

SCHEDULE 1

Rule 5(b)

“SECTION VII

SCALE COSTS FOR CLAIMS IN A PATENTS COUNTY COURT

Scope and interpretation

45.41.—(1) Subject to paragraph (2) this Section applies to proceedings in a patents county court.

(2) This Section does not apply where—

(a) the court considers that a party has behaved in a manner which amounts to an abuse of the court’s process; or

(b) the claim concerns the infringement or revocation of a patent or registered design the validity of which has been certified by a court in earlier proceedings.

(3) The court will make a summary assessment of the costs of the party in whose favour any order for costs is made. Rules 44.3(8), 44.3A(2)(b) and (c), 44.7(b) and Part 47 do not apply to this Section.

(4) “Scale costs” means costs as defined in rule 43.2(1)(a).

Amount of scale costs

45.42.—(1) Subject to rule 45.43 the court will not order a party to pay total costs of more than—

(a) £50,000 on the final determination of a claim in relation to liability; and

(b) £25,000 on an inquiry as to damages or account of profits.

(2) The amounts in paragraph (1) apply after the court has applied the provision on set off in accordance with rule 44.3(9)(a).

(3) The maximum amount of scale costs that the court will award for each stage of the claim is set out in the Costs Practice Direction.

(4) The amount of the scale costs awarded by the court in accordance with paragraph (3) will depend on the nature and complexity of the claim.

(5) Where appropriate, value added tax (VAT) may be recovered in addition to the amount of the scale costs and any reference in this Section to scale costs is a reference to those costs net of any such VAT.

Summary assessment of the costs of an application where a party has behaved unreasonably

45.43. Costs awarded to a party under rule 63.26(2) are in addition to the total costs that may be awarded to that party under rule 45.42.”

SCHEDULE 2

Rule 8(c)

*“SECTION V
PATENTS COUNTY COURT*

Scope of this Section

63.17. This Part, as modified by this Section, applies to claims started in or transferred to a patents county court.

Transfer of proceedings

63.18. When considering whether to transfer proceedings to or from a patents county court, the court will have regard to the provisions of Practice Direction 30.

Patents judge

63.19.—(1) Subject to paragraph (2), proceedings in a patents county court will be dealt with by the patents judge of that court.

(2) When a matter needs to be dealt with urgently and it is not practicable or appropriate for the patents judge to deal with it, the matter may be dealt with by another judge with appropriate specialist experience nominated by the Chancellor of the High Court.

Statements of case

63.20.—(1) Part 16 applies with the modification that a statement of case must set out concisely all the facts and arguments upon which the party serving it relies.

(2) The particulars of claim must state whether the claimant has complied with paragraph 7.1(1) and Annex A (paragraph 2) of the Practice Direction (Pre-Action Conduct).

Statement of truth

63.21. Part 22 applies with the modification that the statement of truth verifying a statement of case must be signed by a person with knowledge of the facts alleged, or if no one person has knowledge of all the facts, by persons who between them have knowledge of all the facts alleged.

Defence and reply

63.22.—(1) Rule 63.7 does not apply and Part 15 applies with the following modifications.

(2) Where the particulars of claim contain a confirmation in accordance with rule 63.20(2), the period for filing a defence is 42 days after service of the particulars of claim unless rule 15.4(2) provides for a longer period to do so.

(3) Where the particulars of claim do not contain a confirmation in accordance with rule 63.20(2), the period for filing a defence is 70 days after service of the particulars of claim.

(4) Where the claimant files a reply to a defence it must be filed and served on all other parties within 28 days of service of the defence.

(5) Where the defendant files a reply to a defence to a counterclaim it must be filed and served on all other parties within 14 days of service of the defence to the counterclaim.

(6) The periods in this rule may only be extended by order of the court and for good reason.

Case management

63.23.—(1) At the first case management conference after those defendants who intend to file and serve a defence have done so, the court will identify the issues and decide whether to make an order in accordance with paragraph 29.1 of Practice Direction 63.

(2) Save in exceptional circumstances the court will not consider an application by a party to submit material in addition to that ordered under paragraph (1).

(3) The court may determine the claim on the papers where all parties consent.

Disclosure and inspection

63.24.—(1) Rule 63.9 does not apply.

(2) Part 31 applies save that the provisions on standard disclosure do not apply.

Applications

63.25.—(1) Part 23 applies with the modifications set out in this rule.

(2) Except at the case management conference provided for in rule 63.23(1), a respondent to an application must file and serve on all relevant parties a response within 5 days of the service of the application notice.

(3) The court will deal with an application without a hearing unless the court considers it necessary to hold a hearing.

(4) An application to transfer the claim to the High Court or to stay proceedings must be made before or at the case management conference provided for in rule 63.23(1).

(5) The court will consider an application to transfer the claim later in the proceedings only where there are exceptional circumstances.

Costs

63.26.—(1) Subject to paragraph (2), the court will reserve the costs of an application to the conclusion of the trial when they will be subject to summary assessment.

(2) Where a party has behaved unreasonably the court will make an order for costs at the conclusion of the hearing.

(3) Where the court makes a summary assessment of costs, it will do so in accordance with Section VII of Part 45.”

SCHEDULE 3

Rule 9(c)

“SECTION VIII

INJUNCTIONS UNDER THE POLICING AND CRIME ACT 2009

Scope of this Section and interpretation

65.42.—(1) This Section applies to applications for an injunction and other related proceedings under Part 4 of the Policing and Crime Act 2009(1) (Injunctions: gang-related violence).

(1) 2009 c. 26.

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

- (2) In this Section “the 2009 Act” means the Policing and Crime Act 2009.

Applications for an injunction

65.43.—(1) An application for an injunction under Part 4 of the 2009 Act is subject to the Part 8 procedure as modified by this rule and Practice Direction 65.

- (2) The application must be—
- (a) made by a claim form in accordance with Practice Direction 65;
 - (b) commenced in the court for the district in which the defendant resides or the conduct complained of occurred; and
 - (c) supported by a witness statement which must be filed with the claim form.
- (3) The claim form must state—
- (a) the matters required by rule 8.2; and
 - (b) the terms of the injunction applied for.
- (4) An application under this rule may be made without notice and where such an application without notice is made—
- (a) the witness statement in support of the application must state the reasons why notice has not been given; and
 - (b) the following rules do not apply—
 - (i) 8.3;
 - (ii) 8.4;
 - (iii) 8.5(2) to (6);
 - (iv) 8.6(1);
 - (v) 8.7; and
 - (vi) 8.8.
- (5) In every application made on notice, the application notice must be served, together with a copy of the witness statement, by the claimant on the defendant personally.
- (6) An application made on notice may be listed for hearing before the expiry of the time for the defendant to file an acknowledgement of service under rule 8.3, and in such a case—
- (a) the claimant must serve the application notice and witness statement on the defendant not less than 2 days before the hearing; and
 - (b) the defendant may take part in the hearing whether or not the defendant has filed an acknowledgment of service.

Injunction containing provisions to which a power of arrest is attached

65.44.—(1) In this rule ‘relevant provision’ means a provision of an injunction to which a power of arrest is attached.

(Section 36(6) and (7) and section 40(3) and 41(4) of the 2009 Act confer powers to attach a power of arrest to an injunction.)

- (2) Where an injunction contains one or more relevant provisions—
- (a) each relevant provision must be set out in a separate paragraph of the injunction; and
 - (b) subject to paragraph (3), the claimant must deliver a copy of the relevant provisions to any police station for the area where the conduct occurred.

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

(3) Where the injunction has been granted without notice, the claimant must not deliver a copy of the relevant provisions to any police station for the area where the conduct occurred before the defendant has been served with the injunction containing the relevant provisions.

(4) Where an order is made varying or discharging any relevant provision, the claimant must—

- (a) immediately inform the police station to which a copy of the relevant provisions was delivered under paragraph (2)(b); and
- (b) deliver a copy of the order to any police station so informed.

Application to vary or discharge an injunction

65.45.—(1) An application to vary or discharge an injunction under section 42(1)(b) of the 2009 Act must be made in accordance with Part 23.

(2) An application by the claimant to vary or discharge the injunction under section 42(1)(b) of the 2009 Act may be made without notice.

(3) If an application under this rule is made without giving notice, the application notice must state the reasons why notice has not been given.

Application for warrant of arrest under section 44(2) of the 2009 Act

65.46.—(1) An application for a warrant of arrest under section 44(2) of the 2009 Act must be made in accordance with Part 23 and may be made without notice.

(2) An applicant for a warrant of arrest under section 44(2) of the 2009 Act must—

- (a) file an affidavit setting out grounds for the application with the application notice; or
- (b) give oral evidence of the grounds for the application at the hearing.

(3) Where in accordance with sub-paragraph (2)(b), oral evidence is given, the applicant must produce a written record of that evidence which must be served on the person arrested at the time of the arrest.

Proceedings following arrest under the 2009 Act

65.47.—(1) This rule applies where a person is arrested pursuant to—

- (a) a power of arrest attached to a provision of an injunction; or
- (b) a warrant of arrest.

(2) The judge before whom a person is brought following his arrest may—

- (a) deal with the matter; or
- (b) adjourn the proceedings.

(3) If proceedings under section 43 or 44 of the 2009 Act are adjourned and the arrested person is released—

- (a) the matter must be dealt with (whether by the same or another judge) within 28 days of the date on which the arrested person appears in court; and
- (b) the arrested person must be given not less than 2 days' notice of the hearing.

(4) An application notice seeking the committal for contempt of court of the arrested person may be issued even if the arrested person is not dealt with within the period in sub-paragraph (3)(a).

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

(5) CCR Order 29, rule 1 applies where an application is made in a county court to commit a person for breach of an injunction as if references in that rule to the judge include references to a district judge.

(For applications in the High Court for the discharge of a person committed to prison for contempt of court see RSC Order 52, rule 8. For such applications in the county court see CCR Order 29, rule 3.)

Recognizance

65.48.—(1) Where, in accordance with paragraph 2(2)(b) of Schedule 5 to the 2009 Act, the court fixes the amount of any recognizance with a view to it being taken subsequently, the recognizance may be taken by—

- (a) a judge;
- (b) a justice of the peace;
- (c) a justices' clerk;
- (d) a police officer of the rank of inspector or above, or in charge of a police station; or
- (e) where the arrested person is in custody, the governor or keeper of a prison,

with the same consequences as if it had been entered into before the court.

(2) The person having custody of an applicant for bail must release that person if satisfied that the required recognizances have been taken.

Applications for a power of arrest to be attached to any provision of an injunction

65.49.—(1) An application under section 34 or 39 of the 2009 Act which includes an application for a power of arrest to be attached to any provision of an injunction must be made in the proceedings seeking the injunction by—

- (a) the claim form; or
- (b) an application under Part 23.

(2) Every application must be supported by written evidence.

(3) Every application made on notice must be served personally, together with a copy of the written evidence, by the applicant on the person against whom the injunction is sought not less than 2 days before the hearing.

(Attention is drawn to rule 25.3(3) – applications without notice.)”

SCHEDULE 4

Rule 10(c)

“SECTION 2

APPLICATION TO QUASH AN ACQUITTAL

Scope and interpretation

77.6.—(1) This Section contains rules about applications to quash an acquittal under section 54(3) of the Criminal Procedure and Investigations Act 1996(2) and applies in relation to acquittals in respect of offences alleged to have been committed on or after 15th April 1997.

(2) 1996 c. 25.

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

(2) An application made under this Section may be made only by the individual or body which acted as prosecutor in the proceedings which led to the acquittal.

(3) In this Section—

- (a) “the 1996 Act” means the Criminal Procedure and Investigations Act 1996;
- (b) “acquitted person” means a person whose acquittal of an offence is the subject of a certification under section 54(2) of the 1996 Act, and “acquittal” means the acquittal of that person of that offence;
- (c) “magistrates’ court” has the same meaning as in section 148 of the Magistrates’ Courts Act 1980(3); and
- (d) “record of court proceedings” means—
 - (i) where the proceedings took place in the Crown Court, a transcript of the evidence; or
 - (ii) where the proceedings took place in a magistrates’ court, a transcript of the evidence if there is one and if not a note of the evidence made by the justices’ clerk,

in the proceedings which led to the conviction for the administration of justice offence referred to in section 54(1)(b) of the 1996 Act or, as the case may be, the proceedings which led to the acquittal.

Time limit for making the application

77.7.—(1) An application for an order quashing an acquittal under section 54(3) of the 1996 Act shall not be made later than 28 days after—

- (a) the expiry of the period allowed for—
 - (i) appealing (whether by case stated or otherwise); or
 - (ii) making an application for permission to appeal,against the conviction referred to in section 54(1)(b) of the 1996 Act; or
- (b) where an appeal notice is filed or an application for permission to appeal against that conviction is made, the determination of the appeal or application for permission to appeal.

(2) For the purpose of sub-paragraph (1)(b), “determination” includes abandonment within the meaning of rules 63.8 and 65.13 of the Criminal Procedure Rules 2010(4) or, as the case may be, rule 11 of the Crown Court Rules 1982(5).

Where to make the application

77.8.—(1) The jurisdiction of the High Court under section 54(3) of the 1996 Act may be exercised by a Divisional Court or a single judge of the High Court.

(2) The application must be made to the Administrative Court which will direct whether the application should be dealt with by a Divisional Court or a single judge of the High Court.

How to make the application

77.9.—(1) The application must be made by filing a claim form pursuant to Part 8.

(2) The claimant must file with the claim form—

(3) 1980 c. 43.
(4) S.I. 2010/60.
(5) S.I. 1982/1109.

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

- (a) a witness statement which deals with the conditions in section 55(1), (2) and (4) of the 1996 Act and which exhibits any relevant documents (which may include a copy of any record of court proceedings); and
- (b) a copy of the certification under section 54(2) of the 1996 Act.

Notice to defendant (acquitted person)

77.10.—(1) Within 7 days of the claim form being issued by the court, the claimant must serve on the defendant (the acquitted person) a copy of the claim form and the documents which accompanied it.

(2) The documents referred to in paragraph (1) must be accompanied by a notice informing the defendant that—

- (a) the result of the application may be the making of an order by the High Court quashing the acquittal; and
- (b) the defendant must, if wishing to respond to the application, file—
 - (i) within 14 days of service of the claim form an acknowledgment of service; and
 - (ii) within 28 days of service of the claim form any witness statement on which the defendant wishes to rely.

(3) The claimant must file as soon as practicable after service of the notice on the defendant a certificate of service together with a copy of the notice.

Response to the application

77.11.—(1) The defendant must, if wishing to respond to the application, file—

- (a) an acknowledgment of service within 14 days of service of the claim form under rule 77.10; and
- (b) a witness statement which—
 - (i) deals with the conditions in section 55(1), (2) and (4) of the 1996 Act; and
 - (ii) exhibits any relevant documents (which may include a copy of any record of court proceedings),within 28 days of service of the claim form under rule 77.10.

(2) The defendant must serve the documents in paragraph (1) on the claimant within 7 days of filing them with the court.

(3) Rule 8.5(3) does not apply.

Further evidence

77.12.—(1) The claimant may, not later than 10 days after the expiry of the period allowed in rule 77.11(1), apply without notice for permission to file further evidence.

(2) Any order granting permission to file further evidence will specify the period within which that further evidence is to be filed.

(3) The claimant must serve a copy of the further evidence on the defendant within 4 days of filing that further evidence.

(4) Rule 8.5(5) and 8.5(6) do not apply.

Determination of the application to quash an acquittal (general provisions)

77.13.—(1) The application to quash an acquittal will be determined without a hearing unless the court, of its own initiative or on the application by a party, orders otherwise.

(2) The determination of the application to quash an acquittal will not be made, and any hearing of the application (if ordered) will not take place, before the expiry of—

- (a) 10 days after the expiry of the period allowed under rule 77.11(1); or
- (b) 10 days after the expiry of the period allowed by any order made under rule 77.12(2).

(3) The court will serve notice of any order made on the application to quash an acquittal on the parties and where the court before which the acquittal or conviction occurred was—

- (a) a magistrates' court, on the designated officer; or
- (b) the Crown Court, on the appropriate officer of the Crown Court sitting at the place where the acquittal or conviction occurred.

Application for a hearing to determine the application to quash an acquittal

77.14.—(1) An application for a hearing under rule 77.13(1) must—

- (a) be made no later than 7 days after the expiry of the period allowed—
 - (i) under rule 77.11(1); or
 - (ii) by any order made under rule 77.12(2); and
- (b) state whether a hearing is requested in order for a witness for the other party to attend to be cross-examined^(GL) and, if so, the reasons for wishing the witness to attend.

(2) The party applying for a hearing must—

- (a) serve a copy of the application notice on the other party within 4 days of filing it with the court; and
- (b) file a certificate of service.

(3) The party served with an application for a hearing must file any representations within 5 days of service of the application notice.

(4) Subject to paragraph (5), the court will not determine an application for a hearing unless a certificate of service has been filed pursuant to sub-paragraph (2)(b) and—

- (a) representations have been filed under paragraph (3); or
- (b) the period for filing representations under paragraph (3) has expired.

(5) Where—

- (a) no certificate of service has been filed; and
- (b) no representations under paragraph (3) have been received after the expiry of 7 days from the date of filing the application,

the court may dismiss the application for a hearing.

Hearing to determine the application to quash an acquittal

77.15. Where a hearing is ordered, the court—

- (a) may order a witness to attend to be cross-examined^(GL)—
 - (i) of its own initiative; or
 - (ii) on a without notice application by a party; and
- (b) will serve a notice on all parties setting out—

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

- (i) the date, time and place of the hearing; and
- (ii) the details of any witness ordered to attend for cross-examination^(GL).”