

## 1. Civil Procedure statutory instruments

The 2015 White Book Service will include all relevant CPR Updates.

- Coverage of forthcoming 2015 Civil Procedure Rule Statutory Instruments and Practice Direction Updates
- Amendments made by the Civil Procedure (Amendment no. 8) Rules 2014 (SI 3299/2014) and the 78th CPR Update that bring into force a number of important changes:
  - A substituted version of Part 36 on Offers to Settle. Since the rules were substantially amended in 2007 there has been a large amount of case law in respect of the application of the rules to various aspects of settlement. The changes reflect the case law and aim to simplify the rules as far as possible to make them more accessible to court users, particularly litigants in person. Consequential amendments are made to Parts 37, 44, 45, 47 and 52.
  - A new Part 87 on applications for writ of Habeas Corpus is introduced, part of the ongoing work by the Civil Procedure Rules Committee to transfer the remaining Orders of the Rules of the Supreme Court into the CPR.
  - A new Section VI is added to Part 74 on the Enforcement of Judgments in Different Jurisdictions which provides for the recognition and enforcement between courts in England and Wales and courts in other EU member states of protection measures. The 78th CPR Update also brings in amendments to corresponding Practice Directions and Pre-Action Protocols.
- The 77th CPR Update covers changes to PD7C Production Centre and the Pre-Action Protocol for Low Value Personal Injury Claims
- Civil Procedure (Amendment no. 7) Rules 2014 (SI 2948/2014) and the 76th CPR Update to the Practice Directions update Parts 6 on Service of Documents and 74 on Enforcement in Different Jurisdictions to achieve consistency with new EU regulations in relation to the recognition and enforcement of judgments as between courts in England and Wales and courts in other EU Member States (the 'recast' Judgments Regulation)

## 2. Other legislation

The 2015 White Book will also include:

- A revised Directors Disqualification Proceedings Practice Direction and associated commentary
- Two Chancery Division Practice Notes on Electronic Filing and Case Management and Masters' Orders
- Regulation (EU) No.1215/2012 (the 'recast' Judgments Regulation) and the EU Regulation on mutual recognition of protection measures in civil matters (No.606/2013)
- Updated commentary as a result of the Defamation Act 2013
- Amendments planned to be made by further forthcoming legislation such as the Courts & Criminal Justice Bill; further EU Regulations; and further commencement orders of the Anti-Social Behaviour, Crime and Policing Act 2014.

## 3. Case law and commentary

The 2015 White Book Service includes up-to-date commentary on significant case law updates:

- Relief from sanctions: *Denton v TH White Ltd* following *Mitchell v. News Group Newspapers Ltd* ; also *Durrant v Chief Constable of Avon & Somerset*; *Thevarajah v Riordan*; *Chartwell Estate Agents Ltd v Fergies Properties SA*; *Altomart Ltd v Salford Estates*; *Caliendo v Mishcon de Reya*; and *R. (Hysaj) v Secretary of State for the Home Department*
- Disclosure of documents: *Smailes v McNally* on the sufficiency of the disclosure statement; *Tchenguz v Director of Serious Fraud Office* (use of disclosed documents in separate proceedings)
- Application to commit: *Smith v Doncaster Metropolitan Borough Council* (consequences of coercive element of sentence ceasing to have purpose); *Dar al Arkan Real Estate Development Co v Al Refai* (liability of company officer for contempt); *Otkritie International Investment Management Ltd v Urumov* (recusal of judge in contempt application); *Inplayer Ltd v Thorogood* (finding of contempt quashed because of procedural errors)
- Costs: *Dufoo v Tolaini* on the Court's discretion as to costs under Rule 44.2; *Wagenaar v Weekend Travel Ltd* on Qualified One-Way Costs Shifting (Rule 44.13); *Secretary of State for Communities & Local Government v Venn*
- Appeals: *Greenwich Millennium Village Ltd v Essex Services Group plc* (Rule 52.3 & 52.10) and *Tchenguz v Director of the Serious Fraud Office* (Rule 52.2 & 52.4)

Case law and commentary amendments and updates have been added to both Volumes, including:

### Volume 1

- Part 1 (the Overriding Objective) – commentary revised and updated
- Part 2 (the Application and Interpretation of the Rules) – commentary revised and updated
- Part 3 (The Court’s Case Management Powers) *R (Hysaj) v Secretary of State for the Home Department; Hallam Estates v Baker; Bradbury and Others v. Paterson and Others; re F (a child) (Return Order – Power to revoke; Walsham Chalet Park Ltd v. Tallington Lakes Ltd; Regione Piemonte v Dexia Crediop SPA; HRH Prince Abdulaziz Bin Mishal Bin Abdulaziz Al Saud v Apex Global Management Ltd*
- PD3D (Mesothelioma Claims) – updates to commentary in light of the “Diffuse Mesothelioma Payment Scheme” and *Yates v Commissioners for Her Majesty’s Revenue & Customs*
- Part 6 (Service of Documents) – updated in light of the ‘recast’ Judgments Regulation; also *Young v Anglo American South Africa Ltd; Integral Petroleum SA v. SCU-Finanz AG*
- Part 10 (Acknowledgement of Service) *Hockley v North Lincolnshire NHS Foundation Trust*
- Part 12 (Default Judgment) *Tranzits v. King & Wood Mallesons LLP*
- Part 13 (Setting Aside or Varying a Default Judgment) *Hockley v North Lincolnshire NHS Foundation Trust*
- Part 14 (Admissions) *Co-Operative Group Ltd v. Carillion JM Ltd*
- Part 15 (Defence & Reply) *Hague Plant Ltd v Hague*
- Part 17 (Amendments to Statements of Case) *MacLeod v Mears; Mercer Ltd v Ballinger; Hague Plant Ltd v Hague*
- Part 19 (Parties and Group Litigation) *Holloway v Transform Medical Group (CS) Ltd (Group Litigation)*
- Part 21 (Children & Protected Parties) *Bradbury and Others v. Paterson and Others*
- Part 23 (Applications for Court Orders) *British Sky Broadcasting Ltd v Central Criminal Court; Evans v Royal Wolverhampton Hospitals NHS Foundation Trust; M A Lloyd & Sons Ltd v PPC International Ltd*
- Part 25 (Interim Remedies and Security for Costs) *McLennan Architects Ltd v Jones; U&M Mining Zambia Ltd v Konkola Copper Mines plc*
- Part 27 (Small Claims Track) *Akhtar v Boland*
- Part 31 (Disclosure) *HRH Prince Abdulaziz Bin Mishal Bin Abdulaziz Al Saud v Apex Global Management Ltd; Rawlinson and Hunter Trustees S.A (as trustee of the Tchenguiz Family Trust) v Director of the Serious Fraud Office*
- Part 35 (Experts & Assessors) *Cary v Commissioner of Police of the Metropolis* on the procedure for the appointment of an assessor (Rule 35.15)
- Part 36 (Offers to Settle) – revised commentary in light of the substitution of Part 36 as made by the Civil Procedure (Amendment no. 8) Rules 2014 (SI 3299/2014); also *Dufoo v Tolaini*
- Part 38 (Discontinuance) *Hague Plant Ltd v Hague*
- Part 39 (Miscellaneous Provisions Relating to Hearings) *V v. T* (referring to Practice Guidance: Interim Non-Disclosure Orders), *Justice for Families Ltd v Secretary of State for Justice*
- Part 40 (Judgments and Orders) *In re F (A Child) (Return Order: Power to Reverse); MacCleod v Mears*
- Part 41 (Damages) *Blythe v Ministry of Defence; AA (by his mother & litigation friend BB) v (1) CC (2) Motor Insurers’ Bureau*
- Part 52 (Appeals) *(Hysaj) v Secretary of State for the Home Department; R (Grace) v Secretary of State for the Home Department*
- Part 53 (Defamation) – amendments made in light of the in force date of the Defamation Act 2013
- Part 54 (Judicial Review) *R (Philip Morris Brands Sarl and others) v Secretary of State for Health; R (British American Tobacco UK Ltd.) v Secretary of State for Health and others*
- Part 57 (Probate & Inheritance) – amendments to commentary in Section IV following the Civil Procedure (Amendment no.6) Rules 2014
- Part 71 (Judgment Debtors) *Justice for Families Ltd v Secretary of State for Justice*
- Part 74 (Enforcement of Judgments in Different Jurisdictions) – commentary updated in light of Civil Procedure (Amendment no. 7) Rules 2014 (SI 2948/2014) and the ‘recast’ Judgments Regulation; also *flyLAL – Lithuanian Airlines AS in liquidation v Starptautisaka lidosta Rigaz VAS (1) Air Baltic Corporation AS*

- Part 82 (Closed Material Procedure) *R. (Sarkandi) v Secretary of State for Foreign and Commonwealth Affairs*
- Part 84 (Enforcement by Taking Control of Goods) – updated to include the Commercial Rent Arrears Recovery (“CRAR”)
- Part 87 (Habeas Corpus) new Part brought into the CPR from Schedule 1 with new commentary
- Pre-Action Protocols – amendments are made to the Pre-Action Protocol for Low Value Personal Injury Claims in Road Traffic Accidents in light of the introduction of a new system for sourcing medical reports in soft tissue injury claims

## Volume 2

- Procedural Guides - addition of a new Guide on Stakeholder Claims (Part 86)
- Part 59 (Mercantile Courts) – updates to the Mercantile Court Guide
- Part 60 (Technology & Construction Claims) *CIP Properties (AIPT) Ltd v Galliford Try Infrastructure Ltd*
- Part 62 (Arbitration Claims) *Central Trading & Exports Ltd v Fioralba Shipping Co (“The Kalisti”)*
- Part 63 (Intellectual Property Proceedings) *Samsung Electronics Co Ltd v. Apple Retail UK Ltd, Interflora Inc. v. Marks & Spencer (“Interflora II”)*
- Section 3A (Housing) – further Commencement Orders of the Anti-Social Behaviour, Crime & Policing Act 2014 are brought into force; also the Absolute Ground for Possession for Anti-social Behaviour (Review Procedure) (England) Regulations 2014
- Section 3D (Proceedings under the Human Rights Act) *R (Hicks) v Commissioner of Police for the Metropolis; R (Nicklinson) v Secretary of State for Justice; Kennedy v Charity Commission*
- Section 3G (Data Protection Act 1998) amendments including commentary on *AB v A Chief Constable* and the inclusion of Schedule 1 to the Act which sets out the Data Protection Principles
- Section 3H (Consumer Credit & Consumer Law) *Grace v Black Horse Ltd; Graves v. Capital Home Loans; Plevin v Paragon Personal Finance Ltd; Nram Plc v McAdam*
- Section 3I (Discrimination) *Cary v Commissioner of Police for the Metropolis and Equality and Human Rights Commission (intervening)*
- Section 3L (Part 78 - European Procedures) – commentary revised and updated
- Section 4A and 4B (Supreme Court of the United Kingdom and Judicial Committee of the Privy Council) – commentary updated as a result of the introduction of the Supreme Court’s electronic bundle guidelines; also *Marley v Rawlings (Costs)* and *Bimini Blue Coalition Ltd v Prime Minister of the Bahamas*
- Section 6B (Court of Protection) *Cheshire West and Chester Council v P; Re X and others: Deprivation of Liberty*
- Section 6C (Non-contentious probate) – amendments made by the High Court and County Courts Jurisdiction (Amendment) Order 2014
- Section 7A (Litigation Funding) *Marley v Rawlings*
- Section 7C (Solicitors Act 1974) *Rees v Gateley Wareing*
- Section 8 (Limitation) *Dowdall v William Kenyon & Sons Limited & Others*
- Section 9 (Jurisdictional & Procedural Legislation) *Otkritie International Investment Management Ltd v Urumov; Yeo v Times Newspapers Ltd* (Senior Courts Act); *Durrheim v Ministry of Defence* (County Courts Act); *Martrade Shipping & Transport GmbH v United Enterprises Corporation* (Late Payment of Commercial Debts (Interest) Act 1998)
- Section 11 (Overriding Objective of the CPR) *Mitchell v News Group Newspapers; Denton v White; Prince Abdulaziz v Apex Global Management Ltd & Anor*
- Section 14 (ADR) *Northrop Grumman Mission Systems Europe Ltd v BAE Systems (Al Diriyah C4I) Ltd (No 2); Bradley & Anor v Heslin & Anor*
- Section 15 (Interim Injunctions) *Energy Venture Partners Ltd v Malabu Oil and Gas Ltd; United States of America v Abacha; Deutsche Bank AG v Unitech Global Ltd*
- Appendix 1 (Courts Directory) - revised following the introduction of the new PD2C on Starting Proceedings in the County Court

## New online and CD content

### Volume 2

- Section 6B (Court of Protection) - the whole of this section is now moved to CD and online-only
- Section 7D (Legal Aid) - the whole of this section is now moved to CD and online-only
- Consumer Protection from Unfair Trading Regulations 2008

- The SRA Principles 2011 (version 11)
- SRA Code of Conduct 2011 (version 11)
- SRA Accounts Rules 2011 (version 11)