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## FOIL UPDATE 14<sup>th</sup> March 2023



### Amendments to CPR Confirmed

The Ministry of Justice has confirmed two important sets of amendments to the Civil Procedure Rules.

First, following the MoJ consultation on changes to the Qualified One-way Costs Shifting (QOCS) regime in personal injury cases, the government concluded that the existing QOCS rules in Part 44 did not operate in a manner consistent with the original policy intention, nor fairly, resulting in an imbalance between claimants and defendants. To address the problems around QOCS and Part 36 in resolving disputes CPR Part 44.14(1), has been amended so that after the words 'agreements to pay' the phrase 'or settle a claim for' has been included. The rule will come into effect on 6<sup>th</sup> April but will apply only to claims where proceedings are issued on or after that date.

The second set of amendments relate to Personal Injury Claims Below the Small Claims Limit in Road Traffic Accidents and are already in effect.

In PD27B relating to claims under the Pre-Action Protocol for Personal Injury Claims below the small claims limit in road traffic accidents, In Appendix C to the Practice Direction, in Table B (1) and Table C, the second column of both tables now omits the entry "DO NOT include details of any offers made by the compensator or the claimant that have not been accepted" There are consequential changes to the Court Valuation Form.

There is also a revision to PD51ZB which now read:

*: 'After paragraph 6.2(1), insert – "(2) If the parties have agreed an extension of time of less than 28 days but then wish to increase the extension up to 28 days in total, the defendant must file an application at the CCMCC. (3) On receipt of an application under subparagraph (1), the court is to send the claim out of the DCP.".'*

[There are similar provisions in relation to PD51R, relating to the Online Civil Money Claims Pilot].

This is a substantive change for defendants and a marked difference from the offline rules which enable the parties to agree to multiple extensions of up to 28 days without the need for an application to the court (CPR 15.5). FOIL has raised with the Digital Claims Team why there was no consultation on this change and why the new provision is seemingly being driven by technical limitations rather than existing rules and practices around extensions of time.

The full details of these amendments may be found by visiting the CPR website: [Civil - Civil Procedure Rules \(justice.gov.uk\)](#).

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