

2015 No. 1881 (L. 22)

SENIOR COURTS OF ENGLAND AND WALES

COUNTY COURT, ENGLAND AND WALES

The Civil Procedure (Amendment No. 5) Rules 2015

Made - - - - *10th November 2015*

Laid before Parliament *12th November 2015*

Coming into force in accordance with rule 2

The Civil Procedure Rule Committee, having power under section 2 of the Civil Procedure Act 1997(a) to make rules of court under section 1 of that Act and after consulting in accordance with section 2(6)(a) of the Civil Procedure Act 1997, makes the following Rules:

Citation, commencement and interpretation

1. These Rules may be cited as the Civil Procedure (Amendment No. 5) Rules 2015.
2. These Rules come into force on 3rd December 2015.
3. In these Rules a reference to a rule by number alone means the rule so numbered in the Civil Procedure Rules 1998(b).

Amendments to the Civil Procedure Rules 1998

4. In rule 26.2A—
 - (a) in paragraph (2), for “the preferred court or the defendant’s home court or such other court”, substitute “the defendant’s home court or the preferred hearing centre or other County Court hearing centre”;
 - (b) in paragraph (3)—
 - (i) after “if the defendant is an individual”, insert “and the claim is for a specified sum of money”; and
 - (ii) for “will”, in each place it appears, substitute “must”;
 - (c) in paragraph (4)—
 - (i) for “will”, substitute “must”; and
 - (ii) for “preferred court”, substitute “preferred hearing centre”; and

(a) 1997 c.12. Section 2(1) was substituted by the Constitutional Reform Act 2005 (c.4), section 15 and Schedule 4, Part 1. Section 1(3) was substituted by section 82(1) of the Courts Act 2003 (c.39) and further amended by the Constitutional Reform Act 2005, sections 15 and 146 and Schedule 4, Part 1, paragraphs 261 and 262 and Schedule 18, paragraph 2. Section 1(1) was amended by the Crime and Courts Act 2013 (c.22), section 17(5) and Schedule 9, Part 3, paragraph 67(a).

(b) S.I. 1998/3132, to which there are relevant amendments in S.I. 2011/3013, S.I. 2013/262, S.I. 2014/407 and S.I. 2014/867.

- (d) for paragraph (5), substitute—
- “(5) If, on their directions questionnaire—
- (a) a defendant under paragraph (3) has specified a hearing centre other than the defendant’s home court; or
 - (b) a claimant under paragraph (4) has specified a hearing centre other than the preferred hearing centre,
- the claim must be sent to that other hearing centre.”.

*The Right Honourable Lord Dyson, MR
Stephen Richards, LJ
Mr Justice Coulson
His Honour Judge Martin McKenna
District Judge Michael Hovington
Edward Peppercall QC
Richard Viney
Andrew Underwood*

I allow these Rules
Signed by authority of the Lord Chancellor

Shailesh Vara
Parliamentary Under Secretary of State
Ministry of Justice

10th November 2015

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend rule 26.2A of the Civil Procedure Rules 1998 (CPR) (SI 1998/3132), to provide that, in the County Court, if a defendant is an individual, their claim will only be sent to the defendant’s home court (defined in Part 2 of the CPR) if the claim is for a specified sum of money. In all other cases, the claim will be sent to the preferred hearing centre (also defined in Part 2 of the CPR). Previously, if a defendant was an individual, their claim would be sent to the defendant’s home court irrespective of whether the claim was for a specified or unspecified sum of money. These provisions remain subject to the exceptions in rule 26.2A(5) which enable an individual defendant or a claimant, as appropriate, to specify on their directions questionnaire an alternative County Court hearing centre to which the claim should be sent, but this provision has been amended to aid clarity. Further amendments replace the term “preferred court” with “defendant’s home court” and “preferred hearing centre”, as appropriate, to ensure the use of correct terminology.

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