PRACTICE DIRECTION 29 – THE MULTI-TRACK

**5.6**  To assist the court, the parties and their legal advisers should:

(1) ensure that all documents that the court is likely to ask to see (including witness statements and experts’ reports) are brought to the hearing,

(2) consider whether the parties should attend,

(3) consider whether a case summary will be useful, and

(4) consider what orders each wishes to be made and give notice of them to the other parties.

**5.7**

(1) A case summary:

(a) should be designed to assist the court to understand and deal with the questions before it,

(b) should set out a brief chronology of the claim, the issues of fact which are agreed or in dispute and the evidence needed to decide them,

(c) should not normally exceed 500 words in length, and

(d) should be prepared by the claimant and agreed with the other parties if possible.

# PART 17 – AMENDMENTS TO STATEMENTS OF CASE

### **Amendments to statements of case**

**17.1**

(1) A party may amend their statement of case, including by removing, adding or substituting a party, at any time before it has been served on any other party.

(2) If his statement of case has been served, a party may amend it only –

(a) with the written consent of all the other parties; or

(b) with the permission of the court.

(3) If a statement of case has been served, an application to amend it by removing, adding or substituting a party must be made in accordance with rule 19.4.

(4) A party who files a notice under Part 38 discontinuing all or part of a claim may amend their statement of case without the court’s permission to give effect to the discontinuance.

(Part 22 requires amendments to a statement of case to be verified by a statement of truth unless the court orders otherwise)

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### **Power of court to disallow amendments made without permission**

**17.2**

(1) If a party has amended their statement of case where permission of the court was not required, the court may disallow the amendment.

(2) A party may apply to the court for an order under paragraph (1) within 14 days of service of a copy of the amended statement of case on them.

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### **Amendments to statements of case with the permission of the court**

**17.3**

(1) Where the court gives permission for a party to amend their statement of case, it may give directions as to –

(a) amendments to be made to any other statement of case; and

(b) service of any amended statement of case.

(2) The power of the court to give permission under this rule is subject to –

(a) rule 19.2 (change of parties – general);

(b) rule 19.6 (special provisions about adding or substituting parties after the end of a relevant limitation period([GL](https://www.justice.gov.uk/courts/procedure-rules/civil/glossary))); and

(c) rule 17.4 (amendments of statement of case after the end of a relevant limitation period).

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### **Amendments to statements of case after the end of a relevant limitation period**

**17.4**

(1) This rule applies where –

(a) a party applies to amend their statement of case in one of the ways mentioned in this rule; and

(b) a period of limitation has expired under –

(i) the Limitation Act 1980[1](https://www.justice.gov.uk/courts/procedure-rules/civil/rules/part17#fn1);

(ii) the Foreign Limitation Periods Act 1984[2](https://www.justice.gov.uk/courts/procedure-rules/civil/rules/part17#fn2); or

(iii) any other enactment which allows such an amendment, or under which such an amendment is allowed.

(2) The court may allow an amendment whose effect will be to add or substitute a new claim, but only if the new claim arises out of the same facts or substantially the same facts as are already in issue on as a claim in respect of which the party applying for permission has already claimed a remedy in the proceedings.

(3) The court may allow an amendment to correct a mistake as to the name of a party, but only where the mistake was genuine and not one which would cause reasonable doubt as to the identity of the party in question.

(4) The court may allow an amendment to alter the capacity in which a party claims if the new capacity is one which that party had when the proceedings started or has since acquired.

(Rule 19.6 specifies the circumstances in which the court may allow a new party to be added or substituted after the end of a relevant limitation period[(GL)](https://www.justice.gov.uk/courts/procedure-rules/civil/glossary))

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# PRACTICE DIRECTION 17 – AMENDMENTS TO STATEMENTS OF CASE

A party applying for an amendment will usually be responsible for the costs of and arising from the amendment.

### **Applications to amend where the permission of the court is required**

**1.1** The application may be dealt with at a hearing or, if rule 23.8 applies, without a hearing.

**1.2** When making an application to amend a statement of case, the applicant should file with the court:

(1) the application notice, and

(2) a copy of the statement of case with the proposed amendments.

**1.3** Where permission to amend has been given, the applicant should within 14 days of the date of the order, or within such other period as the court may direct, file with the court the amended statement of case.

**1.4** The amended statement of case should be verified by a statement of truth unless the court orders otherwise.

**1.5** A copy of the order and the amended statement of case should be served on every party to the proceedings, unless the court orders otherwise.

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### **General**

**2.1** The amended statement of case and the court copy of it should be endorsed as follows:

(1) where the court’s permission was required:

Amended [Particulars of Claim or as may be] by Order of [Master …………][District Judge…… or as may be] [Legal Adviser] dated……………

(2) Where the court’s permission was not required:

Amended [Particulars of Claim or as may be] under CPR [rule 17.1(1) or (2)(a)] dated………………

**2.2** The statement of case in its amended form need not show the original text. However, where the court thinks it desirable for both the original text and the amendments to be shown, the court may direct that the amendments should be shown either:

(1) by coloured amendments, either manuscript or computer generated, or

(2) by use of a numerical code in a monochrome computer generated document.

**2.3** Where colour is used, the text to be deleted should be struck through in colour and any text replacing it should be inserted or underlined in the same colour.

**2.4** The order of colours to be used for successive amendments is: (1) red, (2) green, (3) violet and (4) yellow.

(For information about changes to parties see Part 19 and Practice Direction 19A.)

PART 18 – FURTHER INFORMATION

### **Obtaining further information**

**18.1**

(1) The court may at any time order a party to –

(a) clarify any matter which is in dispute in the proceedings; or

(b) give additional information in relation to any such matter,

whether or not the matter is contained or referred to in a statement of case.

(2) Paragraph (1) is subject to any rule of law to the contrary.

(3) Where the court makes an order under paragraph (1), the party against whom it is made must –

(a) file their response; and

(b) serve it on the other parties,

within the time specified by the court.

(Part 22 requires a statement of case, including a response to be verified by a statement of truth)

(Part 53 (defamation) restricts requirements for providing further information about sources of information in defamation claims)

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### **Restriction on the use of further information**

**18.2** The court may direct that information provided by a party to another party (whether given voluntarily or following an order made under rule 18.1) must not be used for any purpose except for that of the proceedings in which it is given.

# PRACTICE DIRECTION 18 – FURTHER INFORMATION

### **Preliminary Request for further information or clarification**

**1.1**  Before making an application to the court for an order under Part 18, the party seeking clarification or information (the first party) should first serve on the party from whom it is sought (the second party) a written request for that clarification or information (a Request) stating a date by which the response to the Request should be served. The date must allow the second party a reasonable time to respond.

**1.2**  A Request should be concise and strictly confined to matters which are reasonably necessary and proportionate to enable the first party to prepare his own case or to understand the case he has to meet.

**1.3**  Requests must be made as far as possible in a single comprehensive document and not piecemeal.

**1.4**  A Request may be made by letter if the text of the Request is brief and the reply is likely to be brief; otherwise the Request should be made in a separate document.

**1.5**  If a Request is made in a letter, the letter should, in order to distinguish it from any other that might routinely be written in the course of a case,

(1) state that it contains a Request made under Part 18, and

(2) deal with no matters other than the Request.

**1.6**

(1) A Request (whether made by letter or in a separate document) must –

(a) be headed with the name of the court and the title and number of the claim,

(b) in its heading state that it is a Request made under Part 18, identify the first party and the second party and state the date on which it is made,

(c) set out in a separate numbered paragraph each request for information or clarification,

(d) where a Request relates to a document, identify that document and (if relevant) the paragraph or words to which it relates,

(e) state the date by which the first party expects a response to the Request.

(2)

(a) A Request which is not in the form of a letter may, if convenient, be prepared in such a way that the response may be given on the same document.

(b) To do this the numbered paragraphs of the Request should appear on the left hand half of each sheet so that the paragraphs of the response may then appear on the right.

(c) Where a Request is prepared in this form an extra copy should be served for the use of the second party.

**1.7**  Subject to the provisions of rule 6.23(5) and (6) and paragraphs 4.1 to 4.3 of Practice Direction 6A, a request should be served by e-mail if reasonably practicable.

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### **Responding to a Request**

**2.1**  A response to a Request must be in writing, dated and signed by the second party or his legal representative.

**2.2**

(1) Where the Request is made in a letter the second party may give his response in a letter or in a formal reply.

(2) Such a letter should identify itself as a response to the Request and deal with no other matters than the response.

**2.3**

(1) Unless the Request is in the format described in paragraph 1.6(2) and the second party uses the document supplied for the purpose, a response must:

(a) be headed with the name of the court and the title and number of the claim,

(b) in its heading identify itself as a response to that Request,

(c) repeat the text of each separate paragraph of the Request and set out under each paragraph the response to it,

(d) refer to and have attached to it a copy of any document not already in the possession of the first party which forms part of the response.

(2) A second or supplementary response to a Request must identify itself as such in its heading.

**2.4**

The second party must when he serves his response on the first party serve on every other party and file with the court a copy of the Request and of his response.

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### **Statements of Truth**

**3**  Attention is drawn to Part 22 and to the definition of a statement of case in Part 2 of the rules; a response should be verified by a statement of truth.

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### **General matters**

**4.1**

(1) If the second party objects to complying with the Request or part of it or is unable to do so at all or within the time stated in the Request he must inform the first party promptly and in any event within that time.

(2) He may do so in a letter or in a separate document (a formal response), but in either case he must give reasons and, where relevant, give a date by which he expects to be able to comply.

**4.2**

(1) There is no need for a second party to apply to the court if he objects to a Request or is unable to comply with it at all or within the stated time. He need only comply with paragraph 4.1(1) above.

(2) Where a second party considers that a Request can only be complied with at disproportionate expense and objects to comply for that reason he should say so in his reply and explain briefly why he has taken that view.

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**Applications for Orders under Part 18**

**5.1**  Attention is drawn to Part 23 (Applications) and to Practice Direction 23A.

**5.2**  An application notice for an order under Part 18 should set out or have attached to it the text of the order sought and in particular should specify the matter or matters in respect of which the clarification or information is sought.

**5.3**

(1) If a Request under paragraph 1 for the information or clarification has not been made, the application notice should, in addition, explain why not.

(2) If a Request for clarification or information has been made, the application notice or the evidence in support should describe the response, if any.

**5.4**  Both the first party and the second party should consider whether evidence in support of or in opposition to the application is required.

**5.5**

(1) Where the second party has made no response to a Request served on him, the first party need not serve the application notice on the second party, and the court may deal with the application without a hearing.

(2) Sub-paragraph (1) above only applies if at least 14 days have passed since the Request was served and the time stated in it for a response has expired.

**5.6**

Unless paragraph 5.5 applies the application notice must be served on the second party and on all other parties to the claim.

**5.7**  An order made under Part 18 must be served on all parties to the claim.

**5.8**  Costs:

(1) Attention is drawn to the Practice Directions 44 to 48 on costs and, in particular, Subsections 8 and 9 of Practice Direction 44, which relate to the court’s power to make a summary assessment of costs.

(2) Attention is also drawn to rule 44.10(1) which provides that the general rule is that if an order does not mention costs no party is entitled to costs relating to that order.

# PART 19 – PARTIES AND GROUP LITIGATION

### **Parties – general**

**19.1** Any number of claimants or defendants may be joined as parties to a claim.

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## **I ADDITION AND SUBSTITUTION OF PARTIES**

### **Change of parties – general**

**19.2**

(1) This rule applies where a party is to be added or substituted except where the case falls within rule 19.6 (special provisions about changing parties after the end of a relevant limitation period[(GL)](https://www.justice.gov.uk/courts/procedure-rules/civil/glossary)).

(2) The court may order a person to be added as a new party if –

(a) it is desirable to add the new party so that the court can resolve all the matters in dispute in the proceedings; or

(b) there is an issue involving the new party and an existing party which is connected to the matters in dispute in the proceedings, and it is desirable to add the new party so that the court can resolve that issue.

(3) The court may order any person to cease to be a party if it is not desirable for that person to be a party to the proceedings.

(4) The court may order a new party to be substituted for an existing one if –

(a) the existing party’s interest or liability has passed to the new party;

(b) it is desirable to substitute the new party so that the court can resolve the matters in dispute in the proceedings.

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### **Provisions applicable where two or more persons are jointly entitled to a remedy**

**19.3**

(1) All persons jointly entitled to the remedy claimed by a claimant must be parties unless the court orders otherwise.

(2) If any such person does not agree to be a claimant, he must be made a defendant, unless the court orders otherwise.

(3) This rule does not apply in probate proceedings.

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### **Procedure for adding and substituting parties**

**19.4**

(1) The court’s permission is required to remove, add or substitute a party, unless the claim form has not been served.

(2) An application for permission under paragraph (1)—

(a) may be made by—

(i) an existing party; or

(ii) a person who wishes to become a party; and

(b) must be—

(i) supported by evidence; and

(ii) made under Part 23.

(3) An application for an order under rule 19.2(4) –

(a) may be made without notice; and

(b) must be supported by evidence.

(4) Nobody may be added or substituted as a claimant unless –

(a) they have given their consent in writing; and

(b) that consent, and the proposed amended claim form and particulars of claim, have been filed with the court.

(5) If an order is made adding or substituting a person as a claimant prior to the filing of their consent—

(a) the order; and

(b) the addition or substitution of the new party as claimant,

shall not take effect until the signed, written consent of the new claimant is filed.

(6) The Commissioners for HM Revenue and Customs may, where a dispute between other parties may have tax consequences, be added as party to proceedings if they consent in writing.

(7) An order for the removal, addition or substitution of a party must be served on—

(a) all parties to the proceedings; and

(b) any other person affected by the order.

(8) When the court makes an order for the removal, addition or substitution of a party, it may give consequential directions.

(9) A new defendant does not become a party to the proceedings until the amended claim form has been served on them.

(10) A party applying to add a new party by amendment shall be responsible for the costs of and arising from the amendment unless the court decides otherwise.

(11) The court may remove, add or substitute parties in existing proceedings on its own initiative.

### **Special provisions about adding or substituting parties after the end of a relevant limitation period**

**19.6**

(1) This rule applies to a change of parties after the end of a period of limitation under –

(a) the Limitation Act 1980[1](https://www.justice.gov.uk/courts/procedure-rules/civil/rules/part19#fn1);

(b) the Foreign Limitation Periods Act 1984[2](https://www.justice.gov.uk/courts/procedure-rules/civil/rules/part19#fn2); or

(c) any other enactment which allows such a change, or under which such a change is allowed.

(2) The court may add or substitute a party only if –

(a) the relevant limitation period[(GL)](https://www.justice.gov.uk/courts/procedure-rules/civil/glossary) was current when the proceedings were started; and

(b) the addition or substitution is necessary.

(3) The addition or substitution of a party is necessary only if the court is satisfied that –

(a) the new party is to be substituted for a party who was named in the claim form in mistake for the new party;

(b) the claim cannot properly be carried on by or against the original party unless the new party is added or substituted as claimant or defendant; or

(c) the original party has died or had a bankruptcy order made against them and their interest or liability has passed to the new party.

(4) In addition, in a claim for personal injuries the court may add or substitute a party where it directs that –

(a)

(i) section 11 (special time limit for claims for personal injuries); or

(ii) section 12 (special time limit for claims under fatal accidents legislation), of the Limitation Act 1980 shall not apply to the claim by or against the new party; or

(b) the issue of whether those sections apply shall be determined at trial.

# PART 20 – COUNTERCLAIMS AND OTHER ADDITIONAL CLAIMS

### **Purpose of this Part**

**20.1** The purpose of this Part is to enable counterclaims and other additional claims to be managed in the most convenient and effective manner.

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### **Scope and interpretation**

**20.2**

(1) This Part applies to –

(a) a counterclaim by a defendant against the claimant or against the claimant and some other person;

(b) an additional claim by a defendant against any person (whether or not already a party) for contribution or indemnity or some other remedy; and

(c) where an additional claim has been made against a person who is not already a party, any additional claim made by that person against any other person (whether or not already a party).

(2) In these Rules –

(a) ‘additional claim’ means any claim other than the claim by the claimant against the defendant; and

(b) unless the context requires otherwise, references to a claimant or defendant include a party bringing or defending an additional claim.

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### **Application of these Rules to additional claims**

**20.3**

(1) An additional claim shall be treated as if it were a claim for the purposes of these Rules, except as provided by this Part.

(2) The following rules do not apply to additional claims –

(a) rules 7.5 and 7.6 (time within which a claim form may be served);

(b) rule 16.3(5) (statement of value where claim to be issued in the High Court); and

(c) Part 26 (case management – preliminary stage).

(3) Part 12 (default judgment) applies to a counterclaim but not to other additional claims.

(4) Part 14 (admissions) applies to a counterclaim, but only rules 14.2(1), (4) and (5) and 14.4(1) apply to other additional claims.

(Rule 12.3(2) sets out how to obtain judgment in default of defence for a counterclaim against the claimant, and rule 20.11 makes special provision for default judgment for some additional claims).

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### **Defendant’s counterclaim against the claimant**

**20.4**

(1) A defendant may make a counterclaim against a claimant by filing particulars of the counterclaim.

(2) A defendant may make a counterclaim against a claimant –

(a) without the court’s permission if the defendant files the counterclaim with the defence; or

(b) at any other time with the court’s permission.

(Part 15 makes provision for a defence to a claim and applies to a defence to a counterclaim by virtue of rule 20.3).

(3) Part 10 (acknowledgment of service) does not apply to a claimant who wishes to defend a counterclaim.

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### **Counterclaim against a person other than the claimant**

**20.5**

(1) Subject to rule 20.7, a defendant who wishes to counterclaim against a person other than the claimant must apply to the court for an order that that person be added as an additional party.

(2) An application for an order under paragraph (1) may be made without notice unless the court directs otherwise.

(3) Where the court makes an order under paragraph (1), it will give directions as to the management of the case.

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### **Defendant’s additional claim for contribution or indemnity from another party**

**20.6**

(1) A defendant who has filed an acknowledgment of service or a defence may make an additional claim for contribution or indemnity against a person who is already a party to the proceedings by filing and serving on that party a notice containing a statement of the nature and grounds of the additional claim.

(2) A defendant may file and serve a notice under this rule –

(a) without the court’s permission, if the defendant files and serves it –

(i) with the defence; or

(ii) if their additional claim for contribution or indemnity is against a party added to the claim later, within 28 days after that party files their defence; or

(b) at any other time with the court’s permission.

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### **Procedure for making any other additional claim**

**20.7**

(1) This rule applies to any additional claim except –

(a) a counterclaim only against an existing party; and

(b) a claim for contribution or indemnity made in accordance with rule 20.6.

(2) An additional claim is made when the court issues the appropriate claim form.

(Rule 7.2(2) provides that a claim form is issued on the date entered on the form by the court)

(3) A defendant may make an additional claim –

(a) without the court’s permission if the additional claim is issued before or at the same time as they file their defence;

(b) at any other time with the court’s permission.

(Rule 15.4 sets out the period for filing a defence).

(4) Particulars of an additional claim must be contained in or served with the additional claim.

(5) An application for permission to make an additional claim may be made without notice, unless the court directs otherwise.

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### **Service of claim form**

**20.8**

(1) Where an additional claim may be made without the court’s permission, any claim form must –

(a) in the case of a counterclaim against an additional party only, be served on every other party when a copy of the defence is served;

(b) in the case of any other additional claim, be served on the person against whom it is made within 14 days after the date on which the additional claim is issued by the court.

(2) Paragraph (1) does not apply to a claim for contribution or indemnity made in accordance with rule 20.6.

(3) Where the court gives permission to make an additional claim it will at the same time give directions as to its service.

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### **Matters relevant to question of whether an additional claim should be separate from the claim**

**20.9**

(1) This rule applies where the court is considering whether to –

(a) permit an additional claim to be made;

(b) dismiss an additional claim; or

(c) require an additional claim to be dealt with separately from the claim by the claimant against the defendant.

(Rule 3.1(2)(e) and (j) deal respectively with the court’s power to order that part of proceedings be dealt with as separate proceedings and to decide the order in which issues are to be tried).

(2) The matters which the court may consider include –

(a) the connection between the additional claim and the claim made by the claimant against the defendant;

(b) whether the additional claimant is seeking substantially the same remedy which some other party is claiming from them; and

(c) whether the additional claimant wants the court to decide any question connected with the subject matter of the proceedings –

(i) not only between existing parties but also between existing parties and a person not already a party; or

(ii) against an existing party not only in a capacity in which they are already a party but also in some further capacity.

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### **Effect of service of an additional claim**

**20.10**A person on whom an additional claim is served becomes a party to the proceedings if they are not a party already.

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### **Special provisions relating to default judgment on an additional claim other than a counterclaim or a contribution or indemnity notice**

**20.11**

(1) This rule applies if –

(a) the additional claim is not –

(i) a counterclaim; or

(ii) a claim by a defendant for contribution or indemnity against another defendant under rule 20.6; and

(b) the party against whom an additional claim is made fails to file an acknowledgment of service or defence in respect of the additional claim.

(2) The party against whom the additional claim is made –

(a) is deemed to admit the additional claim, and is bound by any judgment or decision in the proceedings as far as it is relevant to any matter arising in the additional claim;

(b) subject to paragraph (3), if default judgment under Part 12 is given against the additional claimant, the additional claimant may obtain judgment in respect of the additional claim by filing a request in the relevant practice form.

(3) An additional claimant may not enter judgment under paragraph (2)(b) without the court’s permission if –

(a) they have not satisfied the default judgment which has been given against them; or

(b) they wish to obtain judgment for any remedy other than a contribution or indemnity.

(4) An application for the court’s permission under paragraph (3) may be made without notice unless the court directs otherwise.

(5) The court may at any time set aside or vary a judgment entered under paragraph (2)(b).

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### **Procedural steps on service of an additional claim form on a non-party**

**20.12**

(1) Where an additional claim form is served on a person who is not already a party it must be accompanied by –

(a) a form for defending the claim;

(b) a form for admitting the claim;

(c) a form for acknowledging service; and

(d) a copy of –

(i) every statement of case which has already been served in the proceedings; and

(ii) such other documents as the court may direct.

(2) A copy of the additional claim form must be served on every existing party.

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### **Case management where a defence to an additional claim is filed**

**20.13**

(1) Where a defence is filed to an additional claim the court must consider the future conduct of the proceedings and give appropriate directions.

(2) In giving directions under paragraph (1) the court must ensure that, so far as practicable, the original claim and all additional claims are managed together.

(Part 66 contains provisions about counterclaims and other additional claims in relation to proceedings by or against the Crown.)

# PRACTICE DIRECTION 20 – COUNTERCLAIMS AND OTHER ADDITIONAL CLAIMS

### **Cases where court’s permission to make an additional claim is required**

**1.1** Where an application is made for permission to make an additional claim the application notice should be filed together with a copy of the proposed additional claim.

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### **Applications for permission to issue an additional claim**

**2.1** An application for permission to make an additional claim must be supported by evidence stating:

(1) the stage which the proceedings have reached,

(2) the nature of the additional claim to be made or details of the question or issue which needs to be decided,

(3) a summary of the facts on which the additional claim is based,

(4) the name and address of any proposed additional party, and

(5) an explanation for any relevant delay.

**2.2** Where possible the applicant should provide a timetable of the proceedings to date.

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### **Case management where there is a defence to an additional claim**

**3.1** Where the defendant to an additional claim files a defence, other than to a counterclaim, the court will arrange a hearing to consider case management of the additional claim. This will normally be at the same time as a case management hearing for the original claim and any other additional claims.

**3.2** The court will give notice of the hearing to each party likely to be affected by any order made at the hearing.

**3.3** At the hearing the court may:

(1) treat the hearing as a summary judgment hearing,

(2) order that the additional claim be dismissed,

(3) give directions about the way any claim, question or issue set out in or arising from the additional claim should be dealt with,

(4) give directions as to the part, if any, the additional defendant will take at the trial of the claim,

(5) give directions about the extent to which the additional defendant is to be bound by any judgment or decision to be made in the claim.

**3.4** The court may make any of the orders in 3.3(1) to (5) either before or after any judgment in the claim has been entered by the claimant against the defendant.

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### **Form of counterclaim**

**4.1** Where a defendant to a claim serves a counterclaim, the defence and counterclaim should normally form one document with the counterclaim following on from the defence.

**4.2** Where a claimant serves a reply and a defence to counterclaim, the reply and the defence to counterclaim should normally form one document with the defence to counterclaim following on from the reply.

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### **Titles of proceedings where there are additional claims**

**5.1** Where there are additional claims which add parties, the title to the proceedings should comprise a list of all parties describing each by giving them a single identification. As far as possible, this identification should be used throughout.

**5.2** Claimants and defendants in the original claim should always be referred to as such in the title to the proceedings, even if they subsequently acquire an additional procedural status.

**5.3** Additional parties should be referred to in the title to the proceedings in accordance with the order in which they are joined to the proceedings, for example ‘Third Party’ or ‘Fourth Party’, whatever their actual procedural status.

Examples:

(a) If the defendant makes an additional claim against a single additional party, the additional party should be referred to in the title as ‘Third Party’.

(b) If the defendant makes separate additional claims against two additional parties, the additional parties should be referred to in the title as ‘Third Party’ and ‘Fourth Party’.

(c) If the defendant makes a counterclaim against the claimant and an additional party, the claimant should remain as ‘Claimant’ and the additional party should be referred to in the title as ‘Third Party’.

(d) If the Third Party in example (b) makes an additional claim against a further additional party, that additional party should be referred to in the title as ‘Fifth Party’.

**5.4** If an additional claim is brought against more than one party jointly, they should be referred to in the title to the proceedings as, for example, ‘First Named Third Party’ and ‘Second Named Third Party’.

**5.5** In group litigation, the court should give directions about the designation of parties.

**5.6** All parties should co-operate to ensure that two parties each making additional claims do not attribute the same nominal status to more than one party.

**5.7** In proceedings with numerous parties, the court will if necessary give directions as to the preparation and updating of a list of parties giving their roles in the claim and each additional claim.

**5.8** If an additional party ceases to be a party to the proceedings, for example because the claim against that party is discontinued or dismissed, all other additional parties should retain their existing nominal status.

**5.9** In proceedings where there are additional parties, the description of all statements of case or other similar documents should clearly identify the nature of the document with reference to each relevant party.

Examples:

(e) In example (a), the defendant’s additional claim should be headed ‘Defendant’s Additional Claim against Third Party’ and the Third Party’s defence to it should be headed ‘Third Party’s Defence to Defendant’s Additional Claim’.

(f) In example (c), the defendant’s counterclaim should be headed ‘Defendant’s Counterclaim against Claimant and Third Party’ and the Third Party’s defence to it should be headed ‘Third Party’s defence to Defendant’s Counterclaim’.

**5.10** In proceedings where there are Fourth or subsequent parties, additional parties should be referred to in the text of statements of case or other similar documents by name, suitably abbreviated if appropriate. If parties have similar names, suitable distinguishing abbreviations should be used.

# PRACTICE DIRECTION 32 – EVIDENCE

**27.5** Unless the court orders otherwise, the trial bundle should include a copy of—

(a) the claim form and all statements of case;

(b) a case summary and/or chronology where appropriate;

(c) requests for further information and responses to the requests;

(d) all witness statements to be relied on as evidence;

(e) any witness summaries;

(f) any notices of intention to rely on hearsay evidence under rule 32.2;

(g) any notices of intention to rely on evidence (such as a plan, photograph etc.) under rule 33.6 which is not—

(i) contained in a witness statement, affidavit or experts’ report;

(ii) being given orally at trial; and

(iii) hearsay evidence under rule 33.2;

(h) any medical reports and responses to them;

(i) any experts’ reports and responses to them;

(j) any order giving directions as to the conduct of the trial; and

(k) any other necessary documents.