

## Annex B

### CIVIL PROCEDURE RULES

#### PART 66

#### CROWN PROCEEDINGS

#### Contents of this Part

Scope of this Part and interpretation	Rule 66.1
Application of the Civil Procedure Rules	Rule 66.2
Action on behalf of the Crown	Rule 66.3
Counterclaims, other Part 20 claims, and set-off	Rule 66.4
Applications in revenue matters	Rule 66.5
Enforcement against the Crown	Rule 66.6
Money due from the Crown	Rule 66.7

#### Scope of this Part and interpretation

**66.1**—(1) This Part contains rules for civil proceedings by or against the Crown, and other civil proceedings to which the Crown is a party.

(2) In this Part—

(a) “the Act” means the Crown Proceedings Act 1947;

(b) “civil proceedings by the Crown” means the civil proceedings described in section 23(1) of the Act, but excluding the proceedings described in section 23(3);

(c) “civil proceedings against the Crown” means the civil proceedings described in section 23(2) of the Act, but excluding the proceedings described in section 23(3);

(d) “civil proceedings to which the Crown is a party” has the same meaning as it has for the purposes of Parts III and IV of the Act by virtue of section 38(4).

#### Application of the Civil Procedure Rules

**66.2** These Rules and their practice directions apply to civil proceedings by or against the Crown and to other civil proceedings to which the Crown is a party unless this Part, a practice direction or any other enactment provides otherwise.

#### Action on behalf of the Crown

**66.3**—(1) Where by reason of a rule, practice direction or court order the Crown is permitted or required—

- (a) to make a witness statement,
- (b) to swear an affidavit,
- (c) to verify a document by a statement of truth;
- (d) to make a disclosure statement; or
- (e) to discharge any other procedural obligation,

that function shall be performed by an appropriate officer acting on behalf of the Crown.

(2) The court may if necessary nominate an appropriate officer.

### **Counterclaims, other Part 20 claims, and set-off**

**66.4—**(1) In a claim by the Crown for taxes, duties or penalties, the defendant cannot make a counterclaim or other Part 20 claim or raise a defence of set-off.

(2) In any other claim by the Crown, the defendant cannot make a counterclaim or other Part 20 claim or raise a defence of set-off which is based on a claim for repayment of taxes, duties or penalties.

(3) In proceedings by or against the Crown in the name of the Attorney-General, no counterclaim or other Part 20 claim can be made or defence of set-off raised without the permission of the court.

(4) In proceedings by or against the Crown in the name of a government department, no counterclaim or other Part 20 claim can be made or defence of set-off raised without the permission of the court unless the subject-matter relates to that government department.

### **Applications in revenue matters**

**66.5—**(1) This rule sets out the procedure under section 14 of the Act, which allows the Crown to make summary applications in the High Court in certain revenue matters.

(2) The application must be made in the High Court using the Part 8 procedure.

(3) The title of the claim form must clearly identify the matters which give rise to the application.

### **Enforcement against the Crown**

**66.6—**(1) The following rules do not apply to any order against the Crown—

- (a) Parts 69 to 73;
- (b) RSC Orders 45 to 47 and 52; and
- (c) CCR Orders 25 to 29.

(2) In paragraph (1), “order against the Crown” means any judgment or order against the Crown, a government department, or an officer of the Crown as such, made—

- (a) in civil proceedings by or against the Crown;
- (b) in proceedings in the Administrative Court;
- (c) in connection with an arbitration to which the Crown is a party; or
- (d) in other civil proceedings to which the Crown is a party.

(3) An application under section 25(1) of the Act for a separate certificate of costs payable to the applicant may be made without notice.

### **Money due from the Crown**

**66.7—**(1) None of the following orders—

- (a) a third party debt order under Part 72;
- (b) an order for the appointment of a receiver under Part 69; or

- (c) an order for the appointment of a sequestrator under RSC Order 45, may be made or have effect in respect of any money due from the Crown.
- (2) In paragraph (1), “money due from the Crown” includes money accruing due, and money alleged to be due or accruing due.
- (3) An application for an order under section 27 of the Act—  
(a) restraining a person from receiving money payable to him by the Crown; and  
(b) directing payment of the money to the applicant or another person, may be made under Part 23.
- (4) The application must be supported by written evidence setting out the facts on which it is based, and in particular identifying the debt from the Crown.
- (5) Where the debt from the Crown is money in a National Savings Bank account, the witness must if possible identify the number of the account and the name and address of the branch where it is held.
- (6) Notice of the application, with a copy of the written evidence, must be served—  
(a) on the Crown, and  
(b) on the person to be restrained, at least 7 days before the hearing.
- (7) Rule 72.8 applies to an application under this rule as it applies to an application under rule 72.2 for a third party debt order, except that the court will not have the power to order enforcement to issue against the Crown.

## **ADDITIONAL AMENDMENTS TO THE CPR**

### **Rule 6.1**

After rule 6.1, for the cross-reference substitute :

“(For service in possession claims, see Part 55)”.

### **Rule 6.4**

In paragraph (1), for “paragraph (2)” substitute “paragraphs (2) and (2A)”.

After paragraph (2), insert—

“(2A) In civil proceedings by or against the Crown, as defined in rule 66.1(2), documents required to be served on the Crown may not be served personally.”.

### **Rule 6.5**

After paragraph (7), insert—

“(8) In civil proceedings by or against the Crown, as defined in rule 66.1(2)—

- (a) service on the Attorney General must be effected on the Treasury Solicitor;  
(b) service on a government department must be effected on the solicitor acting for that department as required by section 18 of the Crown Proceedings Act 1947.

(The practice direction to Part 66 gives the list published, under section 17 of that Act, of the solicitors acting for the different government departments on whom service is to be effected, and of their addresses)”.

### **Rule 12.4**

After paragraph (3) insert—

“(4) In civil proceedings against the Crown, as defined in rule 66.1(2), a request for a default judgment must be considered by a Master or district judge, who must in particular be satisfied that the claim form and particulars of claim have been properly served on the Crown in accordance with section 18 of the Crown Proceedings Act 1947 and rule 6.5(8).”.

**Rule 12.10**

For sub-paragraph (a), substitute—

“(a) the claim is—

- (i) a claim against a child or patient; or
- (ii) a claim in tort by one spouse against the other; or”.

**PD 12**

Delete para 2.3(5).

**Rule 16.2**

After paragraph (1), insert—

“(1A) In civil proceedings against the Crown, as defined in rule 66.1(2), the claim form must also contain—

- (a) the names of the government departments and officers of the Crown concerned; and
- (b) brief details of the circumstances in which it is alleged that the liability of the Crown arose.”.

**Rule 19.4**

After paragraph (4), insert—

“(4A) The Commissioners of Inland Revenue may be added as a party to proceedings only if they consent in writing.”.

**Rule 19.7B**

After rule 19.7A, insert—

**“Postal Services Act 2000 (c. 26)**

**19.7B—**(1) An application under section 92 of the Postal Services Act 2000 for permission to bring proceedings in the name of the sender or addressee of a postal packet or his personal representative is made in accordance with Part 8.

(2) A copy of the application notice must be served on the universal service provider and on the person in whose name the applicant seeks to bring the proceedings.”.

**PD 19**

In paragraph 6.4(1), in the cross-reference, for “annexed to this practice direction” substitute “annexed to the practice direction to Part 66”.

The Annex is transferred to the practice direction to Part 66.

#### **Rule 24.4**

After paragraph (1), insert—

“(1A) In civil proceedings against the Crown, as defined in rule 66.1(2), a claimant may not apply for summary judgment until after the expiry of the period for filing a defence specified in rule 15.4.”.

#### **Rule 30.3**

In paragraph (2), after sub-paragraph (g), insert—

“;

(h) in the case of civil proceedings by or against the Crown, as defined in rule 66.1(2), the location of the relevant government department or officers of the Crown and, where appropriate, any relevant public interest that the matter should be tried in London.”.

#### **Revocations**

Schedule 1 : RSC Order 77 - the whole Order

Schedule 2 : CCR Order 42 - the whole Order  
CCR Order 49 - rule 15