4(2) of the Civil Procedure Act 1997^(a), hereby makes the following Order of which a draft has, in accordance with section 4(5) of that Act, been laid before and approved by resolution of each House of Parliament—

1. This Order may be cited as the Civil Procedure (Modification of Enactments) Order 1999 and shall come into force on 26th April 1999.

2. The amendments set out in this Order shall have effect.

3. For subsection (2)(e) of section 11 of the Courts and Legal Services Act 1990^(b), substitute:—

“(e) dealt with as a small claim in accordance with rules of court.”.

4. Section 16 of the Civil Evidence Act 1995^(c) is amended as follows:—

(a) for subsection (3), substitute—

“(3) Subject to subsection (3A), the provisions of this Act shall not apply in relation to proceedings begun before commencement.”.

(b) After subsection (3), insert—

“(3A) Transitional provisions for the application of the provisions of this Act to proceedings begun before commencement may be made by rules of court or practice directions.”.

Dated 25th April 1999

Irvine of Lairg, C.

(a) 1997 c. 12.

(b) 1990 c. 41.

(c) 1995 c. 38.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order modifies certain enactments in order to facilitate the making of Civil Procedure Rules. The changes are—

- to change the reference to county court arbitration in section 11 of the Courts and Legal Services Act 1990 (lay representation) to a reference to the small claims procedure;
- to modify the commencement provisions of the Civil Evidence Act 1995 (which made new provision for the admissibility of hearsay evidence and the proof of documentary evidence), so as to enable the Act and the provisions of the Civil Procedure Rules 1998 to apply to cases begun before 31st January 1997 (the original commencement date of the Act).

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