STATUTORY INSTRUMENTS

2025 No. 893 (L. 6)

SENIOR COURTS OF ENGLAND AND WALES

COUNTY COURT, ENGLAND AND WALES

The Civil Procedure (Amendment No. 2) Rules 2025

Made - - - -	*16th July 2025*
Laid before Parliament	*18th July 2025*
Coming into force in accordance with rule 1(2)	

The Civil Procedure Rule Committee, having power under section 2 of the Civil Procedure Act 1997(**a**) to make rules under section 1 of and Schedule 1 to that Act and section 67B(1) of the Courts Act 2003(**b**), and after fulfilling the requirements of section 2(6) of the Civil Procedure Act 1997 and section 67C of the Courts Act 2003, makes the following Rules.

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Civil Procedure (Amendment No. 2) Rules 2025 and come into force in accordance with paragraph (2).

(2) These Rules come into force as follows—

(a) rules 1, 2 and 11 come into force on 12th September 2025; and

(b) rules 3 to 10 come into force on 1st October 2025.

(3) In these Rules a reference to a Part or rule by number alone means the Part or rule so numbered in the Civil Procedure Rules 1998(**c**).

Amendments to the Civil Procedure Rules 1998

2. The Civil Procedure Rules 1998 are amended in accordance with rules 3 to 11 of these Rules.

Amendment of Part 2

3. In rule 2.8(5), in the opening words, for "Subject to the provisions of Practice Direction 5C, when" substitute "When".

(**a**) 1997 c. 12. Section 2(1) was substituted by the Constitutional Reform Act 2005 (c. 4), section 15 and Schedule 4, Part 1. Section 1(3) was substituted by section 82(1) of the Courts Act 2003 (c. 39) and further amended by the Constitutional Reform Act 2005, sections 15 and 146 and Schedule 4, Part 1, paragraphs 261 and 262 and Schedule 18. Section 1(1) was amended by the Crime and Courts Act 2013 (c. 22), section 17(5) and Schedule 9, Part 3, paragraph 67(a). Schedule 1 to the 1997 Act was amended by the Courts and Tribunals (Judiciary and Functions of Staff) Act 2018 (c. 33), section 3, Schedule, Part 1, paragraph 19, the Crime and Courts Act 2013, section 175, Schedule 9, Part 3, paragraph 67(b).

(**b**) Sections 67B and 67C were inserted by section 3 of and paragraph 32 of the Schedule to the Courts and Tribunals (Judiciary and Functions of Staff) Act 2018 (c. 33).

(**c**) S.I. 1998/3132. There are relevant amendments in S.I. 2001/4015, S.I. 2002/2058, S.I. 2004/1306, S.I. 2005/2292, S.I. 2009/3390, S.I. 2013/262, S.I. 2013/1974, S.I. 2013/1571, S.I. 2014/407, S.I. 2016/788, S.I. 2019/521, S.I. 2022/783, S.I. 2023/105, S.I. 2023/788 and S.I. 2025/106.

Amendment of Part 5

4. In rule 5.5—

(a) in paragraph (1)(a) for "facsimile" substitute "the use of an electronic filing and case management system"; and

(b) in paragraph (2)—

(i) in sub-paragraph (b), at the end; omit "and";

(ii) in sub-paragraph (c), at the end, for "." substitute ";"; and

(iii) after sub-paragraph (c) insert—

"(d) modify or disapply any provision of these rules in relation to the use of any court electronic filing and case management system.".

Amendment of Part 8

5.—(1) In rule 8.2—

(a) before "Where the claimant", insert "(1)";

(b) after the first set of parentheses that follow sub-paragraph (e), insert—

"(2) Except where another rule or practice direction applies, rule 7.5 and rule 7.6 shall apply with regard to the service of the claim form."; and

(c) omit "(Rule 7.5 provides for service of the claim form)".

(2) In rule 8.5—

(a) in paragraph (3), after "acknowledgement of service" insert "unless the defendant has indicated on their acknowledgement of service an intention to contest jurisdiction, in which case the evidence must be filed within fourteen days of filing the acknowledgment of service if no such application is made"; and

(b) in paragraph (4), for "they do so" substitute "a defendant files their evidence".

Amendment of Part 30

6. In rule 30.8(1), after "Competition Act 1998(**a**)" insert "or to a claim under section 101 of the Digital Markets, Competition and Consumers Act 2024(**b**)".

Amendment of Part 44

7.—(1) In rule 44.1(1), in the definition of "summary assessment"—

(a) for "heard" substitute "decided"; and

(b) after "or application" insert "or where rule 44.6(2) applies".

(2) In rule 44.6—

(a) in paragraph (1)—

(i) in the opening words, omit "either";

(ii) in sub-paragraph (a), at the end, omit "or";

(iii) after sub-paragraph (a) insert—

"(b) give directions for the summary assessment of the costs to be made at a later date; or"; and

(iv) renumber what is currently sub-paragraph (b) as sub-paragraph (c);

(b) after the words in parenthesis which immediately follow paragraph (1), insert—

(**a**) 1998 c. 41.
(**b**) 2024 c. 13.

"(2) Where a direction has been given under paragraph (1)(b), another judge who could have decided the claim or application which gave rise to the costs order may make the summary assessment if there is good reason to do so."; and

(c) renumber what is currently paragraph (2) as paragraph (3).

Amendment of Part 46

8. In rule 46.2, after paragraph (2) insert—

"(3) Neither rule 19.4 nor rule 20.7 applies to the joinder of a person under paragraph (1).".

Amendment of Part 52

9.—(1) In rule 52.8(1), after "section 18(1)" omit "(a)".

(2) In rule 52.12(3)—

(a) in the opening words, for "an appellant's" substitute "a sealed copy of the appellant's";

(b) in sub-paragraph (b)—

(i) after "in any event" insert "where it is served by the appellant"; and

(ii) for "7" substitute "14"; and

(c) in the full out, for "filed" substitute "sealed".

Amendment of Part 62

10. In rule 62.10(4) omit sub-paragraph (a).

Amendment of Part 82

11.—(1) In rule 82.11—

(a) in paragraph (2), after "paragraph (3)" insert ", (3A)";

(b) after paragraph (3) insert—

"(3A) The special advocate may communicate with the specially represented party or the specially represented party's legal representative with the express agreement of the relevant person and (where the relevant person is not the Secretary of State) the Secretary of State."; and

(c) in paragraph (6)(b), after "in accordance with" insert "paragraph (3A) or".

(2) In rule 82.23, after paragraph (1) insert—

"(1A) If the court considers that it is necessary before it can determine whether to make a declaration under section 6(2) of the Act, it may, on application or of its own motion, direct the relevant person to file—

(a) a draft response document, addressing the matters directed by the court ("a draft closed summary"); or

(b) having first considered whether a draft closed summary is sufficient to determine the matter, a defence or response, as appropriate, to one or more of the grounds identified in the claim, together with such further directions as to its content as the court considers appropriate ("a draft closed defence");

(1B) A draft closed summary or a draft closed defence—

(a) shall be disclosed to—

(i) the court;

(ii) any person appointed as a special advocate; or

(iii) where the Secretary of State is not the relevant person but is a party to the proceedings, the Secretary of State,

but must not be disclosed otherwise; and

(b) shall not be relied upon other than in determining whether to make a declaration under section 6(2) of the Act.

(1C) A draft closed defence is not a statement of case.".

Lord Justice Birss
Mr Justice Trower
Mr Justice Pepperall
Master Sullivan
His Honour Judge Hywel James
District Judge Clarke
Isabel Hitching KC
Tom Montagu-Smith KC
David Marshall
Ben Roe
Campbell Forsyth
Elisabetta Sciallis

I allow these Rules
Signed by authority of the Lord Chancellor

Sarah Sackman
Minister of State
Ministry of Justice

16th July 2025

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Civil Procedure Rules 1998 (S.I. 1998/3132) by—

— amending rule 2.8 (time) and rule 5.5 (filing and sending documents) in consequence of the introduction of new Practice Direction 5C (CE-File electronic filing and case management system), previously piloted in Practice Direction 51O (electronic working pilot scheme);

— amending Part 8 (alternative procedure for claims) by—

- amending rule 8.2 (contents of the claim form) to substitute a signpost reference to rule 7.5 (service of a claim form) with a rule which provides that except where another rule or practice direction applies, rule 7.5 and rule 7.6 (extension of time for serving a claim form) shall apply with regard to the service of the claim form; and
- amending rule 8.5 (filing and serving written evidence) to provide that where a defendant indicates an intention to contest the court's jurisdiction, but does not make such an application, the evidence which would otherwise be required to be filed with the acknowledgement of service where the claim is contested must be filed within fourteen days of the acknowledgment of service, so ensuring that they do not risk losing the opportunity to contest the claim;

— amending rule 30.8 (transfer of competition law claims), which provides for the transfer of competition law claims from the King's Bench Division to the Chancery Division of the High Court at the Royal Courts of Justice, to include claims under section 101 of the Digital Markets, Competition and Consumers Act 2024 (c. 13);

— amending rule 44.6 (procedure for assessing costs) to enable a different judge, who might otherwise have heard the claim or application, to undertake a summary assessment of costs, where such assessment is not made at the end of a hearing, and making

consequential amendments to rule 44.1 (interpretation and application) to the definition of "summary assessment";

— amending rule 46.2 (costs orders in favour or against non-parties) to provide that where the court contemplates adding a party to proceedings for the purposes of costs only, neither rule 19.4 (procedure for adding and substituting parties) nor rule 20.7 (procedure for making any other additional claim) shall apply;

— amending Part 52 (appeals) by—

- amending rule 52.8 (judicial review appeals from the High Court) to remove an unnecessary cross-reference, in paragraph (1), to the Senior Courts Act 1981 (c. 54);
- amending rule 52.12 (appellant's notice) to provide that a copy of the appellant's notice served on the respondent shall be a sealed copy and, where served by the appellant, must be served no later than 14 days (rather than the current 7 days) after it is sealed (rather than, currently, when it is filed);

— amending rule 62.10 (hearings) by removing a cross reference, in paragraph (4)(a), to the Arbitration Act 1996 (c. 23) in consequence of an amendment to that Act made by the Arbitration Act 2025 (c. 4);

— amending Part 82 (closed material proceedings) by—

- amending rule 82.11 (special advocate: communicating about proceedings) to allow a special advocate to communicate with a specially represented party or their legal representative with the express agreement of the relevant person and (where the relevant person is not the Secretary of State) the Secretary of State; and
- amending rule 82.23 (directions for hearing of an application) to provide that, if the court considers it necessary before it can determine an application for a declaration under section 6(2) (declaration permitting closed material applications in proceedings) of the Justice and Security Act 2013 (c. 18) it may direct the relevant person to file a "draft closed summary" or "draft closed defence" (as defined in that rule) to the claim, and to limit its disclosure to those specified in that rule.

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£5.78

http://www.legislation.gov.uk/id/uksi/2025/893

ISBN 978-0-34-827428-8