STATUTORY INSTRUMENTS

2025 No. 106 (L. 2)

SENIOR COURTS OF ENGLAND AND WALES

COUNTY COURT, ENGLAND AND WALES

The Civil Procedure (Amendment) Rules 2025

Made - - - -	*30th January 2025*
Laid before Parliament	*3rd February 2025*
Coming into force in accordance with rule 1	

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) Rules 2025 and come into force on 6th April 2025, subject to paragraph (2) and rule 2.

(2) Rules 4 and 9 come into force on the date on which, and immediately after, section 194 of the Economic Crime and Corporate Transparency Act 2023(**c**) comes into force for all purposes.

(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(**d**).

Transitional Provisions

2.—(1) The amendments made by rule 10 only apply to claims where the claim notification form or the letter of claim (as appropriate) is sent by the claimant on or after the 6th April 2025.

(2) The amendments made by rule 17(1) only apply to proceedings in which a declaration has been made under section 6(2) of the Justice and Security Act 2013(**e**) on or after 6th April 2025.

(**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**) 2023 c. 56. By virtue of section 219(2)(b) of the Act, section 194 came into force on the day the Act was passed for the purpose of the power in subsection (5) to make regulations, but not for other purposes.

(**d**) S.I. 1998/3132. There are relevant amendments in S.I. 2000/1317, S.I. 2001/4015, S.I. 2002/2058, S.I. 2009/3390, S.I. 2010/2988, S.I. 2013/262, S.I. 2013/534, S.I. 2013/1974, 2014/2044, S.I. 2016/788, S.I. 2017/889, S.I. 2022/783, S.I. 2023/572 and S.I. 2023/788.

(**e**) 2013 c. 18.

Amendments to the Civil Procedure Rules 1998

3. The Civil Procedure Rules 1998 are amended in accordance with rules 4 to 17 of these Rules.

Amendment of Part 3

4. In rule 3.4(2)—

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

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

(c) after sub-paragraph (c) insert—

"(d) that, in the case of a claimant's statement of case—

(i) the claim is strategic litigation against public participation, being a SLAPP claim within the meaning of section 195 of the Economic Crime and Corporate Transparency Act 2023; and

(ii) the claimant has failed to show that it is more likely than not the claim would succeed at trial.

(Rules 20.2 and 20.3 provide that counterclaims and other additional claims are treated as claims and that references to a claimant include a party bringing an additional claim.)".

Amendment of Part 4

5. In rule 4—

(a) renumber paragraphs (1) to (6) as paragraphs (2) to (7), respectively;

(b) before what will become paragraph (2), insert—

"(1) In this Part, "forms" includes model orders, unless indicated otherwise."; and

(c) in what will become paragraph (5), after "or guidance it contains." insert "This does not apply to model orders.".

Amendment of Part 23

6. In rule 23.8(3), for "If the court decides" to "to make representations", substitute "If the court decides the application without a hearing under paragraph (1)(c) and does so in circumstances where the parties affected by the application have not had an opportunity to make representations about the substance of the application".

Amendment of Part 25

7. For Part 25 substitute Part 25 as set out in the Schedule to these Rules.

Amendment of Part 42

8. In rule 42.2—

(a) in paragraph (6)—

(i) in the opening words, for "certificate of a person to whom legal aid is provided is revoked or", substitute "determination that a person qualifies for civil legal services under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(**a**) is"; and

(ii) in sub-paragraph (a), omit "24 or"; and

(b) omit paragraph (7).

(**a**) 2012 c. 10.

Amendment of Part 44

9. In rule 44.2, after paragraph (8) insert—

"(9) In respect of a SLAPP claim, a court may not exercise its discretion so as to order a defendant to pay a claimant's costs except where, in the court's view, misconduct of the defendant in relation to the claim justifies such an order.

(10) For the purposes of paragraph (9), a SLAPP claim is strategic litigation against public participation being a SLAPP claim within the meaning of section 195 of the Economic Crime and Corporate Transparency Act 2023.

(Rules 20.2 and 20.3 provide that counterclaims and other additional claims are treated as claims and that references to a claimant or a defendant include a party bringing or defending an additional claim.)".

Amendment of Part 45

10. In rule 45.62(2)—

(a) in sub-paragraph (a), for "180" substitute "226";

(b) in sub-paragraph (b)—

(i) in paragraph (i), for "420" substitute "527";

(ii) in paragraph (ii), for "360" substitute "451";

(iii) in paragraph (iii), for "180" substitute "226"; and

(iv) in paragraph (iv), for "180" substitute "226";

(c) in sub-paragraph (c)—

(i) for "30" substitute "38"; and

(ii) for "80" substitute "100";

(d) in sub-paragraph (d), for "50" substitute "63"; and

(e) in sub-paragraph (e), for "80" substitute "100".

Amendment of Part 49

11. In rule 49.1, after "described in them" insert "and may modify or disapply any provision of these Rules in connection with those proceedings".

Amendment of Part 52

12. After rule 52.6, in the second set of parentheses, for "25.15" substitute "25.29".

Amendment of Part 58

13. In rule 58.13(2)—

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

(b) after sub-paragraph (b) insert—

"(c) rule 29.2(1A) (order or encourage to engage in alternative dispute resolution).".

Amendment of Part 59

14. In rule 59.11(2)—

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

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

(c) after sub-paragraph (b) insert—

"(c) rule 29.2(1A) (order or encourage to engage in alternative dispute resolution).".

Amendment of Part 65

15. In rule 65.45(2) omit "under section 42(1)(b) of the 2009 Act".

Amendment of Part 74

16. In rule 74.5, for "section II" substitute "Section VI".

Amendment of Part 82

17.—(1) In rule 82.5—

(a) before "Proceedings to which this section applies" insert "(1)"; and

(b) after what will now be paragraph (1) insert—

"(2) Subject to paragraph (3), Section II of Part 3 does not apply to proceedings in which a declaration has been made under section 6(2) of the Act.

(3) When a declaration is made under section 6(2) of the Act—

(a) a costs management order that has already been made shall not apply to any costs incurred after the declaration is made; and

(b) the court may make any other order in relation to costs incurred before the declaration is made that it considers appropriate.".

(2) In rule 82.23—

(a) omit paragraph (2);

(b) renumber the first occurrence of paragraph (3) as paragraph (2);

(c) omit the second occurrence of paragraph (3); and

(d) immediately below what will become paragraph (2) insert—

"(Rule 82.6 makes provision for hearings to be conducted in private.)".

Sir Geoffrey Vos, MR
Lord Justice Birss
Mr Justice Pepperall
Master Sullivan
His Honour Judge Bird
District Judge Clarke
District Judge Johnson
Isabel Hitching KC
Tom Montagu-Smith KC
Ben Roe
Ian Curtis-Nye

I allow these Rules
Signed by authority of the Lord Chancellor

Sarah Sackman
Minster of State
Ministry of Justice

30th January 2025

SCHEDULE

Rule 7

"PART 25

INTERIM REMEDIES

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SECTION I

Interim Remedies in General

Court's powers

25.1.—(1) Interim remedies include—

(a) an interim injunction;

(b) an interim declaration;

(c) an order for—

(i) the detention, custody or preservation of relevant property;

(ii) the inspection of relevant property;

(iii) the taking of a sample of relevant property;

(iv) the carrying out of an experiment on or with relevant property;

(v) the sale of relevant property of a perishable nature, or where sale is urgent for any other reason; and

(vi) the payment of income from relevant property until a claim is decided;

(d) an order authorising a person to enter any land or building in the possession of a party to the proceedings for the purposes of carrying out an order under sub-paragraph (c);

(e) an order under section 4 of the Torts (Interference with Goods) Act 1977(**a**) to deliver up goods;

(f) an order ('freezing injunction')—

(i) restraining a party from removing assets from the jurisdiction; or

(ii) restraining a party from dealing with any assets whether located within the jurisdiction or not;

(g) an order directing a party to provide information about relevant property or assets, including their location, which are or may be the subject of an application for a freezing injunction;

(h) an order ('search order') under section 7 of the Civil Procedure Act 1997 (order requiring a party to admit another party to premises for the purpose of preserving evidence etc.);

(i) an order ('imaging order') under section IV of this Part for an independent IT expert to be given access to any electronic data storage devices or online accounts for the purpose of copying the contents;

(j) an order under section 33 of the Senior Courts Act 1981(**b**) or section 52 of the County Courts Act 1984(**c**) (order for disclosure of documents or inspection of property before a claim has been made);

(k) an order under section 34 of the Senior Courts Act 1981 or section 53 of the County Courts Act 1984 (order in certain proceedings for disclosure of documents or inspection of property against a non-party);

(l) an order ('order for interim payment') under section V of this Part for payment by a defendant on account of any sum (except costs) which the court may hold the defendant liable to pay;

(m) an order for a specified fund to be paid into court or otherwise secured, where there is a dispute over a party's right to the fund;

(n) an order permitting a party seeking to recover personal property to pay money into court pending the outcome of the proceedings and directing that, if they do so, the property shall be given up to them;

(o) an order directing a party to prepare and file accounts relating to the dispute;

(p) an order directing any account to be taken or inquiry to be made by the court; and

(q) an order for security for costs.

(2) In paragraph (1)(c) and (g), 'relevant property' means property (including land) which is the subject of a claim or as to which any question may arise on a claim.

(3) The fact that an interim remedy is not listed in paragraph (1) does not affect any power the court may have to grant that remedy.

(4) The court may grant an interim remedy whether or not there has been a claim for a final remedy of that kind.

(5) Section II of this Part contains additional provisions relating to interim injunctions.

(6) Sections III to VI of this Part contain additional provisions relating to specific types of interim remedy.

(**a**) 1977 c. 32.
(**b**) 1981 c. 54.
(**c**) 1984 c. 28.

Timing

25.2.—(1) An order for an interim remedy may be made at any time, including before proceedings are started or after judgment has been given, subject to any rule, practice direction or enactment which provides otherwise.

(2) The court may grant an interim remedy before a claim has been started only if the matter is urgent, or it is otherwise desirable to do so in the interests of justice.

(3) A defendant may not apply for an interim remedy before filing either an acknowledgment of service or a defence, unless the court directs otherwise.

(4) Where the court grants an interim remedy before a claim has been started, it must give directions requiring a claim to be commenced, unless—

(a) the application is made under section 33 of the Senior Courts Act 1981 or section 52 of the County Courts Act 1984; or

(b) the court considers it is inappropriate.

Applications and evidence

25.3.—(1) An application for an interim remedy must be supported by evidence, unless the court directs otherwise.

(2) The court may grant an interim remedy on an application made without notice if it appears to the court that there are good reasons for not giving notice.

(3) Evidence in support of an application made without notice must state the reasons why notice has not been given.

(Part 23 contains general rules about making an application.)

Application for an interim remedy in specific situations

25.4.—(1) Where a person wishes to apply for an interim remedy—

(a) in relation to actual or intended proceedings outside the jurisdiction; or

(b) under section 33 of the Senior Courts Act 1981 or section 52 of the County Courts Act 1984 (order for disclosure, inspection etc. before commencement) before a claim has been commenced,

the application must be made in accordance with the general rules about applications contained in Part 23.

(2) Paragraphs (3) and (4) apply where a person makes an application under—

(a) section 33(1) of the Senior Courts Act 1981 or section 52(1) of the County Courts Act 1984 (inspection etc. of property before commencement); or

(b) section 34(3) of the Senior Courts Act 1981 or section 53(3) of the County Courts Act 1984 (inspection etc. of property against a non-party).

(3) The evidence supporting such an application must show that the property—

(a) is or may become the subject matter of such actual or anticipated proceedings; or

(b) is relevant to the issues that will arise in such proceedings.

(4) A copy of the application notice and of the supporting evidence must be served on the person against whom the order is sought, and in relation to an application under section 34(3) of the Senior Courts Act 1981 or section 53(3) of the County Courts Act 1984, on every party to the proceedings other than the applicant.

SECTION II

Interim Injunctions

Court's powers

25.5.—(1) In the High Court, Masters and District Judges may grant interim injunctions by consent, or in connection with charging orders and appointments of receivers, or in support of execution of judgments.

(2) In any other case, any judge who has jurisdiction to conduct the trial of the action may grant an interim injunction in that action.

(3) Masters or District Judges have the power to vary or discharge an interim injunction granted by any judge, if all the parties consent.

(4) High Court Judges or any other judges duly authorised may grant search orders and freezing injunctions.

Applications

25.6.—(1) The application notice must state the order sought.

(2) Save where the applicant reasonably believes that there is good reason for not giving notice, the applicant must serve the application notice, evidence in support, draft order and notice of the date, time and place of the hearing as soon as possible after filing and in any event not less than 3 days before the hearing date for the application.

(3) Where an application is made on paper, sufficient copies of the application notice and evidence in support for the court and for each respondent must be filed for issue and service.

(4) Whenever possible, the applicant must—

(a) file a draft of the order sought with the application notice; and

(b) provide an electronic version of the draft order to the court, in a format compatible with enabling the draft to be amended by the court.

Evidence

25.7.—(1) Applications must be supported by evidence in the following form unless the court, a rule, a practice direction or an enactment requires an affidavit or affirmation—

(a) a witness statement;

(b) a statement of case; or

(c) the application.

(2) The evidence must set out all relevant facts.

Applications without notice

25.8.—(1) Where the applicant reasonably believes that there is good reason for not giving the required notice, and where the application is to be dealt with at a court hearing—

(a) the application notice, supporting evidence and a draft order must be filed with the court at least two hours before the hearing wherever possible;

(b) if an application is made before the application notice has been issued, a draft order must be provided at the hearing, and the application notice and evidence in support must be filed with the court on the same or next working day or as ordered by the court;

(c) except in cases where the applicant reasonably believes that secrecy is essential, the applicant must take steps to notify the respondent of the application; and

(d) the applicant must take or arrange to be taken a note of the hearing and serve this on the respondent.

(2) Where the application is to be dealt with at a court hearing before the issue of a claim form, in addition to the requirements of paragraph (1)—

(a) unless the court orders otherwise, either the applicant must undertake to the court to issue a claim form immediately or the court must give directions for the commencement of the claim;

(b) where possible the claim form must be served with the order for the injunction; and

(c) the order must state in the title after the names of the applicant and respondent 'the Claimant and Defendant in an Intended Action'.

(3) Where the application is to be dealt with remotely—

(a) the applicant must be prepared to send the judge a draft order in electronic format; and

(b) the application notice and evidence in support must be filed with the court on the day of the hearing or next working day or as ordered, together with two copies of the order for sealing where the application is made on paper.

(Further information about the procedure for urgent applications, including urgent out of hours applications, may be found in the relevant court guide, on the HMCTS website, or by contacting the court directly.)

Form of order

25.9.—(1) An order for an interim injunction must set out clearly what the respondent must do or not do.

(2) An order for an interim injunction made in the presence of all parties to be bound by it or made at a hearing of which they have had notice, may state that it is effective until trial or further order.

(3) Unless the court orders otherwise, an order for an interim injunction must contain—

(a) subject to paragraph (6), an undertaking by the applicant to the court to pay any damages which the respondent sustains and which the court considers the applicant should pay;

(b) if made without notice to any other party, an undertaking by the applicant to the court to serve on the respondent the application notice, evidence in support, note of the hearing and any order made as soon as practicable;

(c) if made without notice to any other party, a return date for a further hearing at which the other party can be present;

(d) if made before filing the application notice, an undertaking to file and pay the appropriate fee on the same or next working day; and

(e) if made before issue of a claim form, an undertaking to issue and pay the appropriate fee on the same or next working day, or directions for the commencement of the claim.

(4) When the court makes an order for delivery up or preservation of evidence or property which is likely to be executed at the premises of the respondent or a third party, it must consider whether to include provisions for the benefit or protection of those parties.

(5) Subject to paragraph (6), when the court makes an order for an interim injunction, it must consider whether to require an undertaking by the applicant to pay any damages sustained by a person other than the respondent, including another party to the proceedings or any other person who may suffer loss as a consequence of the order.

(6) In an Aarhus Convention claim to which rules 46.24 to 46.28 apply, if the court is satisfied that an interim injunction is necessary to prevent significant environmental

damage and to preserve the factual basis of the proceedings, the court must, in considering whether to require an undertaking by the applicant, and the terms of any such undertaking—

(a) have regard to the need for the terms of the order not to make continuing with the claim prohibitively expensive for the applicant; and

(b) give such directions as are necessary to ensure that the case is heard promptly.

(7) In this Section 'Aarhus Convention claim' has the same meaning as in rule 46.24(2).

(8) Proceedings are 'prohibitively expensive' if their likely costs, including any court fees payable by the applicant and the amount of any cross-undertaking in damages, and having regard to any limit under Part 46 on a party's maximum costs liability, either exceed the financial resources of the applicant, or are objectively unreasonable having regard to the factors set out in rule 46.27(3)(b).

(9) When a court considers the financial resources of the applicant, it must have regard to any financial support which any person has provided or is likely to provide to the applicant.

Interim injunction to cease if claim is stayed or automatically struck out

25.10.—(1) If a claim is stayed other than by agreement between the parties, any interim injunction (other than a freezing injunction) granted in or in anticipation of the claim shall cease to have effect, unless the court orders otherwise.

(2) If a claim is automatically struck out, any interim injunction granted to the claimant in or in anticipation of the claim shall cease to have effect 14 days after the claim is struck out, unless the court orders otherwise or paragraph (3) applies.

(3) If a claimant applies within 14 days to reinstate a claim that has been automatically struck out, any interim injunction granted to them in or in anticipation of the claim shall continue until the hearing of the application, unless the court orders otherwise.

(Rules 20.2 and 20.3 provide that counterclaims and other additional claims are treated as claims and that references to a claimant include a party bringing an additional claim.)

Injunctions against third parties

25.11.—(1) The following provisions apply to orders which will affect a person, other than the applicant or respondent, who is served with the order but did not attend the hearing at which the order was made.

(2) Where such a person requests—

(a) a copy of any material provided to the judge, including material prepared after the hearing at the direction of the judge or in compliance with the order; or

(b) a note of the hearing,

the applicant or their legal representative must comply with the request forthwith, unless the court orders otherwise.

SECTION III

Freezing Injunctions

Scope

25.12. This Section applies to applications for freezing injunctions.

Evidence

25.13. An application must be supported by evidence on affidavit or affirmation.

Form of order

25.14.—(1) The applicant must use the wording of the model order in the form approved in accordance with rule 4(1), modified as appropriate.

(2) Any modifications to the model order must be drawn to the judge's attention at the application hearing.

(3) The court may, if it considers it appropriate, require the applicant's solicitors, as well as the applicant, to give undertakings.

SECTION IV

Search and Imaging Orders

Scope

25.15. This Section applies to applications for search orders, imaging orders, or both.

Supervising Solicitor

25.16. In this Section, 'Supervising Solicitor' means a solicitor experienced in the operation of search orders, who is not an employee or member of the applicant's firm of solicitors.

Evidence

25.17.—(1) An application must be supported by evidence on affidavit or affirmation.

(2) The affidavit or affirmation must—

(a) state the address of the premises and whether it is a private or business address;

(b) state the name, firm and its address, and experience of the Supervising Solicitor and, where an imaging order is sought, the independent IT expert; and

(c) fully disclose the reason the order is sought, including the probability that relevant material would disappear if the order were not made.

Form of order

25.18.—(1) The applicant must use the wording of the model search and imaging order in the form approved in accordance with rule 4(1), modified as appropriate.

(2) Any modifications to the model order must be drawn to the judge's attention at the application hearing.

(3) If the court orders that service by the Supervising Solicitor is not required, the reasons must be set out in the order.

Service

25.19. Unless the court otherwise orders, the order must be served personally by a Supervising Solicitor.

SECTION V

Interim Payment Orders

Court's powers

25.20.—(1) The court must not order an interim payment of more than a reasonable proportion of the likely amount of the final judgment.

(2) The court must take into account contributory negligence and any relevant set-off or counterclaim.

(3) The court may order an interim payment by instalments. If so, the order must set out—

(a) the total amount of the payment;

(b) the amount of each instalment;

(c) the number of instalments and the date on which each is to be paid; and

(d) to whom payment should be made.

(4) Where a party seeks an interim payment and the court has ordered an account to be taken, if on the evidence the account is bound to result in a payment to the applicant, the court must, before making an order for interim payment, order that the liable party pay to the applicant the amount shown by the account to be due.

(5) The permission of the court must be obtained before making a voluntary interim payment in respect of a claim by a child or protected party. 'Child' and 'protected party' have the same meanings as in rule 21.1(2).

(6) The court may adjust any interim payment whether or not any payment has yet been made (voluntarily or under a previously made order). The court may in particular—

(a) order all or part of the interim payment to be repaid;

(b) vary or discharge the order for the interim payment;

(c) order a defendant to reimburse, either wholly or partly, another defendant who has made an interim payment.

(7) The court may make an order under paragraph (6)(c) only if—

(a) the defendant to be reimbursed has claimed against the other defendant for a contribution, indemnity or other remedy; and

(b) where the claim to which the interim payment relates has not been discontinued or disposed of, the circumstances are such that the court could make an interim payment order under this Section.

(8) Where a defendant has made an interim payment, and the amount of the payment is more than their total liability under the final judgment or order, the court may award them interest on the overpaid amount from the date when they made the interim payment.

(Practice Direction 40B, paragraphs 6.1 to 6.4 provide further information concerning adjustment of the final judgment sum.)

Applications

25.21.—(1) The claimant may not apply for an interim payment order before the end of the period for filing an acknowledgment of service applicable to the defendant against whom the application is made.

(Rule 10.3 sets out the period for filing an acknowledgment of service.)

(2) The claimant may make more than one application for an interim payment order.

(3) A copy of the application notice must be served at least 14 days before the hearing of the application and must be supported by evidence.

(4) If the respondent wishes to rely on written evidence at the hearing, they must file the written evidence and serve copies on every other party to the application at least 7 days before the hearing.

(5) If the applicant wishes to rely on written evidence in reply, they must file the written evidence and serve a copy on the respondent at least 3 days before the hearing.

(6) This rule does not require written evidence to be filed if it has already been filed, or to be served on a party on whom it has already been served.

(7) The court may make an order under this rule without an application by any party if it makes the order when it disposes of the claim or any part of it.

Evidence

25.22.—(1) An application for an interim payment order must be supported by evidence dealing with—

(a) the sum of money sought by way of an interim payment;

(b) the items or matters in respect of which the interim payment is sought;

(c) the sum of money for which final judgment is likely to be given;

(d) the reasons for believing that the conditions set out in rule 25.23 are satisfied;

(e) any other relevant matters;

(f) in claims for personal injuries, details of special damages and past and future loss; and

(g) in a claim under the Fatal Accidents Act 1976(**a**), details of the person(s) on whose behalf the claim is made and the nature of the claim.

(2) Any documents in support of the application must be exhibited, including, in personal injuries claims, any medical report.

Conditions to be satisfied

25.23. The court may only make an interim payment order where any of the following conditions are satisfied—

(a) the defendant against whom the order is sought has admitted liability to pay damages or another sum of money to the claimant;

(b) the claimant has obtained judgment against that defendant for damages to be assessed, or for another sum of money (other than costs) to be assessed;

(c) it is satisfied that, if the claim went to trial, the claimant would obtain judgment for a substantial amount of money (other than costs) against the defendant from whom they are seeking an interim payment, whether or not that defendant is the only defendant or one of several;

(e) the claimant is seeking an order for possession of land (whether or not any other order is also sought), and the court is satisfied that, if the case went to trial, the defendant would be held liable (even if the claim for possession fails) to pay the claimant a sum of money for the defendant's occupation and use of the land while the claim for possession was pending; or

(f) there are two or more defendants and the order is sought against any one or more of them, and—

(i) the court is satisfied that, if the claim went to trial, the claimant would obtain judgment for a substantial amount of money (other than costs) against at least one of the defendants (but the court cannot determine which); and

(ii) all the defendants are either public bodies; or insured in respect of the claim; or are defendants whose liability will be met by an insurer under section 151 of the Road Traffic Act 1988(**b**), or an insurer acting under the Motor Insurers Bureau Agreement, or the Motor Insurers Bureau where it is acting itself.

Compensation recovery payments

25.24.—(1) Where in a claim for personal injuries there is a contested application for interim payment of damages, the defendant must obtain a certificate from the Secretary of State (as defined in rule 36.20(1)(e)) where the claim—

(**a**) 1976 c. 30.
(**b**) 1998 c. 52.

(a) falls under the heads of damage set out in column 1 of Schedule 2 to the Social Security (Recovery of Benefits) Act 1997(**a**) ('the 1997 Act') in respect of recoverable benefits received by the claimant set out in column 2 of that Schedule, or includes damages in respect of a disease for which a lump sum payment within the definition in section 1A(2) of the 1997 Act has been, or is likely to be made; and

(b) the defendant is liable to pay a recoverable amount (as defined in rule 36.20(1)(c)) to the Secretary of State.

(2) A copy of the certificate must be filed at the hearing of the application.

(3) The order must set out the deductible amount (as defined in rule 36.20(1)(d)).

(4) The payment made to the claimant must be the net amount but for the purpose of calculating the payment after the final judgment, the gross amount of the interim payment must be used.

Restriction on disclosure

25.25. The fact that a defendant has made an interim payment, whether voluntarily or by court order, shall not be disclosed to the trial judge until all questions of liability and the amount of money to be awarded have been decided, unless that defendant agrees.

SECTION VI

Security for Costs

Applications

25.26.—(1) A defendant to any claim may apply for security for their costs of the proceedings.

(Part 3 provides for the court to order payment of sums into court in other circumstances. Rule 20.3 provides for this Section to apply to counterclaims or other additional claims.)

(2) An application for security for costs must be supported by written evidence.

(3) Where the court makes an order for security for costs, it must determine the amount of security, and direct the manner and time within which the security must be given.

Conditions to be satisfied

25.27. The court may make an order for security for costs if—

(a) it is satisfied, having regard to all the circumstances of the case, that it is just to make such an order; and

(b) either an enactment permits the court to require security for costs, or one or more of the following conditions apply—

(i) the claimant is resident out of the jurisdiction;

(ii) the claimant is a company or other body (whether incorporated inside or outside England and Wales) and there is reason to believe that it will be unable to pay the defendant's costs if ordered to do so;

(iii) the claimant has changed their address since the claim was commenced with a view to evading the consequences of the litigation;

(iv) the claimant failed to give their address in the claim form, or gave an incorrect address;

(**a**) 1997 c. 27.

(v) the claimant is acting as a nominal claimant, other than as a representative claimant under Part 19, and there is reason to believe that they will be unable to pay the defendant's costs if ordered to do so;

(vi) the claimant has taken steps in relation to their assets that would make it difficult to enforce an order for costs against them.

Security for costs other than from the claimant

25.28. The defendant may seek a security for costs order against a person other than the claimant, and the court may make such an order, if—

(a) the court is satisfied, having regard to all the circumstances of the case, that it is just to make such an order;

(b) the person has assigned the right to the claim to the claimant with a view to avoiding the possibility of a costs order being made against them, or has contributed or agreed to contribute to the claimant's costs in return for a share of any recovery in the proceedings; and

(c) the person is someone against whom a costs order may be made.

Security for costs of an appeal

25.29.—(1) The court may order security for costs of an appeal against an appellant, or a respondent who also appeals, on the same grounds as it may order security for costs against a claimant.

(2) The court may also make such an order where the appellant, or the respondent who also appeals, is a limited company and there is reason to believe it will be unable to pay the costs of the other parties to the appeal should its appeal be unsuccessful."

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 3.4 (power to strike out a statement of case) to provide that a claimant's statement of case may be struck out where it appears to the court that the statement of case is a "SLAPP (strategic litigation against public participation) claim" within the meaning of section 195 of the Economic Crime and Corporate Transparency Act 2023 (c. 56) and the claimant has failed to show that it is more likely than not the claim would succeed at trial;

— amending rule 4 (forms) to include reference to model orders, in consequence of references to be included in the revised version of Part 25.

— amending rule 23.8 (applications which may be decided without a hearing), to remove a potential ambiguity in the drafting, so clarifying that the parties do not lose their right to make an application to set aside where they have previously been given an opportunity to make representations where the court is invited to proceed without a hearing;

— replacing Part 25 (interim remedies and security for costs) with a revised Part 25, as part of the ongoing exercise of review of the Civil Procedure Rules and related practice directions with a view to streamlining and simplifying their content (in furtherance of the objective of Section 2(7) of the Civil Procedure Act 1997), and making consequential amendments in Part 52 and Part 74;

— amending rule 42.2 (change of solicitor – duty to give notice) to include reference to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10) and to remove an unnecessary cross-reference;

— amending rule 44.2 (court's discretion as to costs) so that in respect of a "SLAPP claim", the court may only order a defendant to pay a claimant's costs where the defendant's misconduct in relation to the claim justifies such an order;

— amending rule 45.62 (soft tissue injury and whiplash injury claims) to increase the sums that are recoverable in respect of the cost of obtaining a fixed cost medical report and medical records;

— amending rule 49.1 (practice directions for specific proceedings) so clarifying that a practice direction made under this rule may modify or disapply any provision in the Civil Procedure Rules in connection with the proceedings to which the practice direction applies;

— amending rule 58.11 (case management) and rule 59.13 (case management), by including a cross-reference to rule 29.2(1A), to require the court to consider whether to order or encourage the parties to engage in alternative dispute resolution in claims in the Commercial Court and Circuit Commercial Courts respectively;

— amending rule 65.45 (application to vary or discharge an injunction) so that an application under section 8 of the Anti-Social Behaviour, Crime and Policing Act 2014 (c. 12) to vary or discharge an injunction may be made without notice, so as to be consistent with applications made under section 42(1) of the Policing and Crime Act 2009 (c. 26), to which rule 65.45 also applies;

— amending Part 82 (closed material proceedings) by—

- amending rule 82.5 (case management) to provide that, where in proceedings the court makes a declaration under section 6(2) of the Justice and Security Act 2013 (c. 18) permitting the making of closed material applications, the costs management provisions in Section II of Part 3 of the Rules shall not apply to those proceedings, and to further provide, first, that any costs management orders already made shall not apply to costs incurred after the declaration is made and, secondly, that the court may make any other order for costs incurred before the declaration is made that it considers appropriate; and
- amending rule 82.23 (directions for hearing of application), to remove provisions which prevent a specially represented party and their legal representative from attending directions hearings in respect of, and the hearing of, an application for a declaration under section 6(2) of the 2013 Act, so permitting attendance at those hearings except as provided by rule 82.6 (hearings in private).

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