
STATUTORY INSTRUMENTS

2013 No. 262

The Civil Procedure (Amendment) Rules 2013

Amendments to the Civil Procedure Rules 1998

8. In Part 26—

- (a) in the Table of Contents of the Part, in the entry for “Allocation questionnaire”, for “Allocation” substitute “Directions”;
- (b) in rule 26.2A—
 - (i) in paragraph (2)—
 - (aa) omit “before the service of a notice by the court under rule 26.3(1A)”; and
 - (bb) after “the preferred court” insert “or the defendant’s home court as appropriate”;
 - (ii) in paragraph (5), for “allocation” substitute “directions”; and
 - (iii) for paragraph (6) substitute—
 - “(6) The relevant time for the purposes of this rule is when—
 - (a) all parties have filed their directions questionnaires;
 - (b) any stay ordered by the court or period to attempt settlement through mediation has expired; or
 - (c) if the claim falls within Practice Direction 7D—
 - (i) the defence is filed; or
 - (ii) enforcement of a default judgment other than by a warrant of execution is requested,whichever occurs first.”;
- (c) in rule 26.3—
 - (i) in the heading, for “Allocation”, substitute “Directions”;
 - (ii) for paragraph (1) substitute—
 - “(1) If a defendant files a defence—
 - (a) a court officer will—
 - (i) provisionally decide the track which appears to be most suitable for the claim; and
 - (ii) serve on each party a notice of proposed allocation; and
 - (b) the notice of proposed allocation will—
 - (i) specify any matter to be complied with by the date specified in the notice;
 - (ii) require the parties to file a completed directions questionnaire and serve copies on all other parties;

- (iii) state the address of the court or the court office to which the directions questionnaire must be returned;
 - (iv) inform the parties how to obtain the directions questionnaire; and
 - (v) if a case appears suitable for allocation to the fast track or multi-track, require the parties to file proposed directions by the date specified in the notice.”;
- (iii) omit paragraph (1A);
- (iv) in paragraph (1B), for “allocation” substitute “directions”;
- (v) in paragraph (2), for “(1A)” substitute “(1)”;
- (vi) for paragraph (3), substitute—
 - “(3) If proceedings are automatically transferred under rule 26.2 or rule 26.2A the court in which the proceedings have been commenced—
 - (a) will serve the notice of proposed allocation before the proceedings are transferred; and
 - (b) will not transfer the proceedings until all parties have complied with the notice or the time for doing so has expired.”;
- (vii) for paragraph (4), substitute—
 - “(4) If rule 15.10 or rule 14.5 applies, the court will not serve a notice under rule 26.3(1) until the claimant has filed a notice requiring the proceedings to continue.”;
- (viii) omit paragraph (5);
- (ix) for paragraph (6), substitute—
 - “(6) If a notice is served under rule 26.3(1)—
 - (a) each party must file at court, and serve on all other parties, the documents required by the notice by no later than the date specified in it; and
 - (b) the date specified will be—
 - (i) if the notice relates to the small claims track, at least 14 days; or
 - (ii) if the notice relates to the fast track or multi-track, at least 28 days, after the date when it is deemed to be served on the party in question.”;
- (x) for paragraph (6A), substitute—
 - “(6A) The date for complying with a notice served under rule 26.3(1) may not be varied by agreement between the parties.”;
- (xi) in paragraph (7), for “an allocation” substitute “a directions”;
- (xii) after paragraph (7), insert—
 - “(7A) If a claim is a designated money claim and a party does not comply with the notice served under rule 26.3(1) by the date specified—
 - (a) the court will serve a further notice on that party, requiring them to comply within 7 days; and
 - (b) if that party fails to comply with the notice served under subparagraph (a), the party’s statement of case will be struck out without further order of the court.”;

- (xiii) in paragraph (8), for “Where a party does not file an allocation questionnaire by the date specified” substitute “If a claim is not a designated money claim and a party does not comply with the notice served under rule 26.3(1) by the date specified”;
- (xiv) omit paragraph (9); and
- (xv) in paragraph (10)—
 - (aa) for “26.3(8)” substitute “26.3(7A)(b) or 26.3(8)”;
 - (bb) for “any party who was not in default” substitute “any other party”;
- (d) in rule 26.4—
 - (i) in paragraph (1), for “allocation” substitute “directions”; and
 - (ii) for paragraph (2) substitute—
 - “(2) If all parties request a stay the proceedings will be stayed for one month and the court will notify the parties accordingly.
 - (2A) If the court otherwise considers that such a stay would be appropriate, the court will direct that the proceedings, either in whole or in part, be stayed for one month, or for such other period as it considers appropriate.”;
- (e) in rule 26.5—
 - (i) for paragraph (1), substitute—
 - “(1) The court will allocate the claim to a track—
 - (a) when all parties have filed their directions questionnaires; or
 - (b) when giving directions pursuant to rule 26.3(8), unless it has stayed the proceedings under rule 26.4.”; and
 - (ii) omit paragraph (5);
- (f) in rule 26.6, in—
 - (i) paragraph (1)(a)(i); and
 - (ii) paragraph (3),
for “£5,000” substitute “£10,000”;
- (g) omit rule 26.7(3); and
- (h) in rule 26.9—
 - (i) omit paragraph (2); and
 - (ii) at the end of the rule, in the words in parentheses, for “his” substitute “their”.