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STATUTORY INSTRUMENTS

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**2014 No. 407**

**The Civil Procedure (Amendment) Rules 2014**

**Amendments to the Civil Procedure Rules 1998**

**14. In Part 26—**

- (a) in the table of contents—
  - (i) in the entry for rule 26.2, after “Automatic transfer” insert “in the High Court”;
  - (ii) for the entry for rule 26.2A substitute “Transfer of money claims within the County Court” ; and
  - (iii) after the entry for rule 26.4 insert—

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“Referral to the Mediation Service	Rule 26.4A”.
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- (b) in rule 26.1—
  - (i) in paragraph (1)—
    - (aa) in subparagraph (a), for “between courts; and ” substitute “in the High Court;”; and
    - (bb) after subparagraph (a) insert—
      - “(a1) the circumstances in which defended cases may be sent from one County Court hearing centre or court office to another; and”;
- (c) in rule 26.2—
  - (i) in the heading to the rule, for “— generally” substitute “in the High Court”;
  - (ii) omit “This rule applies where rule 26.2A does not apply.”; and
  - (iii) in paragraph (1), after “This rule applies to proceedings” insert “in the High Court”;
- (d) in rule 26.2A—
  - (i) in the heading to the rule, for “Automatic Transfer of designated money claims” substitute “Transfer of money claims within the County Court”;
  - (ii) in paragraph (1), for “a designated money claim” substitute “for an amount of money in the County Court, specified or unspecified”;
  - (iii) in paragraph (2)—
    - (aa) for “proper”, in each place it occurs, substitute “court”;
    - (bb) for “transfer” substitute “send”; and
    - (cc) for “as appropriate” substitute “, or such other court as may be appropriate”;
  - (iv) for paragraph (3) substitute—
    - “(3) Subject to paragraph (5), if the defendant is an individual, at the relevant time the claim will be sent to the defendant’s home court (save that where there are two or more defendants, one or more of whom are individuals, the claim will be sent to the home court of the defendant who first files their defence).”;
  - (v) in paragraph (4), for “transfer” substitute “send”;

- (vi) in paragraph (5)—
  - (aa) omit “the court will transfer”; and
  - (bb) after “the claim” insert “will be sent”;
- (e) in rule 26.3—
  - (i) in paragraph (6), in subparagraph (a), omit “at court”;
  - (ii) in paragraph (7A), for “designated money claim” substitute “claim to which rule 26.2A applies”;
  - (iii) in paragraph (8), for “not a designated money claim” substitute “a claim to which rule 26.2 applies”; and
  - (iv) in paragraph (10)—
    - (aa) for “an order has been made” substitute “a case has been struck out”; and
    - (bb) after “rule 26.3(7A)(b) or”, insert “an order has been made under”;
- (f) after rule 26.4 insert—

**“Referral to the Mediation Service**

**26.4A.**—(1) This rule applies to claims started in the County Court which would normally be allocated to the small claims track pursuant to rule 26.6.

(2) This rule does not apply to—

- (a) road traffic accident, personal injury or housing disrepair claims; or
- (b) any claim in which any party to the proceedings does not agree to referral to the Mediation Service.

(3) In this rule, “the Mediation Service” means the Small Claims Mediation Service operated by Her Majesty’s Courts and Tribunals Service.

(4) Where all parties indicate on their directions questionnaire that they agree to mediation, the claim will be referred to the Mediation Service.

(5) If a claim to which this rule applies is settled, the proceedings will automatically be stayed with permission to apply for—

- (a) judgment for the unpaid balance of the outstanding sum of the settlement agreement; or
- (b) the claim to be restored for hearing of the full amount claimed,

unless the parties have agreed that the claim is to be discontinued or dismissed.”; and

- (g) in rule 26.5, after paragraph (2), insert—

“(2A) If—

- (a) a claim is referred to the Mediation Service pursuant to rule 26.4A; and
- (b) the court has not been notified in writing that a settlement has been agreed,

the claim will be allocated to a track in accordance with this rule no later than four weeks from the date on which the last directions questionnaire is filed.”.