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STATUTORY INSTRUMENTS

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**2022 No. 783**

**The Civil Procedure (Amendment No. 2) Rules 2022**

**Amendment of Part 16**

**12.—**(1) For rule 16.2(1)(c) to (d) substitute—

- “(c) contain a statement of value in accordance with rule 16.3, where the claimant is making a claim for money;
- (d) contain a statement of the interest accrued on that sum, where the only claim is for a specified sum; and
- (e) contain such other matters as may be set out in a practice direction.”.

(2) In rule 16.2(5), after “entitled” insert a comma.

(3) In rule 16.3—

- (a) at the end of sub-paragraph (2)(b)(i) insert “or”;
- (b) in paragraph (3) for “the claimant expects” substitute “they expect”;
- (c) in paragraph (3A)—
  - (i) in subparagraph (a) for “occurs” substitute “occurred”;
  - (ii) for “the claimant expects” substitute “they expect”; and

(d) for paragraphs (4) to (7) substitute—

“(4) Where a tenant of residential premises, or a contract-holder of an occupation contract of a dwelling under section 7 of the Renting Homes (Wales) Act 2016, claims an order against a landlord requiring the landlord to carry out repairs or other work, the claimant must also state in the claim form—

- (a) whether the estimated costs of those repairs or other work is—
  - (i) not more than £1,000; or
  - (ii) more than £1,000; and
- (b) whether the value of any other claim for damages is—
  - (i) not more than £1,000; or
  - (ii) more than £1,000.

(5) If the claim form is to be issued in the High Court it must, where this rule applies—

- (a) state that the claimant expects to recover more than £100,000;
- (b) state that some other enactment permits or requires the claim to be brought in the High Court and specify that enactment;
- (c) if the claim is for personal injuries, state that the claimant expects to recover £50,000 or more; or
- (d) state that the claim is to proceed in one of the specialist High Court lists and state which list.

(6) When calculating how much the claimant expects to recover, the claimant must disregard any possibility—

- (a) that the court may make an award of—
    - (i) interest;
    - (ii) costs;
  - (b) that the court may make a finding of contributory negligence;
  - (c) that the defendant may make a counterclaim or that the defence may include a set-off; or
  - (d) that the defendant may (under section 6 of the Social Security (Recovery of Benefits Act 1997) be liable to pay direct to the Secretary of State part of any award of money made by the court to the claimant against the defendant.
- (7) The statement of value in the claim form does not limit the power of the court to give judgment for an amount which it finds the claimant is entitled to.”.
- (4) For rules 16.4 to 16.7 substitute—

**“Contents of the particulars of claim**

**16.4.—(1) Particulars of claim must include—**

- (a) a concise statement of the facts on which the claimant relies;
  - (b) if the claimant is seeking interest, a statement to that effect and the details set out in paragraph (2);
  - (c) if the claimant is seeking aggravated damages<sup>(GL)</sup> or exemplary damages<sup>(GL)</sup>, a statement to that effect and the grounds for claiming them;
  - (d) if the claimant is seeking provisional damages, a statement to that effect and the grounds for claiming them; and
  - (e) such other matters as may be set out in a practice direction.
- (2) If the claimant is seeking interest they must—
- (a) state whether they are doing so—
    - (i) under the terms of a contract;
    - (ii) under an enactment and, if so, which; or
    - (iii) on some other basis and, if so, what that basis is; and
  - (b) if the claim is for a specified amount of money, state—
    - (i) the percentage rate at which interest is claimed;
    - (ii) the date from which it is claimed;
    - (iii) the date to which it is calculated, which must not be later than the date on which the claim form is issued;
    - (iv) the total amount of interest claimed to the date of calculation; and
    - (v) the daily rate at which interest accrues after that date.

(Part 22 requires particulars of claim to be verified by a statement of truth).

**Contents of defence**

**16.5.—(1) In the defence, the defendant must deal with every allegation in the particulars of claim, stating—**

- (a) which of the allegations are denied;

- (b) which allegations they are unable to admit or deny, but which they require the claimant to prove; and
  - (c) which allegations they admit.
- (2) Where the defendant denies an allegation—
- (a) they must state their reasons for doing so; and
  - (b) if they intend to put forward a different version of events from that given by the claimant, they must state their own version.
- (3) If a defendant—
- (a) fails to deal with an allegation; but
  - (b) sets out in the defence the nature of their case in relation to the issue to which that allegation is relevant,
- the claimant is required to prove the allegation.
- (4) Where the claim includes a money claim, the claimant must prove any allegation relating to the amount of money claimed, unless the defendant expressly admits the allegation.
- (5) Subject to paragraphs (3) and (4), a defendant who fails to deal with an allegation shall be taken to admit that allegation.
- (6) If the defendant disputes the claimant’s statement of value under rule 16.3 they must—
- (a) state why they dispute it; and
  - (b) if they are able, give their own statement of the value of the claim.
- (7) If the defendant is defending in a representative capacity, they must state what that capacity is.
- (8) If the defendant has not filed an acknowledgment of service under Part 10, they must give an address for service.
- (Part 22 requires a defence to be verified by a statement of truth.)
- (Rule 6.23 makes provision in relation to addresses for service.)

### **Defence of set-off**

- 16.6.** Where a defendant—
- (a) contends that they are entitled to money from the claimant; and
  - (b) relies on this as a defence to the whole or part of the claim,
- the contention may be included in the defence and set off against the claim, whether or not it is also an additional claim.

### **Reply to defence**

- 16.7.—**(1) If a claimant does not file a reply to the defence, the defendant must prove the matters raised in the defence.
- (2) If a claimant—
- (a) files a reply to a defence; but
  - (b) fails to deal with a matter raised in the defence,
- the defendant must prove that matter even though it is not dealt with in the reply.
- (Part 22 requires a reply to be verified by a statement of truth.)”.