
STATUTORY INSTRUMENTS

2003 No. 2113

The Civil Procedure (Amendment No. 4) Rules 2003

Citation, commencement and interpretation

1. These Rules may be cited as the Civil Procedure (Amendment No. 4) Rules 2003 and shall come into force—

- (a) for the purposes of rules 6 to 9, on 1st January 2004;
- (b) for the purposes of rules 3 and 4, on 1st April 2004; and
- (c) for all other purposes, on 6th October 2003.

2. In these Rules—

- (a) a reference to a Part or rule by number alone means the Part or rule so numbered in the Civil Procedure Rules 1998⁽¹⁾;
- (b) a reference to an Order by number and prefixed by “RSC” means the RSC Order so numbered in Schedule 1 to those Rules; and
- (c) a reference to an Order by number and prefixed by “CCR” means the CCR Order so numbered in Schedule 2 to those Rules.

Amendments to the Civil Procedure Rules 1998

3. In rule 20.7, after paragraph (2) insert the following cross-reference—

“(Rule 7.2(2) provides that a claim form is issued on the date entered on the form by the court)”.

4. In rule 20.8(1)—

- (a) in sub-paragraph (a), after “counterclaim” insert “against an existing party only”; and
- (b) in sub-paragraph (b), for “the party making the Part 20 claim files his defence”, substitute “the Part 20 claim is issued by the court”.

5. In rule 30.1—

- (a) at the beginning, insert “(1)”; and
- (b) after paragraph (1), but before the cross-reference, insert—

“(2) The practice direction may make provision about the transfer of proceedings between the court and a tribunal.”.

6. In Part 34, at the end of the table of contents, insert the text set out in Part I of Schedule 1 to these Rules.

7. In rule 34.13, for paragraph (1) substitute—

- “(1) This rule applies where a party wishes to take a deposition from a person who is—
 - (a) out of the jurisdiction; and
 - (b) not in a Regulation State within the meaning of Section III of this Part.

⁽¹⁾ S.I.1998/3132. There are relevant amendments in S.I. 2000/221, S.I. 2000/1317 and S.I. 2001/2792.

(1A) The High Court may order the issue of a letter of request to the judicial authorities of the country in which the proposed deponent is.”.

8. For rule 34.16 substitute—

“Scope and interpretation

34.16.—(1) This Section applies to an application for an order under the 1975 Act for evidence to be obtained, other than an application made as a result of a request by a court in a Regulation State.

(2) In this Section—

(a) “the 1975 Act” means the Evidence (Proceedings in Other Jurisdictions) Act 1975(2); and

(b) “Regulation State” has the same meaning as in Section III of this Part.”.

9. After Section II of Part 34, insert Section III as set out in Part II of Schedule 1 to these Rules.

10. In rule 43.2, in sub-paragraph (1)(j), before “Part 45” insert “Section I of”.

11. In rule 44.12A—

(a) in paragraph (1), for sub-paragraph (c) substitute—

“(c) except as referred to in paragraph (1A), no proceedings have been started.”;

(b) after paragraph (1) insert—

“(1A) The procedure set out in this rule may be followed if the only proceedings that have been started are proceedings under rule 21.10 or any other proceedings necessitated solely by reason of one or more of the parties being a child or patient.

(Rule 21.10 makes provision for compromise etc. by or on behalf of a child or patient)”;

(c) in paragraph (4), for “In” substitute “Except as provided in paragraph (4A), in”; and

(d) after paragraph (4) insert—

“(4A) In proceedings to which Section II of Part 45 applies, the court shall assess the costs in the manner set out in that Section.”.

12. In Part 45—

(a) for the table of contents, substitute the table of contents and the section heading as set out in Part I of Schedule 2 to these Rules;

(b) in the heading of rule 45.1, for “Part” substitute “Section”;

(c) in rule 45.1—

(i) in each place that it occurs, for “Part” substitute “Section”; and

(ii) omit the cross-reference following paragraph (1); and

(d) after rule 45.6, insert Section II as set out in Part II of Schedule 2 to these Rules.

13. In Part 52, at the end of the table of contents, insert the following text—

“SECTION III—

PROVISIONS ABOUT REOPENING APPEALS

Rule Reopening of final appeals”.
52.17

14. After Section II of Part 52, insert Section III as follows—

“Section III—Provisions about reopening appeals

Reopening of final appeals

52.17.—(1) The Court of Appeal or the High Court will not reopen a final determination of any appeal unless—

- (a) it is necessary to do so in order to avoid real injustice;
- (b) the circumstances are exceptional and make it appropriate to reopen the appeal; and
- (c) there is no alternative effective remedy.

(2) In paragraphs (1), (3), (4) and (6), “appeal” includes an application for permission to appeal.

(3) This rule does not apply to appeals to a county court.

(4) Permission is needed to make an application under this rule to reopen a final determination of an appeal even in cases where under rule 52.3(1) permission was not needed for the original appeal.

(5) There is no right to an oral hearing of an application for permission unless, exceptionally, the judge so directs.

(6) The judge will not grant permission without directing the application to be served on the other party to the original appeal and giving him an opportunity to make representations.

(7) There is no right of appeal or review from the decision of the judge on the application for permission, which is final.

(8) The procedure for making an application for permission is set out in the practice direction.”.

15. In rule 57.2, for paragraph (3) substitute—

“(3) Probate claims in the county court must only be brought in—

- (a) a county court where there is also a Chancery district registry; or
- (b) the Central London County Court.”.

16. In rule 70.5—

(a) in paragraph (1)—

- (i) in sub-paragraph (a), after “money” insert “or other decision”;
- (ii) in sub-paragraph (b), at the end insert “, or that the decision may be enforced as if it were a court order”;

(b) in paragraph (2)—

- (i) at the end of sub-paragraph (a), omit “or”;
- (ii) after sub-paragraph (b) insert—

- “; or
- (c) any order to which RSC Order 115 applies”;
- (c) after the cross-reference following paragraph (2), insert a further cross-reference as follows—
- “(RSC Order 115 provides for the registration in the High Court for the purposes of enforcement of certain orders made in connection with criminal proceedings and investigations)”;
- (d) in paragraph (3), for “the award” substitute “an award of a sum of money”; and
- (e) for paragraph (8) substitute—
- “(8) If an enactment provides that an award or decision may be enforced in the same manner as an order of the High Court if it is registered, any application to the High Court for registration must be made in accordance with the relevant practice direction.”.
17. In RSC Order 115, after Part III, insert Part IV as follows—

“Part IV—

International Criminal Court Act 2001: fines, forfeitures and reparation orders

Interpretation

37. In this Part of this Order—
- (a) “the Act” means the International Criminal Court Act 2001(3);
- (b) “the ICC” means the International Criminal Court;
- (c) “an order of the ICC” means—
- (i) a fine or forfeiture ordered by the ICC; or
- (ii) an order by the ICC against a person convicted by the ICC specifying a reparation to, or in respect of, a victim.

Registration of ICC orders for enforcement

- 38.—(1) An application to the High Court to register an order of the ICC for enforcement, or to vary or set aside the registration of an order, may be made to a judge or a Master of the Queen’s Bench Division.
- (2) Rule 13 and rules 15 to 20 in Part I of this Order shall, with such modifications as are necessary and subject to the provisions of any regulations made under section 49 of the Act, apply to the registration for enforcement of an order of the ICC as they apply to the registration of an external confiscation order.”.

Transitional provision

18. Section II of Part 45 shall not apply to any costs-only proceedings arising out of a dispute, where the road traffic accident which gave rise to the dispute occurred before 6th October 2003.

Revocations

19. The following provisions are revoked—

- (a) RSC Order 91;
- (b) CCR Order 4 rule 3;
- (c) CCR Order 48D; and
- (d) CCR Order 49 rules 4A, 5 and 18B.

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I allow these Rules

Dated 31st July 2003

Falconer of Thoroton, C.