

**2018 No. 975 (L. 9)**

**SENIOR COURTS OF ENGLAND AND WALES**

**COUNTY COURT, ENGLAND AND WALES**

**The Civil Procedure (Amendment No. 3) Rules 2018**

*Made* - - - - - *28th August 2018*

*Laid before Parliament* *6th September 2018*

*Coming into force* - - - *1st October 2018*

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

**Citation, commencement and interpretation**

**1.**—(1) These Rules may be cited as the Civil Procedure (Amendment No. 3) Rules 2018 and come into force on 1st October 2018.

(2) In these Rules, a reference to a Part or rule by number alone means the Part or rule so numbered in the Civil Procedure Rules 1998(b).

**Amendments to the Civil Procedure Rules 1998**

**2.** The Civil Procedure Rules 1998 are amended in accordance with Rules 3 to 7 of these Rules.

**Amendment of Part 1**

**3.** In Part 1—

(a) in the table of contents, after the entry for rule 1.4 insert—

“The Welsh language Rule 1.5”; and

(b) after rule 1.4 insert—

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(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(1) was amended by the Crime and Courts Act 2013 (c.22), section 17(5) and Schedule 9, Part 3, paragraph 67(a) and by the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), section 174(2). 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.

(b) S.I. 1998/3132. There are relevant amendments in S.I. 2001/1388, S.I. 2002/2058, S.I. 2004/1306, S.I. 2010/1953, 2012/2208, 2014/407.

**“The Welsh language**

**1.5.**—(1) Nothing in the overriding objective undermines the principles provided by the Welsh Language (Wales) Measure 2011<sup>(a)</sup> that the Welsh language has official status in Wales or by the Welsh Language Act 1993<sup>(b)</sup> that in any legal proceedings in Wales the Welsh language may be used by any person who desires to use it.

(2) The parties are required to assist the court to put into effect the principles set out in paragraph (1).”.

**Amendment of Part 5**

**4.** In Part 5—

(a) in the table of contents, for the entry for rule 5.4 substitute—

“Register of claims	Rule 5.4
Supply of documents to a party from court records	Rule 5.4B
Supply of documents to a non-party from court records	Rule 5.4C
Supply of documents from court records – general	Rule 5.4D
Filing and sending documents	Rule 5.5
Documents in the Welsh language	Rule 5.6”;

(b) after rule 5.5 insert—

**“Documents in the Welsh language**

**5.6.**—(1) Any document placed before the court in civil proceedings in or having a connection with Wales may be in the English or Welsh language.

(2) It is the responsibility of any party if acting in person or of that party’s legal representative to inform the court as soon as practicable if documents in the Welsh language will or may be placed before the court, so that appropriate arrangements can be made.”.

**Insertion of new Part 57A**

**5.** After Part 57, insert Part 57A as set out in the Schedule to these Rules.

**Amendment of Part 65**

**6.** In Part 65—

(a) omit rules 65.2 to 65.7; and

(b) in rule 65.47—

(i) in the heading, at the end insert “and under the 2014 Act<sup>(c)</sup>”; and

(ii) omit paragraph (5) and the words in parentheses which follow it.

**Amendment of Part 81**

**7.** In rule 81.4, after paragraph (5) insert—

“(6) Proceedings in the County Court (whether by way of an application or pursuant to the exercise of a power of arrest) to commit a person for breach of an injunction (or of an undertaking given instead of an injunction) may, save where any rule or practice direction provides otherwise, be dealt with by a District Judge.”.

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(a) 2011 nawm 1.

(b) 1993 c. 38.

(c) Reference to the 2014 Act is to the Anti-social Behaviour, Crime and Policing Act 2014 (c.12).

### Amendment of Part 83

8. In rule 83.2(3)(e), after “has been fulfilled” insert “(other than where non-compliance with the terms of suspension of enforcement of the judgment or order is the failure to pay money)”.

*The Right Honourable Sir Terence Etherton, MR*  
*Lord Justice Coulson*  
*Mr Justice Birss*  
*Mr Justice Kerr*  
*Master Cook*  
*His Honour Judge Milwyn Jarman*  
*His Honour Judge Martin McKenna*  
*District Judge Michael Hovington*  
*John Dagnall*  
*Richard Viney*  
*Brett Dixon*  
*Andrew Underwood*  
*Lizzie Iron*

I allow these Rules  
Signed by authority of the Lord Chancellor

28th August 2018

*Lucy Frazer*  
Parliamentary Under Secretary of State  
Ministry of Justice

## SCHEDULE

Rule 5

### “PART 57A

### BUSINESS AND PROPERTY COURTS

#### Contents of this Part

The Business and Property Courts	Rule 57A.1
Courts and lists	Rule 57A.2
Application of the Civil Procedure Rules	Rule 57A.3

#### **The Business and Property Courts**

**57A.1.**—(1) The courts listed in paragraph (2) together constitute the Business and Property Courts.

(2) The courts referred to in paragraph (1) are—

- (a) the Chancery Division of the High Court, the Commercial Court, the Technology and Construction Court, the Circuit Commercial Court and the Admiralty Court located in the Royal Courts of Justice, Rolls Building; together with

- (b) the Chancery Division of the High Court, the Technology and Construction Court and the Circuit Commercial Courts in the District Registries of the High Court specified in Practice Direction 57AA – Business and Property Courts.

### **Courts and lists**

**57A.2.** The work of the Business and Property Courts is divided and listed into the courts or lists specified in Practice Direction 57AA – Business and Property Courts.

### **Application of the Civil Procedure Rules**

**57A.3.** These Rules and their practice directions apply to claims in the Business and Property Courts unless this Part or a practice direction provides otherwise.”

## **EXPLANATORY NOTE**

*(This note is not part of the Rules)*

These Rules amend the Civil Procedure Rules 1998 (SI 1998/3132) for four purposes.

The first purpose, for which two new rules (rule 1.5 and rule 5.6) are inserted, is to make provision to support the principles (established by the Welsh Language (Wales) Measure 2011 and the Welsh Language Act 1993 respectively) that the Welsh language has official status in Wales and that in any legal proceedings in Wales the Welsh language may be used by any person who desires to use it. (The opportunity has also been taken to update the contents list of Part 5.)

The second purpose is to include provision reflecting the establishment of the Business and Property Courts, for which a new Part 57A is inserted.

The third purpose is to clarify the power of a District Judge to deal with proceedings to commit a person for breach of an injunction, and to remove provisions which relate to repealed legislation concerning certain injunctions and have no continuing practical application.

The fourth purpose is to amend rule 83.2(3)(e) to alter the permission requirements for the issue of writs or warrants following suspended orders (including suspended possession orders), to remove the requirement for permission where breach of the order was by way of failure to pay money.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sectors is foreseen.

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