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## EXPLANATORY NOTE

*(This note is not part of the Rules)*

These Rules come into force on the same day as the majority of the Human Rights Act 1998. They add to the Civil Procedure Rules 1998 rules governing the procedure for an application under section 4 of that Act for a declaration of incompatibility, and for a claim under section 7(1)(a) that a public authority has acted in a way incompatible with a Convention right.

Applications for judicial review have until now been governed by Order 53 of the Rules of the Supreme Court in Schedule 1 to the Civil Procedure Rules. Order 53 is now revoked and replaced by a new Part 54.

When the procedure of Part 52 governing appeals was brought into force, it applied to multi-track and fast track cases, but not to cases in the small claims track. The rules have now been amended so that appeals in small claims will also be governed by Part 52.

In accelerated possession proceedings the judge at present has no power under Order 49, rule 6A of the County Court Rules in Schedule 2 to the Civil Procedure Rules to order a hearing of whether possession should be postponed. This rule is amended to allow the judge to direct a hearing of that issue. Order 49, rule 6 is revoked.

A number of other minor amendments have been made to the rules currently in force.