

2019 No. 1118 (L. 8)

SENIOR COURTS, ENGLAND AND WALES

COUNTY COURT, ENGLAND AND WALES

The Civil Procedure (Amendment No. 3) Rules 2019

Made - - - - *11th July 2019*

Laid before Parliament *18th July 2019*

Coming into force - - *1st October 2019*

The Civil Procedure Rule Committee, having power under section 2 of the Civil Procedure Act 1997(a) to make rules under section 1 of that Act and after consulting in accordance with section 2(6)(a) of that Act, makes the following Rules.

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Civil Procedure (Amendment No. 3) Rules 2019 and come into force on 1st October 2019.

(2) 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(b).

Amendments to the Civil Procedure Rules 1998

2. The Civil Procedure Rules 1998 are amended in accordance with rules 3 and 4 of, and the Schedule to, these Rules.

Amendment of Part 45

3. In rule 45.41(2), for sub-paragraph (a) substitute—

“(a) “Aarhus Convention claim” means a claim brought by one or more members of the public by judicial review or review under statute which challenges the legality of any decision, act or omission of a body exercising public functions, and which is within the scope of Article 9(1), 9(2) or 9(3) of the UNECE Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters done at Aarhus, Denmark on 25 June 1998 (“the Aarhus Convention”);”.

(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).

(b) S.I. 1998/3132. There are relevant amendments in S.I. 2001/4015, S.I. 2005/3515, S.I. 2006/1689, S.I. 2007/2204, S.I. 2008/2178, S.I. 2009/3390, S.I. 2013/262, S.I. 2014/3299, S.I. 2014/407, S.I. 2014/954; S.I. 2015/670, S.I. 2017/95, S.I. 2017/889, S.I. 2018/975 and section 59(5) of, and Schedule 11, Part 2, paragraph 1(2) to, the Constitutional Reform Act 2005 (c. 4).

Substitution of Part 53

4. For Part 53, substitute Part 53 as set out in the Schedule to these Rules.

Transitional provision

5. The amendments made by rule 4 of, and the Schedule to, these Rules do not apply in relation to a claim issued before 1st October 2019.

The Right Honourable Sir Terence Etherton, MR
Lord Justice Coulson
Mr Justice Birss
Mr Justice Kerr
Master Cook
District Judge Hovington
John Dagnall
Masood Ahmed

I allow these Rules
Signed by authority of the Lord Chancellor

Paul Maynard
Parliamentary Under-Secretary of State for Justice
Ministry of Justice

11th July 2019

SCHEDULE

Rule 4

“PART 53

MEDIA AND COMMUNICATIONS CLAIMS

Contents of this Part

Rule 53.1	Scope of this Part
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Rule 53.4	Proceedings in the Media and Communications List
Rule 53.5	Summary disposal under the Defamation Act 1996
Rule 53.6	Sources of information

Scope of this Part

- 53.1.**—(1) This Part contains rules about media and communications claims.
- (2) A “media and communications claim” means a claim which—
- (a) satisfies the requirements of paragraph (3) or (4); and
 - (b) has been issued in or transferred into the Media and Communications List.
- (3) A High Court claim must be issued in the Media and Communications List if it is or includes a claim for defamation, or is or includes—
- (a) a claim for misuse of private information;
 - (b) a claim in data protection law; or
 - (c) a claim for harassment by publication.

(4) Subject to Part 63 and any other applicable provisions, a claim not falling within paragraph (3) may be issued in the Media and Communications List if the claim arises from—

- (a) the publication or threatened publication of information via the media, online or in speech; or
- (b) other activities of the media,

and the claimant considers it is suitable for resolution in that list.

Specialist list

53.2.—(1) The Media and Communications List is a specialist list of the High Court.

(2) One of the Judges of the Queen’s Bench Division shall be the Judge in Charge of the Media and Communications List.

(3) A Media and Communications List Judge is a judge authorised by the President of the Queen’s Bench Division, in consultation with the Chancellor of the High Court, to hear claims in the Media and Communications List.

(4) All proceedings in the Media and Communications List will be heard by a Media and Communications Judge, or by a Master of the Queen’s Bench Division, except that—

- (a) another judge of the Queen’s Bench Division or Chancery Division may hear urgent applications if no Media and Communications Judge is available; and
- (b) unless the court otherwise orders, any application relating to enforcement of a Media and Communications List order or judgment for the payment of money will be dealt with by a Master of the Queen’s Bench Division or District Judge.

Application of the Civil Procedure Rules

53.3. These Rules and their practice directions apply to claims in the Media and Communications List unless this Part or a practice direction provides otherwise.

(Practice Direction 53B makes provision as to statements of case, and for certain kinds of application, in media and communications claims.)

Proceedings in the Media and Communications List

53.4.—(1) A media and communications claim that is issued in the High Court must be issued in the Queen’s Bench Division, Royal Courts of Justice, and marked in the top left corner “Media and Communications List”.

(2) A media and communications claim that is issued in a District Registry of the High Court must be transferred either to the County Court or to the Royal Courts of Justice (as appropriate).

Summary disposal under the Defamation Act 1996

53.5.—(1) This rule provides for summary disposal in accordance with the Defamation Act 1996 (“the Act”).

(2) In proceedings for summary disposal under sections 8 and 9 of the Act, rules 24.4 (procedure), 24.5 (evidence) and 24.6 (directions) apply.

(3) An application for summary judgment under Part 24 may not be made if—

- (a) an application has been made for summary disposal in accordance with the Act, and that application has not been disposed of; or
- (b) summary relief has been granted on an application for summary disposal under the Act.

(4) The court may on any application for summary disposal direct the defendant to elect whether or not to make an offer to make amends under section 2 of the Act.

(5) When it makes a direction under paragraph (4), the court must specify the time by which and the manner in which—

- (a) the election is to be made; and
- (b) the notification of it is to be given to the court and the other parties.

Sources of information

53.6. Unless the court orders otherwise, a party will not be required to provide further information about the identity of the defendant’s sources of information.

(Part 18 provides for requests for further information.)”

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Civil Procedure Rules 1998 (SI 1998/3132) by—

- amending rule 45.42(2)(a), which defines an “Aarhus Convention claim”, so that the definition includes a statutory review which is within the scope of Article 9(3) of the Aarhus Convention, in addition to a judicial review within the scope of Article 9(3); and
- substituting for Part 53 (defamation claims) a new Part 53 which provides for the Media and Communications List, which is a specialist list in the High Court for defamation claims and other media and communications claims.

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