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STATUTORY INSTRUMENTS

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**2020 No. 747**

**The Civil Procedure (Amendment No. 3) Rules 2020**

**Amendment of Part 34**

9.—(1) In the table of contents for Part 34, after the entry for rule 34.7 insert—

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“Fines imposed under section 55 of the County Courts Act 1984(1)	Rule 34.7A”
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(2) After rule 34.7 insert—

**“Fines imposed under section 55 of the County Courts Act 1984**

**34.7A.** If a person has failed to comply with an order under section 55 of the County Courts Act 1984 but can demonstrate any reason why they should not be (or should not have been) fined for failure to comply with the order, the court may direct that that person give evidence by witness statement, affidavit or otherwise.

(Part 70 contains general rules about fines imposed under the County Courts Act 1984.)”

(3) In rule 34.16(2)(2)—

(a) at the end of sub-paragraph (a), insert “; and”; and

(b) after sub-paragraph (a) insert—

““the Hague Evidence Convention” means the Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters”.

(4) For rule 34.17 substitute—

**“Application for order**

**34.17.**—(1) An application for an order under the 1975 Act for evidence to be obtained must be made to the High Court and may be made without notice.

(2) The application may be made either—

(a) by an application notice under Part 23, which must be—

(i) supported by written evidence; and

(ii) accompanied by the request as a result of which the application is made, and where appropriate, a translation of the request into English; or

(b) where—

(i) the requesting state is a party to the Hague Evidence Convention, by a Letter of Request using the Model Form published by the Permanent Bureau of the

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(1) 1984 c.28. Section 55 was amended by the Courts and Legal Services Act 1990 (c.41) section 74; the Criminal Justice Act 1991 (c.53) section 17, 101, Schedule 4 Part I and Schedule 12; the Civil Procedure Act 1997 (c.12) section 10, Schedule 2; and the Crime and Courts Act 2013 (c.22) section 17(5), Schedule 9 Part 1.

(2) Rule 34.16(2) was amended by S.I. 2019/521, regulation 12(5)(b), which omitted sub-paragraph (b) and “and” at the end of sub-paragraph (a).

Hague Conference on Private International Law (which is annexed to Practice Direction 34A); or

- (ii) the requesting state is not a party to the Hague Evidence Convention, by a Letter of Request submitted via the Foreign and Commonwealth Office.”.