
EXPLANATORY NOTE

(This note is not part of the Rules)

The Civil Procedure Rules 1998 include, in Schedules 1 and 2 respectively, rules from the former Rules of the Supreme Court and County Court Rules which still govern the procedure for a number of claims. The primary purpose of these amending Rules is to add to the Civil Procedure Rules new Parts 55 and 56 which will provide new procedures governing claims for the possession of land, and landlord and tenant claims. The previous rules are revoked, and there are many consequential amendments.

New rules are made governing claims for wrongful interference with goods, the power to make judgments binding on non-parties, and the power of the court to make declaratory judgments. There are rules consequential on the entry into force of section 90 of the Access to Justice Act 1999 (transfer of justices' clerks' functions to justices' chief executives), and of section 23 of the Family Law Reform Act 1987 (scientific tests for the determination of parentage).

The opportunity has also been taken to make a number of minor amendments to the rules currently in force.