
EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules add the following new provisions to the Civil Procedure Rules 1998—

- A new rule 3.11, which enables a practice direction to make provision about the power of the court to make a civil restraint order against a litigant in the exercise of the jurisdiction explained by the Court of Appeal in *Bhamjee v. Forsdick* [2003] EWCA Civ 1113, and other provisions relating to civil restraint orders.
- A new rule 5.4, in substitution for the existing rule 5.4, which makes new provision about the supply of documents from court records. It is provided that a court or court office may keep a register of claims issued out of that court or office which is available for any person to search. A practice direction supplementing the rule will specify the courts or court offices which maintain such registers. The rule also specifies the documents of which copies may be obtained from court records by a party to proceedings, and by any other person, and the cases in which permission of the court is required to obtain a copy of a document. It also permits a party to proceedings, or other person identified in a claim form, to apply for an order restricting persons from obtaining a copy of the claim form.
- A new Section IV of Part 45, which makes provision in personal injury claims against an employer (other than claims relating to a disease or arising from a road traffic accident) for fixed percentage increases to apply to legal representatives' fees in respect of success fees, where the claimant has entered into a conditional fee agreement or collective conditional fee agreement which provides for a success fee.

In addition—

- Rule 65.3 (anti-social behaviour – applications for Housing Act 1996 injunctions) is amended to require an application for an injunction under Chapter III of Part V of the Housing Act 1996 to be supported by a witness statement rather than an affidavit.
- CCR Order 49, rule 17, which contains provisions about proceedings under enactments relating to discrimination, is amended in consequence of amendments made to the Disability Discrimination Act 1995 by the Disability Discrimination Act 1995 (Amendment) Regulations 2003 ([SI 2003/1673](#)), and to correct a minor error.
- Other minor amendments have also been made to existing rules.

Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure (Amendment No.2) Rules 2004.