
EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules make amendments to the Civil Procedure Rules 1998. In particular the following new provisions are inserted:

- A new rule 5.5 which provides for a practice direction to make provision for documents to be filed or sent to the court by facsimile or other electronic means (Rule 4).
- Section IV of Part 6, to provide for the service, in England and Wales, of foreign process (Rule 5 and Schedule 1). These matters have until now been governed by Order 69 of the Rules of the Supreme Court in Schedule 1 to the Civil Procedure Rules (“RSC”), which is now revoked.
- A new rule 19.7A which deals with the representation of beneficiaries by trustees (Rule 6). This rule replaces RSC Order 15, rule 14, which is revoked.
- Section II of Part 34, to provide for the obtaining, in England and Wales, of evidence for foreign courts (Rule 12 and Schedule 2). These matters have until now been governed by RSC Order 70, which is revoked.
- Section III of Part 55, in relation to applications for Interim Possession Orders (Rule 22 and Schedule 3). Such applications have until now been governed by Order 24, rules 8 to 15 of the County Court Rules in Schedule 2 to the Civil Procedure Rules (“CCR”), which are now revoked.
- Section IV of Part 57, dealing with claims under the Inheritance (Provision for Family and Dependents) Act 1975 (Rule 23 and Schedule 4). These proceedings have until now been governed by RSC Order 99, which is now revoked.
- Part 64, dealing with claims relating to the administration of estates and trusts, and charity proceedings (Rule 26 and Schedule 5). These proceedings have until now been governed by RSC Orders 85 and 108, which are now revoked.
- Part 68, setting out the procedure for courts to seek preliminary rulings from the Court of Justice of the European Communities (Rule 26 and Schedule 6). The procedure has until now been governed by RSC Order 114 which is now revoked.
- Part 69, dealing with the court’s power to appoint a receiver (Rule 26 and Schedule 7). These proceedings have until now been governed by RSC Orders 30 and 51, which are now revoked.
- Part 74, dealing with the enforcement in England and Wales of judgments from abroad, the enforcement abroad of judgments of courts in England and Wales, the enforcement in England and Wales, Scotland and Northern Ireland of judgments made in other jurisdictions, and the enforcement of European Community judgments (Rule 29 and Schedule 8). These matters have until now been governed by RSC Order 71, which is now revoked.
- Part 75, dealing with Traffic Enforcement (where traffic penalties are recoverable through the civil courts) (Rule 29 and Schedule 9). These matters have until now been governed by CCR Order 48B, which is now revoked.

The new provisions inserted into the Civil Procedure Rules 1998 by these amending rules leave unused for the time being Part numbers 63, 65, 66 and 67. These Part numbers will be allocated to other new rules to be considered by the Civil Procedure Rule Committee in due course.

In addition the following amendments are made:

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- Rule 19.8A is amended to provide that, in claims relating to the estate of a deceased person, property subject to a trust, or the sale of any property, the court may direct that notice of a judgment or order be served on a person who is not a party, so that the judgment or order will bind that person. This rule is also amended to apply to claims in county courts as well as the High Court (Rule 6).
- Rule 48.6 is amended to provide that the costs allowed to a litigant in person will be for the same categories of work and disbursements as would have been allowed if the work had been done or the disbursements made by a legal representative on behalf of the litigant in person, and to provide that where a litigant in person is able to prove financial loss, he will be allowed the amount he can prove he has lost for time reasonably spent doing the work (Rule 19).
- Rule 48.7 is amended to provide the court with an alternative when making a wasted costs order. The court can direct a costs judge or a district judge to decide the amount of costs to be disallowed or paid (Rule 20).
- The “listing questionnaire” provided for by rule 28.5 is renamed the “pre-trial checklist” to reflect more accurately the purpose of the document, and various amendments are made to provide for this.

Various other amendments and revocations are also made.