

CPR update: more changes in the pipeline.

Civil procedure rules: you can never have too much of a good thing. Enter [The Civil Procedure \(Amendment No.3\) Rules 2020 \(SI 2020/747\)](#), in force from 1 October 2020 (or 23 August 2020 in some respects).

The amendments are wide-ranging and provide something for everyone. Here are some selected highlights for busy practitioners.

Costs budgets

- (1) There is little that is new as such but there is certainly a lot of tidying up. The existing Rules, Practice Direction and Guidance Note have been rationalised into the new Rules (revised CPR Part 3) and Practice Direction (comprising practice guidance). Hopefully, this will make ascertaining the assorted requirements a more straightforward task.
- (2) Of particular note is the fact that it is expressly provided that the court will be able to require costs budgets in cases where the CPR do not otherwise require them: CPR 3.13(3). Again, that is not a new power (see the existing PD 3E, para.2) but might its inclusion within CPR Part 3 perhaps signal an intended increased use of costs budgeting at large in the future?

Possession

- (3) From 23 August there will be an *important* new rule – CPR 83.8A – requiring notice of eviction to be given when writs and warrants of possessions are executed (except in cases involving possession orders against trespassers who *never* had consent to enter or remain on the land).
- (4) The notice of eviction must be delivered to the premises at least 14 days before execution. The notice (in the prescribed form) must be addressed to all persons against whom the possession order was made and “any other occupiers”. It must be inserted through the letter box in a sealed transparent envelope or, if that is not practicable, attached to the main door etc so that it is clearly visible or, failing that, attached to stakes placed in the land. The court can, however, dispense with the notice or alter the time limit for its delivery.

- (5) These changes align the procedures for enforcement of possession orders in both the High Court and county court. They apply to both private and public residential housing and also to commercial property and land. They require a fair approach by enforcement officers, in the form of the notice period before eviction, and are considered important in achieving an orderly return of possession cases and the enforcement process when the CPR 55.29 stay expires on 23 August (see my article: “[‘Stay’ no more: the future for possession claims](#)”).
- (6) Again from 23 August, new CPR 30.4(3) provides that where proceedings for the enforcement of a possession order are transferred by the county court to the High Court and the land is within the area of a District Registry, then (unless the court orders otherwise) the transfer will be to the District Registry.

False statements and contempt

- (7) Substituted rule 32.14 confirms that proceedings for contempt can be brought in respect of false statements in documents verified by a statement of truth which are prepared *in anticipation of* (or during) proceedings. This endorses the decision in *Jet 2 Holidays Ltd v Hughes* [2019] EWCA Civ 1858.

Contempt of court generally

- (8) CPR Part 81 (contempt) is to be entirely replaced with a new version. The new Part 81 is a consolidated and streamlined version of the current rules, and dispenses with two existing Practice Directions and a Practice Guidance document.

Charging orders

- (9) Legal advisers will obtain an additional delegated power, namely to make an unless order requiring a judgment creditor, in some final charging order proceedings, to file a certificate of service and a statement of the amount due under the judgment or order, failing which the application for a charging order may be dismissed and the interim charging order discharged: CPR 73.10(6B).

Yet more for everyone to digest.

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