STATUTORY INSTRUMENTS

2026 No. 97 (L. 2)

SENIOR COURTS OF ENGLAND AND WALES

COUNTY COURT, ENGLAND AND WALES

The Civil Procedure (Amendment) Rules 2026

Made - - - - *2nd February 2026*

Laid before Parliament *5th February 2026*

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 after fulfilling the requirements of section 2(6) of that Act, makes the following Rules.

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Civil Procedure (Amendment) Rules 2026.

(2) These Rules come into force as follows—

(a) rules 1 and 2, 4 to 6 and 8 come into force on 6th April 2026;

(b) rule 3 comes into force on the date on which, and immediately after, paragraph 2 of Schedule 4 to the Judicial Review and Courts Act 2022(**b**) comes into force for all purposes; and

(c) rule 7 comes into force on the date on which, and immediately after, section 56 of the Border Security, Asylum and Immigration Act 2025(**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**).

Amendments to the Civil Procedure Rules 1998

2. The Civil Procedure Rules 1998 are amended in accordance with rules 3 to 8 of these Rules.

(**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) and by section 174 of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12). 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 17(5), Schedule 9, Part 3, paragraph 67(b).

(**b**) 2022 c. 35.

(**c**) 2025 c. 31.

(**d**) S.I. 1998/3132. There are relevant amendments in S.I. 2000/2092, S.I. 2007/3543, S.I. 2009/3390, S.I. 2010/1953, S.I. 2013/1412, S.I. 2013/1571, S.I. 2014/407, S.I. 2022/101, S.I. 2022/783, S.I. 2023/572, S.I. 2024/106, S.I. 2024/839, S.I. 2025/893 and S.I. 2025/1229.

Amendment of Part 2

3.—(1) In rule 2.1—

(a) in paragraph (1), after "to paragraph (2)" insert "and (4)"; and

(b) after paragraph (3) insert—

"(4) Where proceedings are governed by Online Procedure Rules, these Rules do not apply to those proceedings except as provided by—

(a) the Online Procedure Rules;

(b) practice directions under paragraph 1 of Schedule 3 to the Judicial Review and Courts Act 2022(**a**); or

(c) regulations under section 21(1)(b) of that Act.".

(2) In rule 2.3, after the definition of "MyHMCTS" insert—

""Online Procedure Rules" means the rules made under Chapter 2 of the Judicial Review and Courts Act 2022;".

Amendment of Part 31

4.—(1) In the table of contents to this Part, after the entry for rule 31.12 insert—

"Ordering a party to request another person to disclose a document Rule 31.12A".

(2) After rule 31.12 insert—

"**Ordering a party to request another person to disclose a document**

31.12A. The court may order a party to request any person to produce for disclosure and inspection any document which may support the case or adversely affect the case of any party to the proceedings.".

Amendment of Part 45

5.—(1) In rule 45.7(1)(b), in the full-out, for "49.50" substitute "45.50".

(2) In rule 45.58(e)(ii)(bb), for "the Motor Insurance Database" substitute "Navigate (Motor Insurance Policy Database)".

Amendment of Part 54

6. In rule 54.5—

(a) in paragraph (4), after "(6)" insert ", (6A)"; and

(b) after paragraph (6) insert—

"(6A) Where the application for judicial review relates to a decision to which the Procurement Act 2023(**b**) applies, the claim form must be filed within the time within which a supplier would have been required by section 106(1) and (2) of that Act (and disregarding the rest of that section) to start any proceedings in respect of that decision (and for this purpose it does not matter that the claimant is not a supplier).".

Amendment of Part 77

7.—(1) In the table of contents to this Part—

(a) after the entry for rule 77.2, insert—

(**a**) 2022 c. 35.
(**b**) 2023 c. 54.

"Application for an ISCPO Rule 77.2A"; and

(b) in the entry for rule 77.3, after "a SCPO" insert "and an ISCPO".

(2) In rule 77.1(a)—

(a) after "the Serious Crime Act 2007" insert ", applications for an interim serious crime prevention order under section 8AA(**a**)"; and

(b) after "and related applications" insert "to a serious crime prevention order and an interim serious crime prevention order".

(3) In rule 77.1A—

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

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

(c) after paragraph (b) insert—

"(c) 'ISCPO' means an interim serious crime prevention order under section 5E of the 2007 Act.".

(4) After rule 77.2 insert—

"**Application for an ISCPO**

77.2A.—(1) An application for an ISCPO under section 8AA of the 2007 Act must be made in accordance with Part 23 as modified by this Part.

(Section 5E(5) of the 2007 Act provides that an ISCPO may only be made where the application for the interim order was made at the same time, or after, the main application is made.)

(Section 5F(1) of the 2007 Act sets out the circumstances when a without notice application may be made.)

(Section 10A of the 2007 Act contains provisions about notifying a party of an ISCPO made without notice, including the time for notifying the party of the ISCPO.)

(2) Rule 23.10(2) does not apply to applications to set aside or vary an ISCPO.

(Section 5F(2)(a) of the 2007 Act enables a person against whom a without notice ISCPO has been made to make representations about the order as soon as reasonably practicable.)".

(5) In rule 77.3—

(a) in the heading to that rule, after "a SCPO" insert "or an ISCPO"; and

(b) in paragraph (b), after "a SCPO" insert "or an ISCPO".

Amendment of Part 82

8.—(1) In the table of contents to this Part, after the entry for rule 82.26 insert—
"82.26A Special advocate's position statement".

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

"(Rule 82.18 provides that rules 5.4B and 5.4C do not apply to proceedings under this rule unless the court directs otherwise.)".

(3) After rule 82.26 insert—

(**a**) 2007 c. 27. Section 8AA, as well as sections 5E, 5F and 10A of the 2007 Act were inserted by section 56 of the Border Security, Asylum and Immigration Act 2025 (c. 31).

"**Special advocate's position statement**

82.26A.—(1) The special advocate may file, or the court of its own motion may direct the special advocate to file, a statement of case, witness statement or, in judicial review proceedings, grounds of challenge, limited to matters arising substantially out of information disclosed in the sensitive material served on them, which has not been disclosed to the specially represented party ("the special advocate's position statement").

(2) The special advocate's position statement may—

(a) supplement the specially represented party's statement of case, witness statement or grounds of challenge; and

(b) include additional particulars, items in dispute or grounds of challenge, which may also be advanced in the alternative,

provided that it does not contradict the specially represented party's statement of case or grounds of challenge.

(3) The special advocate's position statement must be filed within 28 days after the date on which the court, following consideration of a closed material application, gives permission to the relevant person to withhold sensitive material, or such other period as the court may direct.

(4) The court may give such further directions as it considers appropriate, including directions for—

(a) the service of the special advocate's position statement; and

(b) further statements of case, witness statements, additional grounds of challenge or further response as applicable.

(5) The special advocate's position statement shall only be disclosed to—

(a) the court;

(b) the relevant person; and

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

(6) Unless the court otherwise directs, rule 5.4B (supply of documents to a party from court records) and rule 5.4C (supply of documents to a non-party from court records) do not apply to a special advocate's position statement.

(7) Rule 22.1 (documents to be verified by a statement of truth) and rule 31.14 (documents referred to in statements of case etc.) do not apply to a special advocate's position statement.".

Lady Justice Cockerill
Mr Justice Trower
Mr Justice Pepperall
Master Sullivan
His Honour Judge Hywell James
Her Honour Judge Emma Kelly
District Judge Johnson
Tom Montagu-Smith KC
Kelly Stricklin-Coutinho
David Marshall
Ben Roe
Campbell Forsyth
Ian Curtis-Nye

I allow these Rules
Signed by authority of the Lord Chancellor

Sarah Sackman
Minister of State
Ministry of Justice

2nd February 2026

EXPLANATORY NOTE

(This note is not part of the Rules)

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

— amending Part 2 (application and interpretation of the rules) to provide that, where proceedings are subject to Online Procedure Rules made under the Judicial Review and Courts Act 2022 (c. 35), the Civil Procedure Rules shall apply only as expressly permitted, and to include a definition of "Online Procedure Rules";

— amending Part 31 (disclosure and inspection of documents) by inserting new rule 31.12A (ordering a party to request another person to disclose a document) to expressly provide that the court may direct a party to seek disclosure of documents from a person who is not a party to the proceedings;

— amending Part 45 (fixed costs) by—

- amending rule 45.7 (counterclaims) to correct a cross-reference; and
- amending rule 45.58 (disbursements – section IV) to reflect the renaming of the Motor Insurance Database;

— amending rule 54.5 (time limit for filing claim form) to provide that, where an application for judicial review concerns a decision to which the Procurement Act 2023 (c. 54) applies, the claim form must be filed within the time limit specified in section 106(1) and (2) of that Act;

— amending Part 77 (provision in support of criminal justice) to include in Section 1 (serious crime prevention orders) applications for interim serious crime prevention orders, following amendments to the Serious Crime Act 2007 (c. 27) made by the Border Security, Asylum and Immigration Act 2025 (c. 31); and

— amending Part 82 (closed material procedure) by—

- amending rule 82.23 (directions for hearing of application) to include a signpost to rule 82.18 (supply of court documents); and
- inserting new rule 82.26A (special advocate's position statement) which enables a special advocate to file, or the court to direct the filing of, a statement of case, a witness statement, or grounds of challenge, limited to matters arising substantially out of the sensitive material served on them.

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