

131st UPDATE – PRACTICE DIRECTION AMENDMENTS

The amendment to the 129th Update to the Practice Directions which supplement the Civil Procedure Rules 1998, and the substitution of the Practice Directions supplementing Part 54 of those Rules, are made by the Master of the Rolls under the powers delegated to him by the Lord Chief Justice under Schedule 2, Part 1, paragraph 2(2) of the Constitutional Reform Act 2005, and is approved by Lord Wolfson of Tredegar QC, Parliamentary Under-Secretary of State for Justice, by the authority of the Lord Chancellor.

The amendment to the 129th Update comes into force the day after the day on which this Update is approved.

The substitution of the Practice Directions supplementing Part 54 comes into force on 31st May 2021.

The Right Honourable Sir Geoffrey Vos
Master of the Rolls and Head of Civil Justice

Signed by authority of the Lord Chancellor:

Lord Wolfson of Tredegar QC

Parliamentary Under-Secretary of State for Justice

Ministry of Justice

Date: 4th May 2021

129th UPDATE – PRACTICE DIRECTION AMENDMENTS

- 1) In the Schedule to the 129th Update, for Appendix B to Practice Direction 27B, substitute Appendix B as set out in Schedule1 to this Update.

PRACTICE DIRECTIONS SUPPLEMENTING PART 54

- 1) For Practice Directions 54A to 54E, substitute Practice Directions 54A to 54D as set out in Schedules 2 to 5 to this Update.

SCHEDULE 1

“APPENDIX B: STANDARD DIRECTIONS

PD27B Section 2: Liability dispute only - denied in full
(Acknowledgment of Service filed)

These are standard directions.

The court may give directions other than standard directions

Upon the Court considering the Claimant’s Form RTASC L and the Court Pack provided with it

And upon considering the [First / Second] Defendant’s Form RTAAS L

[And upon the [Claimant] / [First / Second] [Defendant] having applied on Form [RTASC L] / [RTAAS L] to rely upon further evidence]

[And upon the [Claimant] / [First / Second] [Defendant] having identified in Form [RTASC L] / [RTAAS L] that there is another claim arising out of the same accident]

IT IS ORDERED THAT:

Other claims

1. (a) Pursuant to PD27B 2.14(1)(a), this claim shall be heard together with claim number [] [“(the other claim)”] [, and this claim shall be the lead claim].

(b) This claim shall be listed with the other claim for a hearing with a time estimate of [] at which the court will make further directions. [The parties must file at court and serve on each other, at least [7] days before that hearing, a draft of any directions they seek.

OR

(b) The following directions shall apply to both claims

OR

1. Pursuant to PD27B 2.14(1)(a), this claim shall be heard together with the claim made against the Claimant by the Defendant which currently proceeds within the RTA Small Claims Protocol under reference number [] (“the other claim”). The Defendant shall ensure the other claim will exit the RTA Small Claims Protocol as required by PD27B 2.14(3)(a) and shall specify this hearing centre as the preferred hearing centre on the Form RTASC L.

OR

1.
 - a) Pursuant to PD27B 2.14(3)(b), this claim is stayed until [] to permit the claim which proceeds in the RTA Small Claims Protocol under reference number [] (“the other claim”) to be issued.
 - b) The Defendant must inform the court immediately on the issue of the other claim. The court will then consider whether to order that the claims be heard together pursuant to PD27B 2.14(1)(a).
 - c) No more than seven days after the date specified at paragraph (a) the Defendant shall file at court and serve on the Claimant a short statement setting out the latest position of the other claim.

OR

1. This Claim shall be transferred to the County Court at [] and seen by a Judge of that Court so that the court may consider it with claim number [] and decide whether to make any order under PD27B 2.14(1).

OR

1.
 - a) Pursuant to PD27B 2.14(1)(b), this claim shall no longer continue under Practice Direction 27B.
 - b) The claim shall be heard together with claim number [] (“the other claim”).
 - c) Pursuant to PD27B 1.8(5), this claim is automatically allocated to the same track as the other claim; and

d) This claim shall be transferred to the County Court at [] so that the court may consider it with the other claim and make further directions.

OR

d) [This claim shall be listed with the other claim for a hearing with a time estimate of [] at which the court will make further directions. [The parties must file at court and serve on each other, at least [7] days before that hearing, a draft of any directions they seek.]

RTA Insurer's rights

2. Having filed an acknowledgment of service, the Second Defendant (the RTA Insurer) shall be entitled to defend the claim and to exercise all the rights of the First Defendant.

Evidence

3. The parties may rely upon the evidence contained in the relevant Court Pack pursuant to PD27B 2.13 [except the [Claimant] / [Defendant] may not rely upon the following evidence contained in the Court Pack, namely.....].

4. The [Claimant] / [First and/or Second Defendant] has permission to file at court and serve on the other [party][parties] [additional evidence as detailed in/attached to] / [additional witness statements from the persons named in] their Form [RTASC L] / [RTAAS L], on condition that these must be filed and served by 4pm on [].

OR

The [Claimant] / [First and/or Second Defendant] has permission to file at court and serve on the other [party][parties] [additional witness statements from] / [additional evidence, namely] on condition that these must be filed and served by 4 pm [].

5. If any party wishes to rely on any dashcam footage, or other video clips, contained in the Court Pack, that party shall ensure that suitable and sufficient equipment is available at Court so that it can be viewed by the Judge, the parties and their representatives all at the same time.

6. The liability dispute is listed for an oral hearing which the parties must attend [in person] / [by video] on ELH . The Court will not make a decision on paper.
7. Because this Order has been made without a hearing, the parties have the right to apply to have the order set aside, varied or stayed. A party making such an application must send or deliver the application to the court (together with any appropriate fee) to arrive within seven days of service of this Order.

PD27B Section 4: Liability admitted in part but remains in dispute (including where non-protocol vehicle costs and/or an uplift are claimed in such cases)

These are standard directions.

The court may give directions other than standard directions

Upon the Court considering the Claimant's Form RTASC D and the Court Pack provided with it

And upon considering the [First / Second] Defendant's Form RTAAS D

[And upon the [Claimant] / [First / Second] [Defendant] having applied on Form [RTASC D] / [RTAAS D] to rely upon further evidence]

[And upon the [Claimant] / [First / Second] [Defendant] having identified in Form [RTASC D] / [RTAAS D] that there is another claim arising out of the same accident]

Other claims

1. Pursuant to PD27B 2.14(1)(a), this claim shall be heard together with claim number [] [, and this claim shall be the lead claim].

OR

1. Pursuant to PD27B 2.14(1)(a), this claim shall be heard together with the claim made against the Claimant by the Defendant which currently proceeds within the RTA Small Claims Protocol under reference number [] ("the other claim"). The Defendant shall ensure the other claim will exit the RTA Small Claims Protocol as required by PD27B 2.14(3)(a) and shall specify this hearing centre as the preferred hearing centre on the Form RTASC [L][D].

OR

1.
 - a) Pursuant to PD27B 2.14(3)(b), this claim is stayed until [] to permit the claim which proceeds in the RTA Small Claims Protocol under reference number [] ("the other claim") to be issued.
 - b) The Defendant must inform the court immediately on the issue of the other claim. The court will then consider whether to order that the claims be heard together.

pursuant to PD27B 2.14(1)(a).

- c) No more than seven days after the date specified at paragraph (a) the Defendant shall file at court and serve on the Claimant a short statement setting out the latest position of the other claim.

OR

- 1. This Claim shall be transferred to the County Court at [] and seen by a Judge of that Court so that the court may consider it with claim number [] and decide whether to make any order under PD27B 2.14(1).

OR

- 1.
 - a) Pursuant to PD27B 2.14(1)(b), this claim shall no longer continue under Practice Direction 27B
 - b) The claim shall be heard together with claim number [] (“the other claim”)
 - c) Pursuant to PD27B 1.8(5), this claim is automatically allocated the same track as the other claim
 - d) This claim shall be transferred to the County Court at [] so that the court may consider it with the other claim and make further directions

OR

- 1. [This case shall be listed with the other claim for a hearing with a time estimate of [] at which the court will make further directions. [The parties must file at court and serve on each other, at least [7] days before that hearing, a draft of any directions they seek]]

RTA Insurer’s rights

- 2. Having filed an acknowledgment of service, the Second Defendant (the RTA Insurer) shall be entitled to defend the claim and to exercise all the rights of the First Defendant.

Evidence

- 3. The parties may rely upon the evidence contained in the relevant Court Pack pursuant to PD27B 4.13 [except that the [Claimant] / [Defendant] may not rely upon the following evidence contained in the Court Pack, namely.....].
- 4. The [Claimant] / [Defendant] has permission to file and serve [additional evidence as

detailed in/attached to] / [additional witness statements from the persons named in] their application in Form [RTASC D] / [RTAAS D], on condition that these must be filed and served by 4pm [].

OR

The [Claimant]/ [Defendant] has permission to file and serve [additional witness statements from [] / [additional evidence, namely [] on condition that these must be filed and served by 4 pm [].

Non- Protocol Vehicle Costs (“NVC”)

Witness evidence dealing with NVC

5. In the event that neither the Court Pack nor any other evidence filed by the Claimant addresses the following points, the Claimant must by 4.00 p.m. [] file and serve a witness statement which deals with the following issues, (save insofar as they have already been addressed):

- (i) The Claimant’s need to hire a vehicle;
- (ii) The need to hire the particular type of vehicle hired;
- (iii) Why the vehicle was hired for the period it was hired for. If the Claimant relies on the time taken to repair or examine their own motor vehicle, the Claimant should include in the witness statement an account of steps taken to speed up the process and to monitor progress.
- (iv) Where the Claimant states:
 - a. that they were unable reasonably to afford to pay up front for a hire car (this is referred to as “impecuniosity” in the rest of this order); and
 - b. so entered into a credit hire arrangement; and
 - c. the Defendant has not agreed to this part of the Claimant’s case (that the Claimant was “impecunious”)then the Claimant should say so in the witness statement.

Documentary evidence about Impecuniosity

6. The Claimant will not be allowed to rely upon impecuniosity unless either (a) the Defendant does not dispute this or (b) the Claimant by 4pm on [] files and serves such of the following documents as are in the Claimant's possession or can be obtained by them:
- (i) Copies of the Claimant's wage slips or equivalent documentation (for example, if self employed) evidencing the approximate level of income available to the Claimant for the period of three months pre-accident and covering the period of hire; and
 - (ii) Copies of bank and credit card statements for a period of three months pre-accident and covering the period of hire; and
 - (iii) Details of all investments held at the time of the accident

Additional Documents

7. If the Claimant makes a claim for
- a. Cost of repairs;
 - b. Write-off value of their vehicle;
 - c. Recovery charges;
 - d. Storage charges
- but has not included within the Court Pack all documentation in support of such a claim, the Claimant must by 4 pm on [] file and serve any documentation including invoices and receipts that they rely upon in support of any such claim.
8. Hire rates:
- (i) The parties must liaise and make reasonable efforts to agree the basic (non-credit) hire rate, subject to liability and/or other issues, no later than 4pm on [xxx days from date of order] and, if agreement is reached, must file at court a signed note of such agreement.
 - (ii) If the parties fail to agree hire rates, each party can rely on a single witness statement to provide relevant evidence of basic hire rates available within the Claimant's geographical location from a mainstream or, (if none is available) a local reputable supplier, for the type of car (or similar) to that actually hired, or of a similar class to the Claimant's damaged vehicle if a better vehicle class was hired; such

factual witness statements and any associated surveys must be filed and served by 4.00pm on [].

(iii) The witness statements must include the following facts:

- a. who conducted the survey; and
- b. when and in what way the survey was conducted; and
- c. whether the survey established that comparable vehicles were available for hire and the cost of the hire (to be clearly set out in a table or tables to include the daily and weekly rates of hire, the cost of collision damage waiver or third party insurance, and any relevant extra items). The full terms and conditions applicable must be attached;

9. If any party wishes to rely on any dashcam footage, or other video clips, contained in the Court Pack, that party shall ensure that suitable and sufficient equipment is available at Court so that it can be viewed by the Judge, the parties and their representatives all at the same time.
10. The dispute is listed for an oral hearing which both parties must attend [in person] [by video] on ELH . The Court will not make a decision on paper.
11. Because this Order has been made without a hearing, the parties have the right to apply to have the order set aside, varied or stayed. A party making such an application must send or deliver the application to the court (together with any appropriate fee) to arrive within seven days of service of this Order.

**PD27B Section 5: Liability not in dispute and the Claim includes non-protocol vehicle costs
(and may include a claim for an uplift)**

These are standard directions.

The court may give directions other than standard directions

Upon the court considering the Claimant's Form RTASC D and the Court Pack provided with it

And upon considering the Defendant's Form RTAAS D

[And upon the [Claimant] / [Defendant] having applied in the RTASC D/RTAAS D to rely upon further witness evidence]

It is Ordered that:

Evidence

1. The parties may rely upon the evidence contained in the relevant Court Pack pursuant to PD27B 5.14 [except the [Claimant] / [Defendant] may not rely upon the following evidence contained in the Court Pack, namely.....].
2. The [Claimant] / [Defendant] has permission to file and serve [additional evidence as detailed in/attached to] / [additional witness statements from the persons named in] their application in form [RTASC D] / [RTAAS D], on condition that these must be filed and served by 4pm [].

OR

The [Claimant] / [Defendant] has permission to file and serve [additional witness statements from] / [additional evidence, namely] on condition that these must be filed and served by 4 pm [].

Non- Protocol Vehicle Costs ("NVC")

Witness evidence dealing with NVC

3. In the event that neither the Court Pack nor any other evidence filed by the Claimant addresses the following points, the Claimant must by 4.00 p.m. [] file and serve a witness statement which deals with the following issues, (save insofar as they have

already been addressed):

- (i) The Claimant's need to hire a vehicle;
- (ii) The need to hire the particular type of vehicle hired;
- (iii) Why the vehicle was hired for the period it was hired for. If the Claimant relies on the time taken to repair or examine their own motor vehicle, the Claimant should include in the witness statement an account of steps taken to speed up the process and to monitor progress.
- (iv) Where the Claimant states:
 - a. that they were unable reasonably to afford to pay up front for a hire car (this is referred to as "impecuniosity" in the rest of this order) and
 - b. so entered into a credit hire arrangement, and
 - c. the Defendant has not agreed to this part of the Claimant's case (that the Claimant was "impecunious")then the Claimant should say so in the witness statement..

Documentary evidence about Impecuniosity

4. The Claimant will not be allowed to rely upon impecuniosity unless either (a) the Defendant does not dispute this or (b) the Claimant by 4pm on [] files and serves such of the following documents as are in the Claimant's possession or can be obtained by them:
- (i) Copies of the Claimant's wage slips or equivalent documentation (for example, if self employed) evidencing the approximate level of income available to the Claimant for the period of three months pre-accident and covering the period of hire; and
 - (ii) Copies of bank and credit card statements for a period of three months pre-accident and covering the period of hire; and
 - (iii) Details of all investments held at the time of the accident

Additional Documents

5. If the Claimant makes a claim for
 - a. Cost of repairs;
 - b. Write-off value of their vehicle;
 - c. Recovery charges;
 - d. Storage chargesbut has not included within the Court Pack all documentation in support of such a claim, the Claimant must by 4 pm on [] file and serve any documentation including invoices and receipts that they rely upon in support of any such claim.

6. Hire rates:
 - (i) The parties must liaise and make reasonable efforts to agree the basic (non-credit) hire rate, subject to liability and/or other issues, no later than 4pm on [xxx days from date of order] and, if agreement is reached, must file at court a signed note of such agreement.
 - (ii) If the parties fail to agree hire rates, each party can rely on a single witness statement to provide relevant evidence of basic hire rates available within the Claimant's geographical location from a mainstream or, (if none is available) a local reputable supplier, for the type of car (or similar) to that actually hired, or of a similar class to the Claimant's damaged vehicle if a better vehicle class was hired; such factual witness statements and any associated surveys must be filed and served by 4.00pm on [].
 - (iii) The witness statements must include the following facts:
 - a. who conducted the survey; and
 - b. when and in what way the survey was conducted; and
 - c. whether the survey established that comparable vehicles were available for hire and the cost of the hire (to be clearly set out in a table or tables to include the daily and weekly rates of hire, the cost of collision damage waiver or third party insurance, and any relevant extra items). The full terms and conditions applicable must be attached;

7. If any party wishes to rely on any dashcam footage, or other video clips, contained in the Court Pack, that party shall ensure that suitable and sufficient equipment is available at Court so that it can be viewed by the Judge, the parties and their representatives all at the same time.

8. The dispute is listed for an oral hearing which both parties must attend [in person] [by video] on ELH . The Court will not make a decision on paper.

9. Because this Order has been made without a hearing, the parties have the right to apply to have the order set aside, varied or stayed. A party making such an application must send or deliver the application to the court (together with any appropriate fee) to arrive within seven days of service of this Order.

PD27B Section 6: Liability not in dispute and the Claimant applies for an uplift)

These are standard directions.

The court may give directions other than standard directions

Upon the court considering the Claimant's Form RTASC D and the Court Pack provided with it

And upon considering the Defendant's Form RTAAS D

[And upon the [Claimant] / [Defendant] having applied in the RTASC D/RTAAS D to rely upon further witness evidence]

It is Ordered that:

Evidence

1. The parties may rely upon the evidence contained in the relevant Court Pack pursuant to PD27B 6.14 [except the [Claimant] / [Defendant] may not rely upon the following evidence contained in the Court Pack, namely.....].
2. The [Claimant] / [Defendant] has permission to file and serve [additional evidence as detailed in/attached to] / [additional witness statements from the persons named in] their application in form [RTASC D]/[RTAAS D] on condition that these must be filed and served by 4pm [].

OR

The [Claimant]/ [Defendant] has permission to file and serve [additional witness statements from] / [additional evidence, namely] on condition that these must be filed and served by 4 pm [].

3. The dispute is listed for an oral hearing which both parties must attend [in person] [by video] on ELH . The Court will not make a decision on paper.
4. Because this Order has been made without a hearing, the parties have the right to apply to have the order set aside, varied or stayed. A party making such an application must send or deliver the application to the court (together with any appropriate fee) to arrive within seven days of service of this Order.”.

SCHEDULE 2

PRACTICE DIRECTION 54A – JUDICIAL REVIEW

Section I—General provisions relating to judicial review

1.1 In addition to Part 54 and this Practice Direction attention is drawn to: (a) CPR Part 1; (b) section 31 of the Senior Courts Act 1981; (c) the Human Rights Act 1998; and (d) the Administrative Court Judicial Review Guide

The Court

2.1 (1) Part 54 claims for judicial review are dealt with in the Administrative Court.

(2) In exercise of the power under section 18(6) of the Tribunals Courts and Enforcement Act 2007, the Lord Chief Justice has directed that certain classes of claims for judicial review fall within the jurisdiction of the Upper Tribunal: see the directions dated 21 August 2013 and 24 October 2014.

(3) Practice Direction 54C contains provisions about where a claim for judicial review may be started, administered and heard. CPR rule 7.1A provides the general rule that claims against Welsh public bodies challenging the lawfulness of their decisions are to be issued and heard in Wales.

Rule 54.5—Time Limit for Filing Claim Form

3.1 Where the claim is for a quashing order in respect of a judgment, order or conviction, the date when the grounds to make the claim first arose, for the purposes of rule 54.5(1)(b), is the date of that judgment, order or conviction.

Rule 54.6—Claim Form

General

4.1 (1) A claimant seeking permission to apply for judicial review, urgent consideration or interim relief (whether by a claim included in the Claim Form itself or by a separate application notice) must ensure that the Claim Form or application notice sets out all material facts, that is all those facts which are relevant to the claim or application being made. A claimant must make proper and necessary inquiries before seeking permission to apply for judicial review or interim relief to ensure so far as reasonably possible that all relevant facts are known.

(2) A claimant should refer to any statutory provision which excludes the jurisdiction of the court to entertain the application, or to grant the relief sought, and should also refer to any alternative appeal mechanism that exists, or could have been used prior to seeking judicial review

Contents of the Claim Form

4.2 (1) The Claim Form must include or be accompanied by the following documents—

(a) a clear and concise statement of the facts relied on set out in numbered paragraphs – “the Statement of Facts”; and

(b) a clear and concise statement of the grounds for bringing the claim – “the Statement of Grounds”. The Statement of Grounds should: identify in separate, numbered paragraphs each ground of challenge; identify the relevant provision or principle of law said to have been breached; and provide sufficient detail of the alleged breach to enable the parties and the court to identify the essential issues alleged to arise. The Statement of Grounds should succinctly explain the claimant’s case by reference to the Statement of Facts and state precisely what relief is sought.

(2) The Statement of Facts and the Statement of Grounds may be contained in a single document.

(3) The Statements of Facts and Grounds should be as concise as possible. The two documents together (or the single document if the two are combined) shall not exceed 40 pages. In many cases the court will expect the documents to be significantly shorter than 40 pages. The court may grant permission to exceed the 40-page limit.

4.3 Any application (a) to extend the time limit for filing the Claim Form; and/or (b) for directions in the claim, should be included in or contained in a document that accompanies the Claim Form.

4.4 (1) In addition, the Claim Form must be accompanied by—

(a) any written evidence in support of the claim (in this regard, see also rules 8.5(1) and 8.5(7)).

(b) any written evidence in support of any other application contained in the Claim Form;

(c) a copy of any order that the claimant seeks to have quashed;

(d) where the claim for judicial review relates to a decision of a court or tribunal, an approved copy of the reasons for reaching that decision;

(e) where the claim is directed to the decision of any other public authority, a copy of any record of the decision under challenge;

(f) copies of any documents on which the claimant proposes to rely;

(g) copies of any relevant statutory material; and

(h) a list of essential documents for advance reading by the court (with page references to the passages relied on).

(2) Where it is not possible to file all the above documents, the claimant must indicate which documents have not been filed and the reasons why they are not currently available.

The claim bundle

4.5 (1) The claimant must prepare a paginated and indexed bundle containing all the documents referred to in paragraphs 4.2 and 4.4. An electronic version of the bundle must also be prepared in accordance with the Guidance on the Administrative Court website.

(2) The claimant shall (unless otherwise requested) lodge the bundle with the Court in both electronic and hard copy form. For Divisional Court cases the number of hard copy bundles required will be one set for each judge hearing the case.

Interested parties

4.6 (1) Any person who is an interested party (see rule 54.1(2)(f)) must be named in the Claim Form as such (see rule 54.6(1)(a)), and served with the Claim Form (see rule 54.7(b)).

(2) Where the claim for judicial review relates to proceedings in a court or tribunal, any other party to those proceedings will be an interested party in the judicial review proceedings. For example, if the defendant in a criminal case in the Magistrates or Crown Court applies for judicial review of a decision in that case, the prosecution must always be named as an interested party in the judicial review claim.

Human rights

4.7 Where the claimant is seeking to raise any issue under the Human Rights Act 1998, or seeks a remedy available under that Act, the Claim Form must include the information required by paragraph 15 of Practice Direction 16.

Devolution issues

4.8 (1) In this Practice Direction “devolution issue” has the same meaning as in paragraph 1, Schedule 9 to the Government of Wales Act 2006, paragraph 1, Schedule 10 to the Northern Ireland Act 1998; and paragraph 1, Schedule 6 to the Scotland Act 1998.

(2) Where the claimant intends to raise a devolution issue, the Claim Form must: (a) specify that the claimant wishes to raise a devolution issue and identify the relevant provisions of the Government of Wales Act 2006, the Northern Ireland Act 1998 or the Scotland Act 1998; and (b) contain a summary of the facts, circumstances and points of law on the basis of which it is alleged that a devolution issue arises.

Rule 54.7—Service of Claim Form

5.1 Part 6 contains provisions about the service of Claim Forms. Except as required by rules 54.11 or 54.12(2), the Administrative Court will not serve documents and service must be effected by the parties.

5.2 Where the defendant or interested party to the claim for judicial review is—

(a) the Immigration and Asylum Chamber of the First-tier Tribunal, the address for service of the Claim Form is—

(by post)
Customer Investigations Team
Operations Directorate - HMCTS
Post Point 5.12
102 Petty France
London
SW1H 9AJ

(by e-mail)
Litigation_Team_C@justice.gov.uk

(b) the Crown, service of the Claim Form must be effected on the solicitor acting for the relevant government department as if the proceedings were civil proceedings as defined in the Crown Proceedings Act 1947. Practice Direction 66 gives the list published under section 17 of the Crown Proceedings Act 1947 of the solicitors acting in civil proceedings (as defined in that Act) for the different government departments on whom service is to be effected, and of their addresses.

Rule 54.8—Acknowledgment of Service

6.1 The Acknowledgment of Service must contain the information specified at rules 8.3(2) and 10.5. See also the requirements set out in Practice Direction 10.

6.2 (1) If a defendant chooses to file an Acknowledgement of Service, the Summary Grounds referred to in CPR 54.8(4)(a) should meet the following requirements.

(2) The Summary Grounds should identify succinctly any relevant facts. Material matters of factual dispute (if any) should be highlighted. The Grounds should provide a brief summary of the reasoning underlying the measure in respect of which permission to apply for judicial review is sought unless the defendant gives reasons why the application for permission can be determined without that information.

(3) The Summary Grounds should (again succinctly) explain the legal basis of defendant's response to the claimant's case, by reference to relevant facts.

(4) The Summary Grounds should be as concise as possible. Summary Grounds shall not exceed 30 pages. In many cases the court will expect the Summary Grounds to be significantly shorter. The court may grant permission to exceed the 30-page limit.

Rule 54.10—Permission Given Directions

7.1 Case management directions under rule 54.10(1) may include directions about serving the Claim Form and any evidence on other persons.

7.2 Where a claim is made under the Human Rights Act 1998, a direction may be made for giving notice to the Crown or joining the Crown as a party. Attention is drawn to rule 19.4A (parties to Human Rights Act claims) and paragraph 6 of Practice Direction 19A (giving notice to the Crown of claims for declarations of incompatibility).

Rule 54.12—Permission decision without a hearing

7.3 In the first instance, the court will generally consider the question of permission without a hearing.

Permission hearings

7.4 Neither the defendant nor any other interested party need attend a hearing on the question of permission unless the court directs otherwise.

7.5 Where the defendant or any party does attend a hearing, the court will not generally make an order for costs against the claimant.

Renewed applications for permission

7.6 The purpose of the request to reconsider a decision to refuse permission (rule 54.12(3)) is to identify the scope of the renewed application. The request must be succinct. It should identify which grounds are relied on in support of the renewed application, and address the reasons given by the Judge who refused permission on consideration of the papers.

7.7 The standard time estimate for the hearing of a renewed application is 30 minutes (to include time for judgment). Any request for a longer listing must be stated in the application. In any event, within 7 days following the date the application was filed, the parties must tell the Court the agreed time estimate for the hearing.

Rule 54.11—Service of Order Giving or Refusing Permission

8.1 An order refusing permission or giving it subject to conditions or on certain grounds only must set out or be accompanied by the court's reasons for coming to that decision.

Rule 54.14—Response

9.1 (1) If a party required to file Detailed Grounds has already filed Summary Grounds, he may (if all relevant matters have already been addressed in the Summary Grounds) inform the court and all other parties that the Summary Grounds will stand as his Detailed Grounds.

(2) If a party files and serves Detailed Grounds, that document should be as concise as possible, and shall not exceed 40 pages. The court may grant permission to exceed the 40-page limit.

(3) Where a party filing Detailed Grounds intends to rely on written evidence or on documents not already filed, he must prepare a paginated and indexed bundle containing that evidence and those documents. An electronic version of the bundle shall also be prepared in accordance with the Guidance on the Administrative Court website.

9.2 The party shall file and serve electronic and hard copy versions of the bundle when he files and serves the Detailed Grounds.

Rule 54.16—Evidence

10.1 In accordance with the duty of candour, the defendant should, in its Detailed Grounds or evidence, identify any relevant facts, and the reasoning, underlying the measure in respect of which permission to apply for judicial review has been granted.

10.2 Disclosure is not required unless the court orders otherwise.

10.3 It will rarely be necessary in judicial review proceedings for the court to hear oral evidence. Any application under rule 8.6(2) for permission to adduce oral evidence or to cross-examine any witness must be made promptly, in accordance with the requirements of Part 23, and be supported by an explanation of why the evidence is necessary for the fair determination of the claim.

Rule 54.15—Where Claimant Seeks to Rely on Additional Grounds

11.1 Where the claimant intends to apply for judicial review on grounds additional to those set out in the Claim Form, the claimant must make an application to the court for permission to amend the Claim Form. The application should be made in accordance with the requirements of Part 23.

11.2 The application must be made promptly and should include, or be accompanied by, a draft of the amended grounds and be supported by evidence explaining the need for the proposed amendment and any delay in making the application for permission to amend.

11.3 The application, the proposed additional grounds and any written evidence, must be served on the defendant and any interested party named in the Claim Form or Acknowledgement of Service.

11.4 For the purposes of determining an application to rely on additional grounds, rules 17.1 and 17.2 shall apply. Where permission to rely on additional grounds is given, the court may give directions as to amendments to be made to the defendant's Grounds or Detailed Grounds and/or such other case management directions as appropriate.

Rule 54.17—Court's Powers to Hear Any Person

12.1 An application for permission to intervene under rule 54.17 should be made by application in the relevant proceedings, in accordance with the provisions of Part 23.

12.2 Any such application must be made promptly. The Court is unlikely to accede to an application to intervene if it would have the consequence of delaying the hearing of the relevant proceedings.

12.3 The Application Notice must be served on all parties to the proceedings.

12.4 (1) The duty of candour applies. The Application Notice should explain who the applicant is and indicate why and in what form the applicant wants to participate in the hearing.

(2) If the applicant requests permission to make representations at the hearing, the application should include a summary of the representations the applicant proposes to make.

(3) If the applicant requests permission to file and serve evidence in the proceedings a copy of that evidence should be provided with the Application Notice. The application should explain the relevance of any such evidence to the issues in the proceedings.

12.5 If the applicant is seeking a prospective order as to costs which departs from the provision made by section 87 of the Criminal Justice and Courts Act 2015, the application must include a copy of the order sought and must set out the grounds on which that order is sought.

12.6 Where the court gives permission for a person to file evidence or make representations at the hearing of the claim for judicial review (whether orally or in writing), it may do so on conditions and may give case management directions.

12.7 Where all the parties consent, the court may deal with an application under rule 54.17 without a hearing.

Rule 54.20—Transfer

13.1 Rule 30.5 provides the power to transfer proceedings between Divisions of the High Court and to and from a specialist list. In deciding whether a claim is suitable for transfer to the Administrative Court, the court will consider whether it raises issues of public law to which Part 54 should apply.

Skeleton arguments

14.1 The purpose of a skeleton argument is to assist the court by setting out as concisely as practicable the arguments upon which a party intends to rely.

14.2 (1) A skeleton argument must be concise. It should both define and confine the areas of controversy; be set out in numbered paragraphs; be cross-referenced to any relevant document in the bundle; be self-contained and not incorporate by reference material from previous skeleton arguments or pleadings; and should not include extensive quotations from documents or authorities. Documents to be relied on must be identified.

(2) Where it is necessary to refer to an authority, a skeleton argument must: state the proposition of law the authority demonstrates; and identify the parts of the authority that support the proposition. If more than one authority is cited in support of a given proposition, the skeleton argument must briefly state why.

14.3 Skeleton Arguments shall not exceed 25 pages. The court may grant permission to exceed the 25-page limit.

14.4 Any skeleton argument that does not comply with the requirements above may be returned to its author by the Administrative Court Office and may not be re-filed unless and until it complies with those requirements. The court may disallow the cost of preparing a skeleton argument which does not comply with these requirements.

14.5 The claimant must file and serve a skeleton argument not less than 21 days before the date of the hearing (or the warned date).

14.6 The defendant and any other party wishing to make representations at the hearing of the judicial review must file and serve a skeleton argument not less than 14 days before the date of the hearing (or the warned date).

14.7 Not less than 7 days before the date of the hearing (or the warned date), the parties shall file: (a) an agreed list of issues; (b) an agreed chronology of events (with page references to the hearing bundle); and (c) an agreed a list of essential documents for the advance reading of the court (with page references in the hearing bundle to the passages relied on) and a time estimate for that reading.

The hearing bundle and the authorities bundle

15.1 The parties shall agree the contents of a paginated and indexed bundle containing all relevant documents (or extracts from them) required for the hearing of the judicial review (“the hearing bundle”). Where the hearing bundle exceeds 400 pages, the parties shall agree the contents of a core bundle. The core bundle shall be paginated and indexed and shall include the pleadings, a copy of the decision and/or measure which is under challenge in the proceedings, and such further documents (or extracts from them) as the parties consider essential for the purposes of the hearing. Each party (or the solicitor acting for each party) shall certify that the hearing bundle and any core bundle meets the requirements of this paragraph.

15.2 An electronic version of the hearing bundle (and any core bundle) shall be prepared in accordance with the Guidance on the Administrative Court website.

15.3 Not less than 21 days before the date of the hearing (or the warned date), the parties shall lodge the hearing bundle (and any core bundle) with the Court in both electronic and hard copy form. For Divisional Court cases the number of hard copy bundles required will be one set for each judge hearing the case.

15.4 The parties shall agree the contents of a bundle containing the authorities to be referred to at the hearing of the judicial review (“the authorities bundle”). An electronic version of the bundle shall be prepared in accordance with the Guidance on the Administrative Court website.

15.5 Not less than 7 days before the date of the hearing (or the warned date), the parties shall lodge the authorities bundle with the Court in both electronic and hard copy form. For Divisional Court cases the number of hard copy bundles required will be one set for each judge hearing the case.

Agreed final order

16.1 If, prior to judgment being given on a claim the parties agree the terms of a final order to be made disposing of the claim, the claimant shall file 3 copies of the proposed agreed order together with a short, agreed statement of the matters relied on as justifying the proposed agreed order and copies of any authorities or statutory provisions relied on. Both the draft order and the agreed statement shall be signed by all parties to the claim.

16.2 The court will consider the documents referred to in paragraph 16.1 and will make the order if satisfied that the order should be made.

16.3 If the court is not satisfied that the order should be made, a hearing date will be set.

16.4 Where the agreement relates to an order for costs only, the parties need only file a document signed by all the parties setting out the terms of the proposed order.

Section II—Additional provisions for applications for permission to apply for judicial review in immigration and asylum cases—challenging removal

17.1 (1) This section applies where—

- (a) a person has been served with a copy of directions for his removal from the United Kingdom by UK Visas and Immigration (“UKVI”) and notified that this section applies; and
- (b) that person makes an application for permission to apply for judicial review before his removal takes effect.

(2) This section does not prevent a person from applying for judicial review after he has been removed.

17.2 (1) A person who makes an application for permission to apply for judicial review must file a claim form and a copy at court, and the Claim Form must—

- (a) indicate on its face that this Section of the Practice Direction applies; and
- (b) be accompanied by—
 - (i) a copy of the removal directions and the decision to which the application relates; and
 - (ii) any document served with the removal directions including any document which contains the UKVI’s factual summary of the case; and
- (c) contain or be accompanied by a clear and concise statement of the claimant’s grounds for bringing the claim for judicial review; and
- (d) state the claimant’s Home Office reference number;

If the claimant is unable to comply with paragraph (b) or (c) or (d) above the Claim Form must contain or be accompanied by a statement of the reasons why.

(2) The claimant must, immediately upon issue of the claim, send copies of the issued Claim Form and accompanying documents to the address specified by the UKVI .

(Rule 54.7 also requires the defendant to be served with the Claim Form within 7 days of the date of issue. Rule 6.10 provides that service on a Government Department must be effected on the solicitor acting for that Department, which in the case of the UKVI is the Government Legal Department (“GLD”). The address for GLD may be found in the Annex to Part 66 of these Rules.)

17.3 Where the claimant has not complied with paragraph 17.2(1)(b) or (c) or (d) but has provided reasons why he is unable to comply, and the court has issued the Claim Form, the Administrative Court—

- (a) will refer the matter to a Judge for consideration as soon as practicable; and
- (b) will notify the parties that it has done so.

17.4 If, upon a refusal to grant permission to apply for judicial review, the Court decides that the application is clearly without merit, that decision will be included in the order refusing permission.

Section III—Additional provisions for applications for judicial review of decisions of the Upper Tribunal

18.1 A person who makes an application for permission to apply for judicial review of the decision of the Upper Tribunal refusing permission to appeal must file a Claim Form which must: (a) state on its face that the application is made under Rule 54.7A; (b) set out succinctly the grounds on which it is argued that the criteria in Rule 54.7A(7) are met; and (c) be accompanied by the supporting documents required under Rule 54.7A(4).

18.2 Where permission to apply for judicial review is granted, if the Upper Tribunal or any interested party wishes there to be a hearing of the substantive application under Rule 54.7A(9), it must make its request in writing (by letter copied to the claimant) for such a hearing no later than 14 days after service of the order granting permission.

SCHEDULE 3

PRACTICE DIRECTION 54B – URGENT APPLICATIONS AND OTHER APPLICATIONS FOR INTERIM RELIEF

Section I – urgent applications, general

- 1.1** Urgent applications in Administrative Court claims may be made to the court Monday to Friday, 10am – 4.30pm. (Outside these hours urgent applications should be directed to the Queen’s Bench Division out of hours judge.)
- 1.2** Urgent applications must be made using Form N463 (“Judicial Review: Application for urgent consideration”). All information required by the Form must be provided. In particular, the applicant must state the reasons why the application needs to be considered urgently, the reasons why the application was not made sooner, and the timescale within which consideration of the application is requested. The Form must be signed and supported by the required Statement of Truth.
- 1.3** The applicant must prepare an indexed and paginated bundle (“the application bundle”) which shall contain the Form N463 and any other material required by this Practice Direction to be provided as part of the application. The bundle should include the pre-action communication concerning the claim for judicial review, and all communication with the defendant concerning the urgent application. An electronic version of the application bundle shall also be prepared in accordance with the Guidance on the Administrative Court website. The application bundle shall be filed at the same time as the Form N463.
- 1.4** *London.* Urgent applications may be filed with the court in London by email to immediates@administrativecourtoffice.justice.gov.uk . They may also be filed by delivery to the Administrative Court Office at the Royal Courts of Justice, Strand, London WC2A 2LL.
- 1.5** *Administrative Court Offices outside London.* Where an urgent application needs to be made to the Administrative Court outside London, the application must be made to the relevant Office: see Practice Direction 54C.
- 1.6** The place where an urgent application is made will not by itself decide the venue for the further administration or determination of the claim. This will be determined in accordance with the provisions of Practice Direction 54C.
- 1.7** The applicant must serve the Form N463 and the application bundle on the defendant and any interested party either (a) before the application is filed with the court; or if that is not possible (b) when the application is filed with the court. The applicant must advise the defendant and any interested party of the nature of the application and that they may make representations.
- 1.8** The court will consider the application within the time requested wherever possible, and may make such order as it considers appropriate. Wherever possible the court will permit the defendant and any interested party the opportunity to make representations (either orally or in writing) before making any order on any urgent application. If the court directs that an oral hearing take place within a specified time, the representatives of the parties and the Administrative Court will liaise to fix the hearing within the time period directed.

Section II – urgent applications for interim relief

2.1 Where the urgent application is a claim for interim relief, the grounds on which the interim relief is made must be set out clearly and concisely.

2.2 The applicant will be expected to have taken reasonable steps to investigate matters material to the application. The application must be supported by evidence contained in a witness statement verified by a statement of truth. The information provided should be no more than is necessary for the purposes of the application but must cover all matters that it is reasonable to assume a court would consider material to the application.

2.3 The application will be considered in accordance with paragraph 1.8 above. However, since the court may need to determine the application without reference to the defendant or others who may be adversely affected if the interim relief requested is ordered, the applicant must identify all matters relevant to whether or not the interim relief sought should be granted (both those supporting and those undermining the application).

2.4 The application must include a draft order which sets out, clearly and concisely, the interim relief requested.

Section III – urgent applications seeking an order that a claim be expedited

3.1 An application for expedition must include a clear and concise explanation of the reasons why expedition is necessary. The application must include a statement of the position of the defendant and any interested party on the expedition sought, or in default of that must explain the steps taken to contact the defendant and any interested party to ascertain that position.

3.2 The applicant must provide a draft order which sets out the timetable requested by way of expedition.

Section IV – other applications for interim relief

4.1 Other applications for interim relief may be included in the Claim Form or made by filing an application notice (Form N244). The requirements at paragraphs 2.1 – 2.4 above also apply to such applications.

SCHEDULE 4

PRACTICE DIRECTION 54C—ADMINISTRATIVE COURT (VENUE)

Section I – scope and purpose

1.1 This Practice Direction supplements Part 54. It concerns the place in which a claim before the Administrative Court should be started and administered and the venue at which it will be determined. It is intended to facilitate access to justice by enabling cases to be administered and determined in the most appropriate location. To achieve this purpose, it provides flexibility in relation to where claims are to be administered and enables claims to be transferred to different venues.

1.2 (1) The administration of the Administrative Court is organised by geographical area. In addition to the central Administrative Court Office at the Royal Courts of Justice in London, there are Administrative Court Offices in Birmingham, Cardiff, Leeds and Manchester. Claims in the area of the Midlands Circuit are administered from (and should be filed in) Birmingham; claims in Wales and on the Western Circuit are administered from (and should be filed in) Cardiff; claims on the North-Eastern Circuit are administered from (and should be filed in) Leeds; and claims on the Northern Circuit are administered from (and should be filed in) Manchester.

(2) The Administrative Court applies the principle that where a claim has a specific connection to a region (by subject matter, location of the claimant or defendant or otherwise) it should, if at all possible, be administered and determined in that region.

1.3 Rule 7.1A makes specific provision for claims against Welsh public bodies. Such claims are to be issued and heard in Wales unless required otherwise by any enactment, rule or practice direction.

Section II – venue: general provisions

2.1 Save where the proceedings are within any of the excepted classes of claim set out in paragraph 3.1 below, proceedings should be commenced at the Administrative Court office for the region with which the claim is most closely connected, having regard to the subject matter of the claim, the location of the claimant, or the defendant, or otherwise: see further below, at paragraph 2.5.

2.2 If a Claim Form which includes one of the excepted classes of claim is filed at an Administrative Court office other than in London, the proceedings will be transferred to London.

2.3 The proceedings may either on application by a party or by the Court acting at its own initiative, be transferred from the Administrative Court Office at which the Claim Form was issued to another Office. Such transfer is a judicial act.

2.4 Once assigned to an Administrative Court Office, the proceedings will be administered from that office and will be determined by a judge of the Administrative Court at a suitable court. For cases assigned to the central Administrative Court Office in London, this will be the Royal Courts of Justice. For cases assigned to any of the other Administrative Court Offices, the choice of court is a matter for the Presiding Judges of the circuit or their delegates.

2.5 The general expectation is that proceedings will be administered and determined in the region with which the claim has the closest connection. This will be determined having regard to the subject matter of the claim, the region in which the claimant resides and the region in which the defendant or any relevant office or department of the defendant is based. In addition, the court may consider any/all other relevant circumstances including the following:

- (a) any reason expressed by any party for preferring a particular venue
- (b) the ease and cost of travel to a hearing
- (c) the availability and suitability of alternative means of attending a hearing (for example, by video-link);
- (d) the extent and nature of any public interest that the proceedings be heard in any particular locality;
- (e) the time within which it is appropriate for the proceedings to be determined;
- (f) whether it is desirable to administer or determine the claim in another region in the light of the volume of claims issued at, and the capacity, resources and workload of, the court at which it is issued;
- (g) whether the claim raises issues sufficiently similar to those in another outstanding claim to make it desirable that it should be determined together with, or immediately following, that other claim;
- (h) whether the claim raises devolution issues and for that reason whether it should more appropriately be determined in London or Cardiff; and
- (i) the region in which the legal representative of the parties are based

2.6 When giving directions under rule 54.10, the court may direct that proceedings be reassigned to another region for hearing (applying the matters referred to in paragraph 2.5). If no such direction is given, the claim will be heard in the same region as that in which the permission application was determined (whether on paper or at a hearing).

Section III – excepted classes of claim

3.1 The excepted classes of claim referred to in paragraph 2 are—

- (1) proceedings to which Part 76 or Part 79 applies, and for the avoidance of doubt—
 - (a) proceedings relating to control orders (within the meaning of Part 76);
 - (b) financial restrictions proceedings (within the meaning of Part 79);
 - (c) proceedings relating to terrorism or alleged terrorists (where that is a relevant feature of the claim); and
 - (d) proceedings in which a special advocate is or is to be instructed;
- (2) proceedings to which RSC Order 115 applies;
- (3) proceedings under the Proceeds of Crime Act 2002;

(4) appeals to the Administrative Court under the Extradition Act 2003;

(5) proceedings which must be heard by a Divisional Court; and

(6) proceedings relating to the discipline of solicitors.

SCHEDULE 5

PRACTICE DIRECTION 54D – PLANNING COURT CLAIMS

Section I – General

- 1.1** This Practice Direction supplements Part 54. It applies to Planning Court claims.
- 1.2** In this Practice Direction *planning statutory review* means a review under the provisions listed in paragraph 1.1(a) to (e) of Practice Direction 8C.

Section II – How to start a Planning Court claim

- 2.1** Planning Court claims must be issued or lodged in the Administrative Court Office of the High Court in accordance with Practice Direction 54C.
- 2.2** The form must be marked the “Planning Court”.

Section III – Categorisation of Planning Court claims

- 3.1** Planning Court claims may be categorised as “significant” by the Planning Liaison Judge.
- 3.2** Significant Planning Court claims include claims which—
- (a) relate to commercial, residential, or other developments which have significant economic impact either at a local level or beyond their immediate locality;
 - (b) raise important points of law;
 - (c) generate significant public interest; or
 - (d) by virtue of the volume or nature of technical material, are best dealt with by judges with significant experience of handling such matters.
- 3.3** A party wishing to make representations in respect of the categorisation of a Planning Court claim must do so in writing, on issuing the claim or lodging an acknowledgment of service as appropriate.
- 3.4** The target timescales for the hearing of significant (as defined by paragraph 3.2) Planning Court claims, which the parties should prepare to meet, are as follows, subject to the overriding objective of the interests of justice—
- (a) applications for permission to apply for judicial review or planning statutory review are to be determined within three weeks of the expiry of the time limit for filing of the acknowledgment of service;
 - (b) oral renewals of applications for permission to apply for judicial review or planning statutory review are to be heard within one month of receipt of request for renewal;

- (c) applications for permission under section 289 of the Town and Country Planning Act 1990 are to be determined within one month of issue;
- (d) planning statutory reviews are to be heard within six months of issue; and
- (e) judicial reviews are to be heard within ten weeks of the expiry of the period for the submission of detailed grounds by the defendant or any other party as provided in Rule 54.14.

3.5 The Planning Court may make case management directions, including a direction to any party intending to contest the claim to file and serve a summary of his grounds for doing so.

3.6 Notwithstanding the categorisation under paragraph 3.1 of a Planning Court claim as significant or otherwise, the Planning Liaison Judge may direct the expedition of any Planning Court claim if he considers it necessary to deal with the case justly.