
EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules —

- amend rules 3.7 and 3.7A to—
 - include hearing fees and court fees (where the claim proceeds on a counterclaim alone) in the list of sanctions for non-payment; and
 - replace references to “exemption or remission” of court fees with “full or part remission” of court fees to reflect amendments made to the Civil Proceedings Fees Order 2004 ([S.I. 2004/3121](#));
- make minor correcting amendments to rules 19.9(1)(b), 19.9A(1), 19.9C(5), 19.9D and 19.9F;
- make a minor correction to the heading of the section following rule 52.17;
- correct rule 57.7(4)(b) to refer to “lacked testamentary capacity” instead of “was not of sound mind, memory and understanding”;
- amend rule 54.19 as a result of the amendment to section 31 of the Supreme Court Act 1981 by section 141 of the Tribunals, Courts and Enforcement Act 2007 which enables the High Court in judicial review proceedings to substitute its own decision for the decision of the original decision-maker in certain circumstances;
- omit rules 54.21 to 54.27 as these refer to statutory appeals under section 101 of the Nationality, Immigration and Asylum Act 2002 ([c. 41](#)) which has been repealed and therefore these rules are now redundant;
- amend Part 75 to—
 - provide for witness statements instead of statutory declarations to be filed with the court in enforcement proceedings relating to parking contraventions, where permitted by any enactment;
 - require the authority to insert in the order the date by which the respondent must comply with the order or file a statutory declaration or witness statement (as appropriate); and
 - require the authority to serve the order on the respondent within 15 days of the date on which the request for the order was registered by the court;
- amend Part 76 to—
 - substitute “relevant law officer” with “Attorney General”;
 - clarify that under rule 76.14(1)(a) a notice of appeal must be given within 28 days after receiving notice of the control order, renewal or modification of the control that is the subject of the appeal;
 - clarify that where the Secretary of State has objected under rule 76.25(5)(b) to a proposed communication by the special advocate, under rule 76.29(2)(b)(i) the court must fix a hearing for the Secretary of State and the special advocate to make oral representations unless the court has previously considered an objection under rule 76.25(5)(b) to the same or substantially the same communication; and
 - amend rule 76.33(4) so that the Secretary of State must, when making an application under rule 76.33(3), serve on the special advocate a copy of the application and a copy of the notice served on the Secretary of State under rule 76.33(2);

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

- insert a new Part 77 which makes provision for applications for or relating to serious crime prevention orders under the Serious Crime Act 2007; and
- revoke RSC Order 96. The remaining provisions of RSC Order 96, rule 1 have been incorporated in the practice direction supplementing Part 8 and therefore this RSC Order is no longer required.