

# Contents

	<i>page</i>
<i>Preface</i> .....	v
<i>Table of Cases</i> .....	xxxv
<i>Table of Statutes</i> .....	lxi
<i>Table of Statutory Instruments</i> .....	lxvii
<i>Table of Civil Procedure Rules</i> .....	lxxi

<b>Chapter 1: Civil Litigation in Outline</b>	<i>para.</i>
THE CIVIL COURTS .....	1.001
The High Court .....	1.001
The county courts .....	1.002
Jurisdiction of the High Court and county courts .....	1.003
The Court of Appeal .....	1.004
THE CIVIL PROCEDURE RULES .....	1.005
THE OVERRIDING OBJECTIVE .....	1.006
A new procedural code .....	1.007
Speed, economy and proportionality .....	1.008
Ensuring parties are on an equal footing .....	1.009
Use by court when exercising and interpreting the rules ..	1.010
Parties must help court further the overriding object ....	1.011
Court to actively manage cases .....	1.012
PRACTICE DIRECTIONS .....	1.013
THE CASE MANAGEMENT TRACKS .....	1.014
COURT FEES .....	1.016
EFFECT OF NON-COMPLIANCE .....	1.017
COMPUTATION OF TIME .....	1.018
DEFINITION OF “THE COURT” .....	1.019
Barristers, solicitors and other professional advocates ...	1.023
Other persons authorised by Statute or Statutory instrument .....	1.024

Litigants in person .....	1.025
Persons authorised by the court .....	1.026
THE COURT FILE .....	1.027
HUMAN RIGHTS ACT 1998 .....	1.028
Jurisdiction and procedure in HRA cases .....	1.029

## Chapter 2: Funding Civil Litigation

THE RANGE OF FUNDING OPTIONS .....	2.001
SOLICITORS' COSTS INFORMATION AND	
CLIENT CARE CODE .....	2.002
Information about the firm .....	2.003
Advance costs information .....	2.004
Information about potential liability for all costs .....	2.005
Costs funding .....	2.006
Information about the case .....	2.007
Updating costs information .....	2.008
LEGAL EXPENSES INSURANCE .....	2.009
After the event insurance .....	2.010
SIMPLE CHARGING AGREEMENTS .....	2.012
How much is payable? .....	2.012
Factors determining reasonableness of bills .....	2.013
When is money payable? .....	2.014
REFERRAL BY CLAIMS FARMERS .....	2.015
CONDITIONAL FEE AGREEMENTS .....	2.016
CFA without success fee .....	2.017
CFA with success fee .....	2.019
Collective Conditional Fee Agreements .....	2.021
BARRISTERS' FEES .....	2.022
COSTS INCURRED BY LITIGANTS IN PERSON .....	2.023
COSTS FUNDED BY THE LEGAL SERVICES	
COMMISSION .....	2.024
Costs protection .....	2.025
COSTS FUNDED BY NON-PARTIES .....	2.026
PROVIDING INFORMATION ON FUNDING TO	
OPPONENTS .....	2.028
Notices of Funding .....	2.028
Notices Under the Legal Aid Regulations .....	2.029

## Chapter 3: Interest

INTEREST PAYABLE AS OF RIGHT .....	3.001
INTEREST PAYABLE IN THE COURT'S DISCRETION ..	3.002



Interest under ss 35A and 69 .....	3.003
Stating interest .....	3.004
Default judgments .....	3.005
Personal injuries claims .....	3.006
Statutory interest on commercial contracts .....	3.007
Interest where part of the claim is paid before judgment ..	3.009
Claim for a debt: interest where whole debt paid before judgment .....	3.010
INTEREST ON JUDGMENTS .....	3.011

## Chapter 4: Personal Injury Damages

INTRODUCTION .....	4.001
SPECIAL DAMAGES .....	4.002
Loss of earnings to trial .....	4.002
Contractual sick pay .....	4.004
SOCIAL SECURITY BENEFITS .....	4.005
Other receipts .....	4.007
Maintenance at the public expense .....	4.008
Medical expenses .....	4.009
Services rendered by third persons .....	4.011
Agreeing special damages .....	4.013
GENERAL DAMAGES .....	4.014
Pain and suffering .....	4.014
Loss of amenities .....	4.015
Loss of future earnings .....	4.016
Loss of earnings and loss of marriage prospects .....	4.019
Loss of earnings and loss of life expectancy .....	4.020
Loss of earning capacity .....	4.021
Awards of provisional damages for personal injuries (Rule 41) .....	4.022
Structured settlements (PD40) .....	4.026
Fatal Accidents Act cases .....	4.028
Interest on damages .....	4.032
Guidelines as to the calculation of interest .....	4.033
Fatal Accidents Act cases .....	4.034
Personal injury cases .....	4.035
Explanation of the guidelines .....	4.036
Special reasons for not awarding interest .....	4.038
Advising on <i>quantum</i> .....	4.039

## Chapter 5: Limitation of Actions

INTRODUCTION .....	5.001
--------------------	-------

ORDINARY TIME LIMITS .....	5.002
Actions founded on simple contract or on tort (ss. 2 and 5) .....	5.002
Defamation cases (s. 4A) .....	5.003
Limitation in respect of certain loans (s. 6) .....	5.004
Actions upon a speciality (s. 8) .....	5.005
Claims for contribution (s. 10) .....	5.006
Personal injury litigation (s. 11) .....	5.007
Fatal Accident Act claims (s. 12) .....	5.010
Negligence actions in respect of latent damage (s. 14A) ..	5.011
New claims in pending actions (s. 35) .....	5.013
EXTENSION OR EXCLUSION OF ORDINARY TIME LIMITS .....	5.014
Disability (ss. 28 and 28A) .....	5.015
Debts: acknowledgment or part payment (s. 29(5)) .....	5.016
Fraud, concealment or mistake (s. 32) .....	5.017
Defamation cases (s. 32A) .....	5.019
CONSUMER PROTECTION ACT 1987 .....	5.020
PERSONAL INJURY AND DEATH CLAIMS (s. 33) .....	5.021
“Second action cases” .....	5.025
FOREIGN LIMITATION PERIODS .....	5.027

## Chapter 6: The Preliminary Stages of Litigation

THE FIRST INTERVIEW .....	6.001
Identify the client’s agenda .....	6.002
Identify the correct parties .....	6.003
Take the client’s statement .....	6.004
Give general advice on the law .....	6.005
Emphasise the overriding objective .....	6.006
Answer the client’s questions .....	6.007
FIRST STEPS IN THE PREPARATION OF EVIDENCE ..	6.008
The client’s statement .....	6.008
Preparing for disclosure .....	6.009
Obtaining official records .....	6.010
Police accident report .....	6.010
Criminal proceedings .....	6.011
Inquests .....	6.012
Employer’s accident report book .....	6.013
Inspecting and photographing property, etc. ....	6.014
Interviewing witnesses .....	6.015
Pre-action protocols .....	6.016
The standard letter of claim .....	6.018



Timetable for acknowledgement and response by defendant .....	6.019
The defendant's response letter .....	6.020
Disclosure of documents .....	6.021
Experts .....	6.022
Alternative Dispute Resolution (ADR) .....	6.026
Costs .....	6.027
Letters of claim in a debt action .....	6.028
NEGOTIATIONS WITH A VIEW TO SETTLEMENT ...	6.029
Compromise .....	6.030
Without prejudice .....	6.031
PART 36 OFFERS .....	6.032
Pre-action negotiations as to costs .....	6.033
MOTOR INSURERS .....	6.034
The claimant's policy .....	6.034
The defendant's policy .....	6.035
THE MOTOR INSURERS' BUREAU (MIB) .....	6.037
MIB (Compensation of Victims of Uninsured Drivers)	
Agreement .....	6.038
MIB (Compensation of Victims of Untraced Drivers)	
Agreement .....	6.039
THE CRIMINAL INJURIES COMPENSATION	
AUTHORITY (CICA) .....	6.040

## Chapter 7: Parties to Actions

TITLE TO THE ACTION .....	7.001
TYPES OF LITIGANTS .....	7.002
Adult individuals .....	7.002
Children (Part 21) .....	7.003
Patients (Part 21) .....	7.006
Companies and other corporate bodies .....	7.007
Partnerships (CPR, Scheds 1 and 2; RSC, Ord. 81 and CCR, Ord. 5, r. 9 .....	7.008
Estates of deceased persons (CPR, Scheds 1 and 2; RSC, Ord. 15 and CCR, Ord. 5) .....	7.009
Vexatious litigants (PD 3 and SCA 1981, s. 42(1A) .....	7.010
CLAIMS INVOLVING MULTIPLE PARTIES AND/OR	
CAUSES OF ACTION (Par 7.3) .....	7.011
THE ADDITION AND SUBSTITUTION OF PARTIES	
(Part 19) .....	7.013
Cases where the limitation period has not expired (r. 19.2) .....	7.15

Cases where the relevant limitation period has expired (r. 19.5) .....	7.017
CONSOLIDATION (Rule 3.1(2)(g) and (h)) .....	7.019
INTERVENERS .....	7.020
REPRESENTATIVE PROCEEDINGS (Part 19, section II) ..	7.021
GROUP LITIGATION ORDERS (Part 19, section III) ....	7.024
DERIVATIVE CLAIMS (Rule 19.9) .....	7.025
MISCELLANEOUS ACTIONS .....	7.026
WHOM TO SUE? .....	7.027
THE SOLICITOR'S ROLE GENERALLY .....	7.028

## Chapter 8: Service of Documents

THE GENERAL RULE—SERVICE ON AN AUTHORISED SOLICITOR (Rule 6.4) .....	8.001
METHODS OF SERVICE .....	8.002
Personal service (Rule 6.4) .....	8.002
Postal service (Rule 6.2(1)(b)) .....	8.004
Leaving the document at a specified place (Rule 6.2(1)(c)) .....	8.005
Document exchange (DX) (PD 6, para. 2.1) .....	8.006
Facsimile (fax), e-mail and other electronic means of service (PD 6, para. 3) .....	8.007
WHO IS TO SERVE (Rule 6.3) .....	8.008
Address for service (Rule 6.5) .....	8.009
SERVICE OF DOCUMENTS ON CHILDREN AND PATIENTS .....	8.011
SERVICE OF DOCUMENTS ON MEMBERS OF THE FORCES .....	8.012
FAILURE OF SERVICE (Rule 6.11) .....	8.013
SERVICE BY AN ALTERNATIVE METHOD (Rule 6.8) ..	8.014
ORDER TO DISPENSE WITH SERVICE (Rule 6.9) .....	8.015
SPECIAL PROVISIONS ABOUT SERVICE OF THE CLAIM FORM .....	8.016
Service by a contractually agreed method (Rule 6.15) ...	8.016
Service on an agent of a principal who is overseas (Rule 6.16) .....	8.017
CERTIFICATES OF SERVICE (Rule 6.10) .....	8.018
DEEMED SERVICE (Rule 6.7) .....	8.019
CHANGE OF SERVICE ADDRESS (PD 6, para. 7) .....	8.021

## Chapter 9: From Issue to Allocation

INTRODUCTION .....	9.001
--------------------	-------



HIGH COURT OR COUNTY COURT? .....	9.002
PRESUMPTION OF COUNTY COURT	
(PD 7, para. 2.4) .....	9.004
WHICH HIGH COURT OR COUNTY COURT?	
(Rule 7.1) .....	9.005
WHEN ARE PROCEEDINGS COMMENCED?	
(Rule 7.2) .....	9.006
WHEN TO SERVE THE CLAIM FORM (Rule 7.5) .....	9.007
RIGHT OF DEFENDANT TO CALL FOR SERVICE OF	
CLAIM FORM (Rule 7.7) .....	9.011
PARTICULARS OF CLAIM (Rule 7.4) .....	9.012
When must particulars be served? (rule 7.4) .....	9.013
What if particulars are served late? .....	9.015
WHAT IF PARTICULARS ARE NEVER SERVED? .....	9.016
WHAT DOES THE DEFENDANT RECEIVE? (Rule 7.8) ..	9.017
ACKNOWLEDGMENT OF SERVICE .....	9.018
Consequences of failing to acknowledge .....	9.020
Amending or withdrawing an acknowledgment	
(PD 10, para. 5.4) .....	9.021
ADMISSIONS .....	9.022
DEFENCE .....	9.023
COUNTERCLAIM BY DEFENDANT AGAINST	
CLAIMANT .....	9.025
FIXED DATE AND OTHER CLAIMS (Rule 7.9) .....	9.027
PRODUCTION CENTRE CASES (Rule 7.10) .....	9.028
TRANSFER OF PROCEEDINGS .....	9.029
Automatic transfer (Rule 26.2) .....	9.030
Application for a transfer .....	9.032
Transfer between county courts and within the	
High Court (Rule 30.2) .....	9.032
Transfer between Divisions of the High Court and	
to and from a specialist list (Rule 30.5) .....	9.034
Transfer between High Court and county court .....	9.035
The transfer criteria under Rule 30.3 .....	9.036
ALLOCATION OF PARTY 7 CLAIMS TO A	
PARTICULAR TRACK .....	9.037
Completing the allocation questionnaire .....	9.038
Problems with questionnaires .....	9.042
ALLOCATION PRINCIPLES .....	9.043
The small claims track .....	9.044
Claims for personal injuries .....	9.045
Claims by tenants of residential premises against	
landlords .....	9.046

All other claims which have a financial value of not more than £5,000 .....	9.047
The fast track .....	9.048
The multi-track .....	9.049
WHAT DOES “FINANCIAL VALUE” MEAN?	
(Rule 26.8(1) and (2)) .....	9.050
“Overinflated claims” .....	9.051
RULE 26.8(1) ALLOCATION FACTORS .....	9.052
ALLOCATION HEARINGS (Rule 26.5(4)) .....	9.054
ALLOCATION TO A DIFFERENT TRACK BY	
CONSENT (Rule 26.7(3)) .....	9.055
Different claims and different tracks? .....	9.056
Notice of allocation (Rule 26.9) .....	9.057
APPEALS AND RE-ALLOCATION (PD 26, para. 11) ....	9.058

## Chapter 10: Part 8 Claims

INTRODUCTION .....	10.001
TYPICAL PART 8 CLAIMS .....	10.002
THE PART 8 CLAIM FORM (Rule 8.2) .....	10.004
Suggested Part 8 details of claim .....	10.005
ACKNOWLEDGMENT OF SERVICE (Rule 8.3) .....	10.006
MAKING A PART 20 CLAIM (Rule 8.7) .....	10.009
MATTERS OF EVIDENCE (Rules 8.5 and 8.6) .....	10.010
CASE MANAGEMENT .....	10.012

## Chapter 11: Cases With a Foreign Element

THE COUNTRIES OF THE EUROPEAN COMMUNITY (E.C.) AND THE EUROPEAN FREE TRADE ASSOCIATION (EFTA) .....	11.002
The “first seised” rule .....	11.003
Non-Convention matters .....	11.004
The United Kingdom .....	11.005
Contracting States: the domicile rule .....	11.006
Exclusive jurisdiction .....	11.007
Some of the special jurisdiction rules .....	11.008
Contract .....	11.009
Tort .....	11.010
Agreement .....	11.011
Accepting the jurisdiction .....	11.012
COMMENCEMENT OF PROCEEDINGS .....	11.013
CONTRACTING STATES AND PART OF THE UNITED KINGDOM .....	11.014



INTRA-U.K. CASES .....	11.015
NON-CJJA 1982 CASES .....	11.017
APPLYING FOR THE COURT'S PERMISSION TO SERVE (RSC, Ord. 11, r. 4) .....	11.018
CHALLENGING THE COURT'S JURISDICTION (Rule 11) .....	11.020
TIME FOR SERVICE OF CLAIM FORM (Rule 7.7(3)) .....	11.021
METHODS OF SERVICE .....	11.022
THE PERIOD FOR RESPONDING TO A CLAIM FORM .....	11.023
PART 20 COUNTERCLAIMS .....	11.024
FORUM NON CONVENIENS .....	11.025
ANTI-SUIT INJUNCTIONS .....	11.027
APPLICATION FOR NEGATIVE DECLARATION OF NON-LIABILITY .....	11.030
Can the English courts make declarations of non-liability? .....	11.030

## Chapter 12: Drafting Statements of Case

INTRODUCTION .....	12.001
THE FUNCTION OF STATEMENTS OF CASE .....	12.002
GENERAL FORMALITIES .....	12.004
FORMAT OF A STATEMENT OF CASE .....	12.005
PRINCIPLES OF DRAFTING STATEMENTS OF CASE .....	12.007
Sufficient facts should be stated concisely, yet precisely ..	12.007
Reference may be made to a point of law (PD 16, para. 14.3(1)) .....	12.009
The name of an intended witness may be stated (PD 16, para. 14(3)(2)) .....	12.010
Documentary evidence may be attached (PD 16, para. 14.3(3)) .....	12.011
DRAFTING A CLAIM .....	12.012
The claim form .....	12.012
Specified or unspecified claim for money? .....	12.014
The particulars of claim .....	12.015
MATTERS THAT MUST BE INCLUDED .....	12.016
A concise statement of the facts on which the claimant relies .....	12.017
Claims for interest .....	12.018
Claims for aggravated or exemplary damages .....	12.020

Claims for provisional damages . . . . .	12.021
Section 9 of the Human Rights Act 1998 . . . . .	12.022
Claims for wrongful interference with goods . . . . .	12.023
Defamation claims . . . . .	12.024
Matters required by PD 16 . . . . .	12.025
Injunction or declaration (para. 8.1) . . . . .	12.026
Recovery of goods (para. 8.2) . . . . .	12.027
Written agreement (para. 8.3) . . . . .	12.028
Oral agreement (para. 8.4) . . . . .	12.029
Agreement by conduct (8.5) . . . . .	12.030
High Court Consumer Credit Agreement cases (para. 8.6) . . . . .	12.031
Civil Evidence Act 1968, ss. 11 and 12 statements (para. 9.1) . . . . .	12.032
Miscellaneous matters . . . . .	12.036
SPECIFIC PROCEEDINGS . . . . .	12.037
INCONSISTENT STATEMENTS OF CASE (PD 16, para. 10.2) . . . . .	12.039
ANTICIPATING A PARTICULAR DEFENCE . . . . .	12.040
TEMPLATES FOR CLAIMS . . . . .	12.041
DRAFTING A DEFENCE . . . . .	12.042
Sample defences . . . . .	12.046
Tender before action (Rule 37.3) . . . . .	12.047
Defences under the Limitation Act (PD, para. 16.1) . .	12.048
Defence of set-off (Rule 16.6) . . . . .	12.049
Contributory negligence . . . . .	12.052
Specific proceedings . . . . .	12.053
DRAFTING A COUNTERCLAIM . . . . .	12.054
FORMS OF ADMISSION, DEFENCE AND COUNTERCLAIM . . . . .	12.055
DRAFTING A REPLY AND/OR DEFENCE TO COUNTERCLAIM . . . . .	12.056
FURTHER STATEMENTS OF CASE? . . . . .	12.057
SUGGESTED DOCUMENTS . . . . .	12.058
Suggested particulars of claim . . . . .	12.059
Suggested defence . . . . .	12.060
AMENDING STATEMENTS OF CASE . . . . .	12.061
Amendments before service (Rule 17.1(1)) . . . . .	12.062
Amending after service (Rule 17.1(2)) . . . . .	12.063
Amendments after the expiry of the limitation period (Rule 17.4) . . . . .	12.065
Making an application for permission . . . . .	12.067
Consequential amendments . . . . .	12.068



Costs of amendments .....	12.069
Practice on amending .....	12.070

### Chapter 13: Interim Applications

TYPES OF APPLICATION .....	13.001
APPLICATION NOTICES .....	13.002
DOCUMENTS IN SUPPORT OF AN APPLICATION ...	13.004
APPLICATIONS WITHOUT NOTICE .....	13.005
Serving orders made without notice .....	13.007
APPLICATIONS WITH NOTICE .....	13.008
Hearing the application .....	13.009
Applications with notice but without a hearing .....	13.011
COSTS IN INTERIM APPLICATIONS .....	13.013
Summary assessment .....	13.014
Detailed assessment .....	13.017

### Chapter 14: Drafting Applications, Witness Statements and Affidavits

DRAFTING APPLICATION NOTICES .....	14.001
USE OF WITNESS STATEMENTS AND AFFIDAVITS ..	14.002
WITNESS STATEMENTS AND AFFIDAVITS:	
GENERAL FORMALITIES .....	14.003
SOLICITORS' DUTIES .....	14.006
DRAFTING EVIDENCE FOR USE AT AN INTERIM	
HEARING .....	14.007
DRAFTING WITNESS STATEMENTS FOR USE AT	
TRIAL .....	14.008
Identify all the issues .....	14.010
Interview each witness .....	14.011
For each witness prepare a statement .....	14.012
Send the draft statement to the witness for checking ...	14.013
Additional formalities: oral hearsay .....	14.014
Review the evidence .....	14.015
THE FINAL VERSION .....	14.016
Suggested witness statement .....	14.017

### Chapter 15: Default Judgment

THE BASIC RULE (Rule 12.1) .....	15.001
JUDGMENT IN DEFAULT OF ACKNOWLEDGMENT	
(Rule 12.3(1)) .....	15.002

JUDGMENT IN DEFAULT OF DEFENCE	
(Rule 12.3(2))	15.003
STAY AFTER SIX MONTHS' INACTIVITY	
(Rule 15.11)	15.004
CLAIMS IN WHICH DEFAULT JUDGMENT IS	
NOT AVAILABLE (Rules 12.2 and 12.3(3) and	
PD 12, paras 1.2 and 1.3)	15.005
DEFAULT JUDGMENT ON REQUEST (Rule 12.4)	15.006
The nature of default of judgment on request	15.007
Request for default judgment against two or more	
defendants (Rule 12.8(1))	15.008
DEFAULT JUDGMENT ON APPLICATION	15.009
Supplementary provisions relating to an application	
(Rule 12.11)	15.010
Application for default judgment against two or more	
defendants (Rule 12.8(2))	15.011
SETTING ASIDE OR VARYING A DEFAULT	
JUDGMENT	15.012
Where the court must set aside a default judgment	
(Rule 13.2)	15.013
Where the court may set aside a default judgment	
(Rule 13.3)	15.014
What is the test of "a real prospect of successfully	
defending the claim"?	15.015
Some other good reason to set aside?	15.017
Evidence	15.018
Place of hearing—automatic transfer (Rule 13.4(1))	15.019
Claimant's duty to apply to set aside (Rule 13.5)	15.020
The effect of setting aside a default judgment	15.021
Conditions the court may impose	15.022
DEFAULT JUDGMENT AND PART 20 CLAIMS	15.023
VARYING A DEFAULT JUDGMENT	15.024

## Chapter 16: Admissions and Requests for Time to Pay

WHAT IS AN ADMISSION? (Rule 14.3)	16.002
JUDGMENT ON A WRITTEN ADMISSION	
(Rule 14.3)	16.004
MAKING A RULE 14 ADMISSION	16.005
JUDGMENT ON A RULE 14 ADMISSION	16.006
Admission of whole of claim for a specified amount of	
money (Rule 14.4)	16.007
Admission of part of claim for a specified amount of	
money (Rule 14.5)	16.008



Admission of liability to pay whole of claim for an unspecified amount of money (Rule 14.6) . . . . .	16.009
Defendant's offer to satisfy a claim for unspecified amount of money (Rule 14.7) . . . . .	16.010
DEFENDANT'S REQUEST FOR TIME TO PAY (Rule 14.9) . . . . .	16.011
DETERMINATION OF RATE OF PAYMENT (Rules 14.10 to 14.12) . . . . .	16.012
AMENDING OR WITHDRAWING AN ADMISSION (Rule 14.1(5)) . . . . .	16.014
STAY OF PROCEEDINGS AFTER SIX MONTHS' INACTIVITY (Rule 15.11) . . . . .	16.016

## Chapter 17: Disposal Hearings

RELEVANT ORDERS . . . . .	17.002
JUDGMENT OBTAINED BEFORE ALLOCATION . . . . .	17.003
Allocation . . . . .	17.004
Disposal hearing . . . . .	17.005
Other directions . . . . .	17.007
JUDGMENT OBTAINED AFTER ALLOCATION . . . . .	17.008

## Chapter 18: Part 20 Claims

PART 20 COUNTERCLAIM BY A DEFENDANT AGAINST A CLAIMANT (Rule 20.4) . . . . .	18.002
PART 20 COUNTERCLAIM BY A DEFENDANT AGAINST SOMEONE OTHER THAN A CLAIMANT (Rule 20.5) . . . . .	18.004
PART 20 CO-DEFENDANT'S CONTRIBUTION AND INDEMNITY CLAIMS AGAINST EACH OTHER (Rule 20.6) . . . . .	18.006
PART 20 CLAIMS BY A DEFENDANT AGAINST A NON-PARTY . . . . .	18.008
PART 20 CLAIMS BY A THIRD PARTY AGAINST A FOURTH PARTY, ETC. . . . .	18.011
APPLYING FOR PERMISSION TO ISSUE A PART 20 CLAIM . . . . .	18.012
SERVICE OF A PART 20 CLAIM FORM (Rules 20.8 and 20.12) . . . . .	18.015
CONSEQUENCES OF A NON-PARTY FAILING TO ACKNOWLEDGE AND/OR DEFEND (Rule 20.11) . . . . .	18.016
CASE MANAGEMENT OF PART 20 CLAIMS . . . . .	18.017

## Chapter 19: Summary Judgment

SCOPE AND EFFECT OF CPR, PT 14 .....	19.001
Overlap with Rule 3.4 .....	19.003
BURDEN OF PROOF .....	19.004
Some real prospect of success .....	19.006
Some other compelling reasons for a trial .....	19.006
Effect of a set off .....	19.008
No set off in cheque actions .....	19.009
WHEN TO APPLY .....	19.010
Application by claimant .....	19.011
Application by defendant .....	19.012
HOW TO APPLY .....	19.013
EVIDENCE IN RESPONSE AND FURTHER EVIDENCE	
IN REPLY .....	19.014
ORDERS MADE IN SUMMARY JUDGMENT	
APPLICATIONS .....	19.015
Granting summary judgment .....	19.015
Refusing summary judgment .....	19.016
Consequential orders .....	19.018

## Chapter 20: The Small Claims Track (Part 27)

TYPES OF CASES .....	20.001
RETAINING SOLICITORS TO CONDUCT SMALL	
CLAIMS .....	20.002
ALLOCATION .....	20.003
Allocation with directions (Form N157) .....	20.004
Allocation followed by a preliminary hearing	
(Form N158) .....	20.006
Allocation followed by a “paper disposal”	
(Form N159) .....	20.007
Allocation by consent (Form N160) .....	20.008
EXPERT EVIDENCE (Rule 27.5) .....	20.009
THE HEARING OF A SMALL TRACK CLAIM .....	20.010
COSTS (Rule 27.14) .....	20.011
SUMMARY JUDGMENT (Part 24) .....	20.014
APPEAL .....	20.015

## Chapter 21: The Fast Track (Part 28)

TYPICAL CASES .....	21.001
HOW FAST IS “FAST”? .....	21.002
DIRECTIONS ON ALLOCATION (Rule 28.2) .....	21.003



Disclosure .....	21.004
Exchange of witness statements .....	21.005
Exchange of experts' reports .....	21.006
IMPLICATIONS FOR THE PARTIES .....	21.007
Failure to comply with directions .....	21.008
Adjourning the trial .....	21.009
TRIAL DATE .....	21.010
LISTING QUESTIONNAIRE .....	21.011
TRIAL .....	21.012

## Chapter 22: The Multi-Track (Part 29)

TYPICAL CASES .....	22.001
CASE MANAGEMENT AT THE OUTSET .....	22.002
Issue identification .....	22.002
Case management conference .....	22.004
Disclosure .....	22.007
Experts .....	22.009
Trial date .....	22.010
Conducting a case management conference .....	22.011
Directions on allocation .....	22.012
Suggested directions .....	22.013
Variation of directions .....	22.014
Failure to comply with directions .....	22.015
Adjourning the trial .....	22.016
Case management in the Royal Courts of Justice .....	22.017
CASE MANAGEMENT PRE-TRIAL .....	22.018
The listing questionnaire .....	22.018
Directions on listing .....	22.019
Pre-trial review .....	22.020
TRIAL .....	22.021

## Chapter 23: Experts

INTRODUCTION .....	23.001
PRE-ACTION MATTERS .....	23.004
RESTRICTIONS ON EXPERT EVIDENCE IN COURT	
PROCEEDINGS .....	23.005
Expert evidence must be reasonably required .....	23.006
Case management of issues and evidence .....	23.007
Single jointly appointed expert .....	23.008
EXPERT EVIDENCE OBTAINED BY EACH PARTY ...	23.013
Refusal of permission .....	23.014

Format of report (PD 35, para. 1.2) .....	23.015
When is an “expert” not an expert? .....	23.016
Legal profession privilege and the instructions to an expert .....	23.017
Directions sought by an expert (Rule 35.14) .....	23.019
The provision of information (Rule 35.9) .....	23.020
How many experts? .....	23.021
When will exchange occur? .....	23.023
Sequential exchange .....	23.024
Discussions between experts (Rule 35.12) .....	23.025
Disclosed reports as evidence (Rule 35.12) .....	23.026
Written questions to experts (Rule 35.6) .....	23.027
Inspection of documents in an expert’s report .....	23.029

## **Chapter 24: Cases Not Governed by Standard Track Allocation**

JUDICIAL REVIEW (Part 54) .....	24.001
INTERPLEADER PROCEEDINGS .....	24.011
ACTIONS FOR THE RECOVERY OF LAND .....	24.013
Mortgage possession proceedings .....	24.014
Interim possession orders .....	24.018
Other possession proceedings .....	24.019
SPECIALIST PROCEEDINGS .....	24.020
Technology and Construction Court (TCC) .....	24.021
The Commercial Court .....	24.023

## **Chapter 25: Interim Payments**

THE OBJECT OF THE RULES .....	25.001
VOLUNTARY PAYMENTS .....	25.002
GROUND FOR APPLYING TO THE COURT .....	25.003
HOW TO APPLY .....	25.004
STRENGTH OF CASE TO BE SHOWN .....	25.006
DEFENCES TO THE APPLICATION .....	25.008
THE ORDER FOR AN INTERIM PAYMENT .....	25.009
FURTHER CONDUCT OF THE ACTION .....	25.012

## **Chapter 26: Security For Costs**

INTRODUCTION .....	26.001
APPLICATIONS AGAINST CLAIMANTS AND APPELLANTS .....	26.002
How to apply .....	26.005



DEFENCE APPLICATIONS AGAINST SOMEONE OTHER THAN THE CLAIMANT .....	26.006
---	--------

## Chapter 27: Interim Injunctions (Part 25)

INTRODUCTION .....	27.001
UNDERTAKING AS TO DAMAGES (PD 25, para. 5.1(1)) .....	27.003
GENERAL PRINCIPLES UPON WHICH GRANTED:	
<i>AMERICAN CYANAMID v. ETHICON</i> .....	27.004
Whether there is a serious issue to be tried .....	27.005
Which way the balance of convenience lies .....	27.006
EXCEPTIONS TO <i>AMERICAN CYANAMID</i> .....	27.008
Likelihood of defence under Trade Union and Labour Relations (Consolidation) Act 1992, ss. 219–220 ....	27.010
Where the injunction will finally dispose of the action .....	27.011
Interim mandatory injunctions .....	27.012
Where the defendant has no arguable defence .....	27.013
Defamation and malicious falsehood .....	27.014
PROCEDURE ON APPLICATIONS .....	27.015
Applications without notice .....	27.015
Applications made on notice .....	27.017
Serving the injunction .....	27.021
FREEZING INJUNCTIONS (Rule 25.1(f)) .....	27.022
Importance of freezing injunctions .....	27.025
Applying for a freezing injunction .....	27.026
Terms of the injunction .....	27.029
Serving freezing injunctions .....	27.031
Applications to discharge or vary the order .....	27.032
Rights of third parties in the property attached .....	27.034
SEARCH ORDERS (Rule 25.1(h)) .....	27.035
How to apply .....	27.036
Form of order .....	27.038
DISCLOSURE OF INFORMATION BY THE DEFENDANT .....	27.040
Enforcing orders for disclosure .....	27.041
EFFECT OF A RULE 3.7 STRIKE OUT (Rule 25.11) ....	27.043
INTERIM RECEIVERSHIP ORDERS .....	27.044
INTERIM ORDERS RELATING TO RELEVANT PROPERTY .....	27.045

## Chapter 28: Change of solicitors

## Chapter 29: Part 36 Offers and Payments

INTRODUCTION .....	29.001
PRE-ACTION AND POST ACTION PART 36 OFFERS ..	29.003
MAKING A PART 36 OFFER (Rule 36.5) .....	29.004
WITHDRAWING A PART 36 OFFER .....	29.006
SERVING A PART 36 OFFER .....	29.007
PRE-ACTION OFFERS AND COURT PROCEEDINGS	
(Rule 36.10) .....	29.008
Suggested defendant's pre-action Part 36 offer .....	29.009
Suggested claimant's pre-action Part 36 counter offer ..	29.010
MIXED CLAIMS (Rule 36.4) .....	29.011
THE LATEST TIME FOR ACCEPTANCE OF A	
DEFENDANT'S PART 36 OFFER AFTER THE	
ISSUE OF PROCEEDINGS (Rule 36.11) .....	29.013
THE LATEST TIME FOR ACCEPTANCE OF A	
CLAIMANT'S PART 36 OFFER AFTER THE ISSUE	
OF PROCEEDINGS (Rule 36.12) .....	29.014
COSTS CONSEQUENCES OF ACCEPTANCE OF A	
CLAIMANT'S PART 36 OFFER (Rule 36.14) .....	29.015
RESTRICTION ON DISCLOSURE OF A PART 36	
OFFER (Rule 39.19(1)) .....	29.016
MAKING A PART 36 PAYMENT .....	29.017
Part 36 payment notice .....	29.018
Part 36 payments and provisional damages claims	
(Rule 36.7) .....	29.019
Turning a court ordered payment into a Part 36	
paymet (Rule 37.2) .....	29.020
The latest time for acceptance of a defendant's	
Part 36 payment (Rule 36.11) .....	29.021
Withdrawing or reducing a Part 36 payment	
(Rule 36.6(5)) .....	29.022
How to make a payment (PD 36, para. 4.1) .....	29.024
Interest accruing on money in court .....	29.025
Clarification of a Part 36 offer or payment notice	
(rule 36.9) .....	29.026
NON-COSTS CONSEQUENCES OF ACCEPTANCE OF	
A PART 36 OFFER OR PAYMENT (Rule 36.15) .....	29.028
COSTS CONSEQUENCES OF ACCEPTANCE OF	
DEFENDANT'S PART 36 OFFER OR PAYMENT	
(Rule 36.13) .....	29.030
PAYMENT OUT TO A CLAIMANT (Rule 36.16) .....	29.032
CHILDREN AND PATIENTS AND PART 36	
(Rule 36.18(1)) .....	29.033



ACCEPTANCE OF A PART 36 OFFER OR PAYMENT MADE BY ONE OR MORE, BUT NOT ALL, DEFENDANTS (Rule 36.17) . . . . .	29.034
RESTRICTION ON DISCLOSURE OF A PART 36 PAYMENT (Rule 36.19(2)) . . . . .	29.035
COSTS CONSEQUENCES WHERE A CLAIMANT FAILS TO DO BETTER THAN A PART 36 OFFER OR PAYMENT AT TRIAL (Rule 36.20) . . . . .	29.036
COSTS CONSEQUENCES WHERE THE CLAIMANT DOES BETTER THAN HIS OWN PART 36 OFFER (Rule 36.21) . . . . .	29.039
DEFENCE OF TENDER BEFORE CLAIM . . . . .	29.040
DEDUCTION OF BENEFITS (Rule 36.23) . . . . .	29.041

## Chapter 30: Disclosure and Inspection

INTRODUCTION . . . . .	30.001
THE MEANING OF DISCLOSURE . . . . .	30.003
STANDARD DISCLOSURE . . . . .	30.004
WHAT IS A “DOCUMENT”? (Rule 31.4) . . . . .	30.006
DOCUMENTS UNDER A PARTY’S “CONTROL” (Rule 31.8) . . . . .	30.007
THE SOLICITOR’S ROLE IN DISCLOSURE . . . . .	30.008
SEARCHING FOR STANDARD DISCLOSURE DOCUMENTS (Rule 31.7) . . . . .	30.009
LIMITED OR EXTENDED DISCLOSURE? . . . . .	30.010
DRAFTING A STANDARD DISCLOSURE LIST OF DOCUMENTS . . . . .	30.012
A CONTINUING DUTY (Rule 31.11 and PD 31, para. 3.3) . . . . .	30.017
PRIVILEGE FROM DISCLOSURE (Rule 31.19(1)) . . . . .	30.018
INSPECTION . . . . .	30.019
LIMITING INSPECTION (“THE DISPROPORTIONATE GROUND”) (Rule 31.3(2)) . . . . .	30.020
PRIVILEGE FROM INSPECTION . . . . .	30.021
Legal professional privilege . . . . .	30.022
Privilege against self-incrimination . . . . .	30.023
Challenging a claim to privilege . . . . .	30.024
DISCLOSURE IN STAGES (Rule 31.13) . . . . .	30.025
INSPECTION OF DOCUMENTS REFERRED TO IN STATEMENTS OF CASE, ETC. (Rule 31.14) . . . . .	30.026
INSPECTION IN TERMS . . . . .	30.027
INADVERTENT INSPECTION (Rule 31.20) . . . . .	30.028

SUBSEQUENT USE OF DISCLOSED DOCUMENTS	
(Rule 31.22) . . . . .	30.029
SPECIFIC DISCLOSURE (Rule 31.12 and PD 31,	
para. 5) . . . . .	30.031
FAILURE TO DISCLOSE OR ALLOW INSPECTION	
(Rule 31.21) . . . . .	30.033
DISCLOSURE AGAINST A NON-PARTY (Rule 31.17) . .	30.034
PRE-ACTION DISCLOSURE (Rule 31.16) . . . . .	30.036
THE RULE IN <i>NORWICH PHARMACAL</i> . . . . .	30.040

## Chapter 31: Evidence

KEY QUESTIONS . . . . .	31.001
THE LEGAL BURDEN . . . . .	31.002
THE EVIDENTIAL BURDEN . . . . .	31.003
THE STANDARD OF PROOF . . . . .	31.004
EXCHANGE OF WITNESS STATEMENTS . . . . .	31.005
Supplemental witness statements . . . . .	31.007
Serving witness statements late . . . . .	31.008
Witness Summaries . . . . .	31.009
Objections to contents . . . . .	31.010
Use at trial . . . . .	31.011
OPINION EVIDENCE . . . . .	31.012
HEARSAY EVIDENCE . . . . .	31.013
What is it in practice? . . . . .	31.014
Formalities . . . . .	31.015
Calling the maker of a hearsay statement (Rule 33.4) . .	31.017
Attacking the credibility of hearsay evidence	
(Rule 33.5) . . . . .	31.018
Weight and credibility of hearsay evidence . . . . .	31.019
Evidence sworn out of court . . . . .	31.020
Previous statements of witnesses . . . . .	31.021
DOCUMENT EVIDENCE . . . . .	31.022
REAL EVIDENCE . . . . .	31.023
PLANS, PHOTOGRAPHS, MODELS, ETC . . . . .	31.024
ADVICE ON EVIDENCE . . . . .	31.025

## Chapter 32: Fact Management

FURTHER INFORMATION . . . . .	32.001
WHEN TO ASK . . . . .	32.002
HOW TO ASK . . . . .	32.004
WHAT NOT TO ASK . . . . .	32.005



RESPONDING TO A REQUEST .....	32.006
APPLYING FOR AN ORDER .....	32.007
NOTICES TO ADMIT (Rule 32.18) .....	32.008
When to serve .....	32.009

## Chapter 33: Judicial Case Management

COURT'S POWER TO MAKE AN ORDER OF ITS OWN INITIATIVE (RULE 3.3) .....	33.001
EXTENDING OR SHORTENING TIME FOR COMPLIANCE (Rule 3.1(2)(a)) .....	33.002
STAY OF PROCEEDINGS (Rule 3.1(2)(f)) .....	33.003
Stay pending appeal in another decision .....	33.004
Stay pending arbitration .....	33.005
SPLIT TRIALS AND PRELIMINARY ISSUES .....	33.007
CONDITIONAL ORDERS (Rule 3.1(3)) .....	33.008
STRIKING OUT A STATEMENT OF CASE (Rule 3.4) ..	33.009
No reasonable grounds for bringing or defending the claim .....	33.009
Abuse of the court's process .....	33.010
Failure to comply with a rule, practice direction or court order .....	33.011
Court acting of its own initiative .....	33.013
Consequences of strike out .....	33.014
SANCTIONS AND RELIEF FROM SANCTIONS (Rule 3.7, 3.8 and 3.9) .....	33.015
CONTROLLING EVIDENCE .....	33.017
CONTROLLING COSTS .....	33.019

## Chapter 34: Termination of an Action by Consent

REACHING A BINDING SETTLEMENT OUTSIDE OF COURT PROCEEDINGS .....	34.001
Negotiations .....	34.001
Alternative dispute resolution (ADR) .....	34.002
UNDERTAKINGS .....	34.005
COURT APPROVAL OF SETTLEMENT .....	34.006
CONSENT ORDERS AND JUDGMENTS .....	34.007
"Tomlin Orders" .....	34.009

## Chapter 35: Discontinuance

INTRODUCTION .....	35.001
DISCONTINUANCE BY NOTICE (Rule 38.3) .....	35.002

DISCONTINUANCE BY CONSENT

(Rule 38.2(2)(b)(i))	35.003
DISCONTINUANCE WITH PERMISSION OF THE COURT (Rule 38.2(2))	35.004
SETTING ASIDE NOTICE OF DISCONTINUANCE (Rule 38.4)	35.005
LIABILITY FOR COSTS (Rule 38.6)	35.007
SUBSEQUENT PROCEEDINGS (Rule 38.7)	35.009

**Chapter 36: Preparations for Trial**

COMPLETING THE LISTING QUESTIONNAIRE	36.001
Directions on listing	36.002
PRE-TRIAL REVIEW	36.003
ORGANISING WITNESSES	36.004
Witness summons (Rule 34.3)	36.004
Unavailable witnesses	36.007
Getting everybody to court	36.009
THE TRIAL BUNDLE	36.010
Core bundles	36.012
Skeleton arguments	36.013
Reading lists and time estimates	36.014
CHOICE OF ADVOCATE	36.015
Drafting the brief for trial	36.016
Delivering a brief to counsel	36.017

**Chapter 37: Trial**

SITTING BEHIND COUNSEL	37.001
PROCEDURE AT TRIAL	37.004
Small claims track and Part 8 claims	37.004
Fast track and multi-track	37.005
Submission of no case to answer	37.006
Order of witnesses	37.007
Failure to attend trial (Rule 39.3)	37.008
THE ART OF ADVOCACY	37.009
Preparation	37.010
Opening and closing statements	37.011
Examination-in-chief	37.012
Cross-examination	37.013
Re-examination	37.015
JUDGMENT	37.016



## Chapter 38: Costs Payable by One Party to Another

DEFINITION OF COSTS .....	38.001
What does an order for costs cover? .....	38.002
Litigants in person .....	38.003
Witness allowances .....	38.004
Additional liability .....	38.005
DISCRETIONARY NATURE OF COSTS .....	38.006
METHODS OF ASSESSMENT .....	38.008
Fixed costs .....	38.009
Summary assessment .....	38.010
Detailed assessment .....	38.011
BASIS OF ASSESSMENT .....	38.012
THE INDEMNITY PRINCIPLE .....	38.017
Conduct of the parties .....	38.016
RESTRICTIONS ON COURT'S DISCRETION AS TO COSTS .....	38.019
Small claims .....	38.019
Fast track trial costs .....	38.022
Statutory restrictions .....	38.023
ASSESSING THE REASONABLENESS OF SUCCESS FEES .....	38.024
Risk element: assessment by solicitor .....	38.025
Risk element: assessment by the court .....	38.026
The fee deferment element .....	38.027
Assessing the reasonableness of insurance cover costs ..	38.028
The insurance market .....	38.028
Factors for the court .....	38.029
DETAILED ASSESSMENT PROCEEDINGS .....	38.030
Earliest time for detailed assessment .....	38.030
Form of bill .....	38.031
Notice of commencement .....	38.033
Latest time for commencement .....	38.034
Points of dispute: general practice .....	38.035
Points of dispute challenging success fees .....	38.036
Default costs certificates .....	38.037
Request for a hearing .....	38.038
Interim costs certificates .....	38.040
Conduct of the hearing .....	38.041
Costs of detailed assessment proceedings .....	38.044
Final costs certificates .....	38.046
Agreed costs certificates .....	38.047
Appeals .....	38.048

## Chapter 39: Costs: Special Cases

COSTS ONLY PROCEEDINGS .....	39.001
SUCCESS FEE DISPUTES BETWEEN LAWYER AND CLIENT .....	39.003
WASTED COSTS ORDERS .....	39.007
APPLICATIONS UNDER SECTION 70 OF THE SOLICITORS ACT 1974 .....	39.010
Awarding costs in proceedings under Solicitors Act 1974, s. 70 .....	39.012
OTHER METHODS OF CHALLENGING SOLICITORS' BILLS .....	39.013
Non-contentious business; remuneration certificates ...	39.013
Contentious business agreements .....	39.014
Non-contentious business agreements .....	39.016
COSTS FUNDED BY THE LSC .....	39.018
The winner's bill .....	39.020
The loser's bill .....	39.021
Enhancements .....	39.023
Reduction .....	39.024
LSC funded client's involvement in assessment proceedings .....	39.025
ORDERS FOR COSTS AGAINST LSC FUNDED CLIENTS AND/OR THE LSC .....	39.026
COSTS ORDERS IN FAVOUR OF OR AGAINST NON-PARTIES .....	39.029
COSTS WHERE A GROUP LITIGATION ORDER HAS BEEN MADE .....	39.030
PRE-EMPTIVE COSTS ORDERS .....	39.031
PROSPECTIVE COSTS ORDERS .....	39.032
ASSESSMENT OF COSTS PAYABLE PURSUANT TO A CONTRACT .....	39.033

## Chapter 40: Enforcement of Money Judgments

INTRODUCTION .....	40.001
HIGH COURT ENFORCEMENT OF COUNTY COURT JUDGMENTS .....	40.002
ORAL EXAMINATION OF THE JUDGMENT DEBTOR .....	40.003
METHODS OF ENFORCEMENT .....	40.005
WRIT OF <i>FIERI FACIAS</i> (HIGH COURT); WARRANT OF EXECUTION (COUNTY COURT) ..	40.007



GARNISHEE PROCEEDINGS .....	40.011
ATTACHMENT OF EARNINGS .....	40.015
CHARGING ORDER ON LAND .....	40.018
Jurisdiction of the High Court and county court .....	40.019
Charging order procedure .....	40.020
CHARGING ORDER ON SECURITIES .....	40.022
EQUITABLE EXECUTION: APPOINTMENT OF A RECEIVER .....	40.023
CHARGING ORDER ON DEBTOR'S INTEREST IN PARTNERSHIP PROPERTY .....	40.024
SEQUESTRATION .....	40.025
JUDGMENT SUMMONS .....	40.026
BANKRUPTCY AND WINDING UP OF COMPANIES ..	40.027
ENFORCEMENT OF FOREIGN JUDGMENTS .....	40.028
ENFORCEMENT OUTSIDE ENGLAND AND WALES .....	40.031
ADVISING THE JUDGMENT DEBTOR .....	40.032

## Chapter 41: Enforcement of Other Judgements

RECOVERY OF LAND .....	41.001
Recovery of goods .....	41.002
Injunctions .....	41.003
Specific performance .....	41.005

## Chapter 42: Insolvency

INTRODUCTION .....	42.001
What is insolvency? .....	42.003
Insolvency law as an aid to debtors .....	42.004
STATUTORY DEMANDS .....	42.005
Service and proof of service .....	42.006
Responses to a statutory demand .....	42.007
Challenge made by an individual .....	42.008
Challenge made by a company .....	42.011
Complying with a statutory demand .....	42.012
No response to a statutory demand .....	42.013
Demand first or sue to judgment first? .....	42.014
PERSONAL INSOLVENCY: BANKRUPTCY .....	42.015
Grounds for a creditor's petition .....	42.015
Presentation of bankruptcy petition .....	41.016
The debtor's responses .....	42.019
Hearing of bankruptcy petition .....	42.020

Effect of bankruptcy on enforcement procedures in other actions .....	42.021
Procedure following the bankruptcy order .....	42.002
CORPORATE INSOLVENCY: WINDING UP .....	42.023
Grounds for a creditor's petition .....	42.023
Presentation of winding-up petition .....	42.024
Certificate of compliance .....	42.026
Hearing of winding-up petition .....	42.027
Effect of a winding-up order .....	42.028
SPECIALIST TOPICS IN INSOLVENCY LAW AND PRACTICE .....	42.029
Personal insolvency: bankruptcy .....	42.029
Corporate insolvency: winding-up proceedings .....	42.030

### Chapter 43: Applications to Set Aside or Vary Orders

ORDERS MADE IN THE ABSENCE OF ONE PARTY ..	43.002
ORDERS DIRECTLY AFFECTING NON-PARTIES ....	43.002
ORDERS WORKING OUT, SUPPLEMENTING OR ENFORCING ORDERS PREVIOUSLY MADE .....	43.004
CASE MANAGEMENT DIRECTIONS .....	43.005
RELIEF FROM SANCTIONS .....	43.006
CORRECTING ACCIDENTAL SLIPS OR OMISSIONS IN JUDGMENTS AND ORDERS .....	43.007
OTHER AMENDMENTS TO JUDGMENTS AND ORDERS MADE BEFORE SEALING .....	43.008

### Chapter 44: Appeals Up to the Court of Appeal

ROUTES OF APPEAL .....	44.001
Final decisions in multi-track cases and specialist proceedings .....	44.002
Leapfrog appeals .....	44.003
Orders from which no appeal lies .....	44.005
PERMISSION TO APPEAL .....	44.006
Seeking permission .....	44.009
Second appeals .....	44.010
The rule in <i>Lane v. Esdaile</i> .....	44.011
THE APPELLANT'S NOTICE .....	44.012
Time for filing and service .....	44.012
Form and content of appellant's notice .....	44.013
Documents to accompany the appellant's notice .....	44.014
PROCEDURE WHERE PERMISSION IS NOT REQUIRED OR IS OBTAINED .....	44.015



First steps by the respondent .....	44.016
Form and content of a respondent's notice .....	44.017
Skeleton arguments .....	44.018
Applications ancillary to appeals .....	44.019
Hearing of the appeal .....	44.020
Summary assessment of appeal costs .....	44.021
PROCEDURE IN THE COURT OF APPEAL .....	44.022
Who may exercise the powers of the Court of Appeal ..	44.019
The Civil Appeals Office .....	44.023
The Civil Appeals List .....	44.024
Hearing the appeal .....	44.025
Judicial review appeals .....	44.026

## Chapter 45: Appeals to the House of Lords

INTRODUCTION .....	45.001
PETITION FOR LEAVE TO APPEAL .....	45.003
PETITION OF APPEAL OR CROSS-APPEAL .....	45.004
Statement of facts and issues .....	45.005
Appendix .....	45.006
Time estimates .....	45.007
Appellants' and respondents' cases .....	45.008
The hearing of the appeal .....	45.010

<i>Index</i> .....	799
--------------------	-----