

STATUTORY INSTRUMENTS

2022 No. 783

The Civil Procedure (Amendment No. 2) Rules 2022

Amendment of Part 54

21.—(1) In the table of contents—

- (a) omit the entries for Section IV; and
- (b) after the entries for Section VI insert—

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(2) After Section VI insert—

“SECTION VII – ENVIRONMENTAL REVIEW UNDER THE ENVIRONMENT ACT 2021

Scope and interpretation

54.25.—(1) This Section contains rules about environmental review.

(2) In this Section—

- (a) “claim for environmental review” means a claim made by the Office for Environmental Protection (“OEP”) under section 38 of the Environment Act 2021(1);
- (b) “the environmental review procedure” means the Part 8 procedure as modified by this Section;
- (c) “interested party” means any person (other than the claimant and defendant) who is directly affected by the claim; and

(d) “court” means the High Court.

Who may exercise the powers of the High Court

54.26.—(1) Rule 54.1A (excluding paragraph (3)(a) of the rule) applies to a claim for environmental review.

(2) A claim for environmental review shall be assigned to the Planning Court.

When this Section must be used

54.27.—(1) The environmental review procedure must be used where a claim for environmental review is made.

(2) Practice Direction 54E applies to the environmental review procedure.

Time limit for filing claim form

54.28.—(1) The claim form must be filed not later than 6 months from the date by which a response to a decision notice was required under section 36(3) of the Environment Act 2021.

(2) The time limit in paragraph (1) may be extended, but only upon application to the court by the claimant and if the court is satisfied that it is reasonable to do so.

Claim form

54.29.—(1) In addition to the matters set out in rule 8.2 (contents of the claim form) the claimant must also state—

- (a) the name of the public authority, the defendant, against whom the claim for environmental review is brought;
- (b) the name and address of any person the claimant considers to be an interested party; and
- (c) any remedy (including any interim remedy) sought by the claimant.

(2) The claim form must be accompanied by the documents required by Practice Direction 54E.

Service of claim form

54.30. The claim form must be served on—

- (a) the defendant; and
- (b) unless the court otherwise directs, any person the claimant considers to be an interested party,

within 7 days after the date of issue.

Acknowledgment of service

54.31.—(1) Any person served with the claim form who wishes to take part in the environmental review must file an acknowledgment of service in the relevant practice form in accordance with the following provisions of this rule.

(2) Any acknowledgment of service must be—

- (a) filed not more than 35 days after service of the claim form; and
- (b) served on—

- (i) the claimant; and
- (ii) subject to any direction under rule 54.30(b), any other person named in the claim form,

as soon as practicable and, in any event, not later than 7 days after it is filed.

- (3) The time limits under this rule may not be extended by agreement between the parties.
- (4) The acknowledgment of service—
 - (a) must state the name and address of any person the person filing it considers to be an interested party; and
 - (b) may include or be accompanied by an application for directions.
- (5) Rule 10.3(2) does not apply.

Detailed grounds and evidence

54.32.—(1) A defendant and any other person served with the claim form who wishes to contest the claim or support it on additional grounds must file and serve with the acknowledgement of service—

- (a) detailed grounds for contesting the claim or supporting it on additional grounds; and
- (b) any written evidence.
- (2) Rule 8.6(1) does not apply.
- (3) No written evidence may be relied on unless—
 - (a) it has been served in accordance with any—
 - (i) rule in this Section; or
 - (ii) direction of the court; or
 - (b) the court gives permission.

Failure to file acknowledgment of service

54.33.—(1) Where a person served with the claim form has failed to file an acknowledgment of service in accordance with rule 54.31 or to comply with 54.32, they may not take part in the hearing of the claim unless the court allows them to do so and they comply with rule 54.31 or any other direction of the court regarding the filing and service of—

- (a) detailed grounds for contesting the claim or supporting it on additional grounds; and
- (b) any written evidence.
- (2) Where that person takes part in the hearing of the environmental review, the court may take their failure to file an acknowledgment of service into account when deciding whether an order as to costs should be made.
- (3) Rule 8.4 does not apply.

Where claimant seeks to rely on additional grounds

54.34. The court's permission is required if the claimant seeks to rely on grounds other than those set out in the original claim.

Other procedural rules

54.35. Rules 54.10 and 54.16 – 54.20 shall apply to the environmental review procedure, except that—

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- (a) references to “permission to proceed” shall be disregarded; and
- (b) the reference in rule 54.19 to “the decision to which the claim relates” shall be read as referring to “the matter to which the claim relates.”.