
STATUTORY INSTRUMENTS

2002 No. 2058

The Civil Procedure (Amendment) Rules 2002

Amendments to the Civil Procedure Rules 1998

6. In Part 19—

(a) after rule 19.7, insert—

“Representation of beneficiaries by trustees etc.

19.7A.—(1) A claim may be brought by or against trustees, executors or administrators in that capacity without adding as parties any persons who have a beneficial interest in the trust or estate (“the beneficiaries”).

(2) Any judgment or order given or made in the claim is binding on the beneficiaries unless the court orders otherwise in the same or other proceedings.”

(b) for rule 19.8A, substitute—

“19.8A.—(1) This rule applies to any claim relating to—

- (a) the estate of a deceased person;
- (b) property subject to a trust; or
- (c) the sale of any property.

(2) The court may at any time direct that notice of—

- (a) the claim; or
- (b) any judgment or order given in the claim,

be served on any person who is not a party but who is or may be affected by it.

(3) An application under this rule—

- (a) may be made without notice; and
- (b) must be supported by written evidence which includes the reasons why the person to be served should be bound by the judgment in the claim.

(4) Unless the court orders otherwise—

- (a) a notice of a claim or of a judgment or order under this rule must be—
 - (i) in the form required by the practice direction;
 - (ii) issued by the court; and
 - (iii) accompanied by a form of acknowledgment of service with any necessary modifications;
- (b) a notice of a claim must also be accompanied by—
 - (i) a copy of the claim form; and
 - (ii) such other statements of case, witness statements or affidavits as the court may direct; and

- (c) a notice of a judgment or order must also be accompanied by a copy of the judgment or order.
- (5) If a person served with notice of a claim files an acknowledgment of service of the notice within 14 days he will become a party to the claim.
- (6) If a person served with notice of a claim does not acknowledge service of the notice he will be bound by any judgment given in the claim as if he were a party.
- (7) If, after service of a notice of a claim on a person, the claim form is amended so as substantially to alter the remedy claimed, the court may direct that a judgment shall not bind that person unless a further notice, together with a copy of the amended claim form, is served on him.
- (8) Any person served with a notice of a judgment or order under this rule—
 - (a) shall be bound by the judgment or order as if he had been a party to the claim; but
 - (b) may, provided he acknowledges service—
 - (i) within 28 days after the notice is served on him, apply to the court to set aside or vary the judgment or order; and
 - (ii) take part in any proceedings relating to the judgment or order.
- (9) The following rules of Part 10 (acknowledgment of service) apply—
 - (a) rule 10.4; and
 - (b) rule 10.5, subject to the modification that references to the defendant are to be read as references to the person served with the notice.
- (10) A notice under this rule is issued on the date entered on the notice by the court.”.