

Civil Procedure Rule Committee

Annual Report

October 2005 - September 2006

Annual Report – Civil Procedure Rule Committee

This report covers the period October 2005 – September 2006

Terms of Reference

1. The Civil Procedure Rule Committee is an advisory non-departmental public body sponsored by the Department of Constitutional Affairs. It exists to make rules of court -

“governing the practice and procedure in;

- The civil division of the Court of Appeal
- The High Court
- The county courts.” (*Civil Procedure Act 1997*)

The power to make the rules should be –

“exercised with a view to securing that the civil justice system is accessible, fair and efficient and the rules are both simple and simply expressed.” (*ibid*)

Background

The Civil Procedure Rule Committee was established in 1997 by its enabling legislation, the Civil Procedure Act 1997, to make rules of court (Civil Procedure Rules) to replace the previous Rules of the Supreme Court and County Court Rules. The policy aims of the Civil Procedure Rules, and therefore the Civil Procedure Rule Committee, are to provide rules of court in line with the aims stated in Lord Woolf’s 1996 report, *Access to Justice*.

Membership

3. During the period of this report, the committee comprised the following members:

Sir Anthony Clarke, Master of the Rolls & Head of Civil Justice (ex officio)
Lord Justice Dyson, Deputy Head of Civil Justice (ex officio)
The Honourable Mr. Justice Jackson (Supreme Court Judge Member)
The Honourable Mr. Justice Etherton (Supreme Court Judge Member)
Master Whitaker (Supreme Court Master Member)
His Honour Judge Oliver-Jones QC (Circuit Judge Member)
District Judge Dabezies (District Judge Member)
Mr. Philip Rainey (Barrister Member)
Mr. Richard Walford (Barrister Member)
Mr. David di Mambro (Barrister Member)
Mr. Nicholas Burkill (Solicitor Member)
Ms. Juliet Herzog (Solicitor Member)
Mr. Andrew Parker (Solicitor Member)
Mr. Peter Candon (Consumer Affairs Member)
Ms. Bettina Jones (Lay Advice Member)

No members retired from the committee. Richard Walford, Andrew Parker, Peter Candon and District Judge Dabezies were re-appointed to the committee (their previous terms having expired) in August 2006.

Meetings

4. The committee met on (2005) 14th October, 4th November, 9th December, (2006) 17th February, 10th March, 7th April, 19th May, 16th June and 14th July. The meeting on 19th May took place at HMCS Offices in Clive House, Petty France, London. All other meetings took place at the Royal Courts of Justice.
5. The meeting of 19th May was the committee's first open public meeting. 30 guests attended to watch the committee at work, and questions were taken at the end of the meeting. The event was considered very successful.

New Rules / Statutory Instruments

6. The committee made a number of amendments to the Civil Procedure Rules, published as the 41st Update (April 2006) and the 42nd Update (October 2006)
7. This update contained amended rules on a large number of matters discussed by the committee during the year, including;
 - The use of equivalent services for service of documents,
 - A new Part 20 altering the current Part 20 terminology,
 - Revisions to Part 25, Interim Remedies and Security Costs, amended in line with the European Intellectual Property Directive,
 - Enhancing the court's discretion in granting permission to appeal,
 - The extension of the time limit for applying for permission to appeal,
 - New rules granting access by non-parties to documents filed at court, and
 - Granting the Court of Appeal new power to refuse permission for an oral hearing (where permission to appeal is denied).
8. The rule content of these amendments was made by the following statutory instruments;

2005 Number 3515 – Civil Procedure (Amendment Number 4) Rules 2005

2006 Number 1689 – Civil Procedure (Amendment) Rules 2006

Departmental Contact

9. Any queries about the work of the Civil Procedure Rule Committee may be addressed to;

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