

**BAR  
STANDARDS  
BOARD**

REGULATING BARRISTERS

**Civil litigation and evidence:  
BPTC syllabus and curriculum  
2020-2021**

**Syllabus Text**

'Civil Procedure' (the White Book) 2020



*NB Click on the section title in the contents below to be taken to that section.*

<b>Contents</b>	<b>Page</b>
Introduction.....	4
1 General Matters .....	5
2 Limitation .....	6
3 Pre-action Conduct .....	7
4 Commencing Proceedings .....	8
5 Parties.....	9
6 Statements of Case .....	10
7 Multiple Causes of Action, Counterclaims and Other Additional Claims.....	11
8 Amendment.....	12
9 Further Information.....	13
10 Default Judgment and Summary Judgment.....	14
11 Case Management, Sanctions and Striking Out.....	15
12 Disclosure and Inspection of Documents .....	16
13 Interim Applications .....	17
14 Interim Payments and Security for Costs.....	18
15 Interim Injunctions .....	19
16 Offers to Settle.....	20
17 Evidence of Fact.....	21
18 Expert Evidence .....	22
19 Civil Trial and Evidence .....	23
20 Judgments, Orders and Enforcement .....	24
21 Costs .....	25
22 Appeals .....	26

## Introduction

The syllabus and curriculum for the centrally set assessment in Civil Litigation on the BPTC is based on the principle that the Civil Litigation course should prepare students for pupillage and the early years of practice at the Civil Bar, and that the syllabus and curriculum should focus upon the fundamental principles, key rules and core elements of civil litigation.

**Marc Howe, School of Law, Oxford Brookes University**

**Philip Turton, Ropewalk Chambers**

**17 June 2020**

## **1 General Matters**

- the allocation of business between the High Court and County Courts
- the overriding objective
- the duty of the court to manage cases

Examinable material will consist of where to start proceedings, the overriding objective, application by the court of the overriding objective, the duty of the parties to help the court further the overriding objective and the court's duty to manage cases.

The following provisions of the Civil Procedure Rules will be assessed at a level limited to the wording of the relevant Civil Procedure Rules and/or Practice Directions: CPR 1.1-1.4, CPR 7.1 and PD7A paragraphs 1 and 2.1-2.5.

## 2 Limitation

- accrual of causes of action
- limitation periods in cases of tort, latent damage, personal injury, fatal accident, contract, and contribution claims

Examinable material will consist of limitation periods for actions in tort, contract, contribution claims, personal injury cases, fatal accident cases, and latent damage cases; extensions of limitation period in case of disability; postponement of limitation periods in cases of fraud, concealment or mistake; and discretionary exclusion of time limits for actions in respect of personal injuries or death.

The following statutory provisions will be assessed at a level limited to the wording of the relevant provisions: Limitation Act 1980 sections 2, 5, 10, 11, 12, 14, 14A, 14B, 24, 28, 32, 33 and 38(2), at section 8 of Volume 2 of 'Civil Procedure' (the White Book) 2020

### *Note*

Students should be familiar with the commentary at paragraph 8-38 and the first two paragraphs of the commentary at paragraph 8-43 of Volume 2 of 'Civil Procedure' (the White Book) 2020.

### 3 Pre-action Conduct

- the Practice Direction (Pre-Action Conduct and Protocols)
- consequences of non-compliance

Examinable material will consist of the Practice Direction (Pre-Action Conduct and Protocols), the approach of the courts, principles governing conduct of parties in cases not subject to a pre-action protocol, and guidance on pre-action procedure where no pre-action protocol applies.

The following provisions of the Civil Procedure Rules will be assessed at a level limited to the wording of the relevant Practice Direction: Practice Direction (Pre-Action Conduct and Protocols) paragraphs 1-17.

## 4 Commencing Proceedings

- the Part 7 procedure
- validity, extension and service of claim forms
- service of other court documents within the jurisdiction
- the Part 8 procedure

Examinable material will consist of: where to start proceedings, how to start proceedings, the claim form, title of proceedings, start of proceedings, the right to use one claim form to start two or more claims, particulars of claim, statements of truth, extensions of time for service of a claim form, service of the claim form and other court documents within the jurisdiction, and the alternative procedure for claims under Part 8 CPR.

The following provisions of the Civil Procedure Rules will be assessed at a level covering the Civil Procedure Rules, relevant Practice Direction provisions and the leading case law authorities: CPR 7.6 (extension of time for serving a claim form). Relevant case law authorities are considered in the first two paragraphs of 7.6.2, and the first two paragraphs of 7.6.3 of Volume 1 of 'Civil Procedure' (the White Book) 2020.

The following provisions of the Civil Procedure Rules will be assessed at a level limited to the wording of the relevant Civil Procedure Rules and/or Practice Directions: CPR 6.1-6-9, 6.11, 6.14, 6.15, 6.20-6.22 and 6.25-6.27; CPR 7.2-7.5; CPR 8.1-8.2, 8.3-8.4, 8.5-8.6 and 8.8-8.9; PD6A paragraphs 1-4, 6, 8 and 10; PD7A paragraphs 1, 2.1-2.5, 4.1-4.2, 5.1-5.5, 6.1-6.2, 7.1-7.3 and 8.1- 8.2; and PD8A paragraphs 3 and 7.

The following statutory instrument will be assessed at a level limited to the wording of the relevant provisions: paragraphs 4, 4A, 5, 8 and 9 of the High Court and County Courts Jurisdiction Order 1991 (SI 1991/724), at section 9B of Volume 2 of 'Civil Procedure' (the White Book) 2020



## 5 Parties

- partnerships, sole traders, LLPs and companies, trusts and deceased persons
- children and persons suffering from mental incapacity

Examinable material will consist of bringing claims against partnerships, sole traders, LLPs and companies, trusts and deceased persons; and bringing and settling proceedings involving children and protected parties.

The following provisions of the Civil Procedure Rules will be assessed at a level limited to the wording of the relevant Civil Procedure Rules and/or Practice Directions: CPR 7.2A; CPR 19.7A and 19.8; CPR 21.1-21.4 and 21.10-21.11; CPR 39.6; PD7A paragraphs 5A and 5C; and PD 21 paragraphs 5-6.

## 6 Statements of Case

- claim forms and particulars of claim
- acknowledgement of service, defences, replies, counterclaims
- the effect of not responding to an allegation in a statement of case

Examinable material will consist of: contents of claim form, statements of value, contents of particulars of claim, contents of defence, defence of set-off, reply to defence, court's power to dispense with statements of case, particulars of claim in personal injury claims, matters to be included in particulars of claim, and matters which must be specifically set out in particulars of claim and the defence; acknowledgement of service, consequence of not filing acknowledgement of service, and period for filing acknowledgement of service; filing a defence, consequence of not filing a defence, period for filing defence, agreement extending of period for filing a defence, service of copy of defence, making a counterclaim, reply to defence, court permission for subsequent statements of case, claimant's notice where defence is that money claimed has been paid, and stay of claim if not defended or admitted.

The following provisions of the Civil Procedure Rules will be assessed at a level limited to the wording of the relevant Civil Procedure Rules and/or Practice Directions: CPR 10.1-10.3; CPR 16.1-16.8; CPR 15.1-15.11; PD15 paragraphs 1-3; and PD 16 paragraphs 1-3, 4.1-4.3, 4.4 and 7-15.

The following statutory provisions may also be assessed: section 35A Senior Courts Act and section 69 County Courts Act, at paragraphs 9A-122 and 9A-554 of Volume 2 of 'Civil Procedure' (the White Book) 2020

## **7 Multiple Causes of Action, Counterclaims and Other Additional Claims**

- multiple causes of action and multiple parties
- counterclaims against the claimant or an additional party
- contribution notices and claims against third parties and fourth parties

Examinable material will consist of: multiple causes of action and multiple parties, changes of parties, provisions where two or more persons are jointly entitled to a remedy, adding and substituting parties, adding or substituting parties after the end of a relevant limitation period, removal of parties, transfer of interest or liability, counterclaims against the claimant or an additional party, and claims for contribution or indemnity from another party.

The following provisions of the Civil Procedure Rules will be assessed at a level covering the Civil Procedure Rules, relevant Practice Direction provisions and the leading case law authorities: CPR 19.5 (adding or substituting parties after the end of a relevant limitation period). Relevant case law authorities are considered in paragraphs 19.5.1, 19.5.2, 19.5.4 and 19.5.5 of Volume 1 of 'Civil Procedure' (the White Book) 2020.

The following provisions of the Civil Procedure Rules will be assessed at a level limited to the wording of the relevant Civil Procedure Rules and/or Practice Directions: CPR 19.1-19.4; CPR 20.1-10; PD 19A paragraphs 1- 5; and PD 20 paragraphs 1-7.

The following statutory provision will be assessed at a level limited to the wording of the relevant provision: Limitation Act 1980 section 35, at paragraph 8-102 of Volume 2 of 'Civil Procedure' (the White Book) 2020.

## 8 Amendment

- permission or consent to amend
- costs consequences of amendment

Examinable material will consist of amendments to statements of case, the power of the court to disallow amendments made without permission, amendments to statements of case with permission of the court and amendments to statements of case after the end of a relevant limitation period.

The following provisions of the Civil Procedure Rules will be assessed at a level covering the Civil Procedure Rules, relevant Practice Direction provisions and the leading case law authorities: CPR 17.3 (amendments to statements of case with permission of the court) and CPR 17.4 (amendments to statements of case after the end of a relevant limitation period). Relevant case law authorities are considered in paragraphs 17.3.5-17.3.9 and 17.4.2 of Volume 1 of 'Civil Procedure' (the White Book) 2020.

The following provisions of the Civil Procedure Rules will be assessed at a level limited to the wording of the relevant Civil Procedure Rules and/or Practice Directions: CPR 17.1-17.2; and PD17 paragraphs 1-2.

The following statutory provision will be assessed at a level limited to the wording of the relevant provision: Limitation Act 1980 section 35, at paragraph 8-102 of Volume 2 of 'Civil Procedure' (the White Book) 2020.

### *Note*

Students should be familiar with the words immediately underneath the heading of PD17, which read as follows: “A party applying for an amendment will usually be responsible for the costs of and arising from the amendment”.

## 9 Further Information

- requests for further information
- responding to a request for further information

Examinable material will consist of obtaining further information, requests for further information, responding to requests for further information and restriction on the use of further information.

The following provision of the Civil Procedure Rules will be assessed at a level covering the Civil Procedure Rules, relevant Practice Direction provisions and the leading case law authorities: CPR 18.1. Relevant case law authorities are considered in paragraph 18.1.10 of Volume 1 of 'Civil Procedure' (the White Book) 2020.

The following provisions of the Civil Procedure Rules will be assessed at a level limited to the wording of the relevant Civil Procedure Rules and/or Practice Directions: CPR 18.2; PD 18 paragraphs 1-5.

## 10 Default Judgment and Summary Judgment

- default judgments
- applications to set aside
- summary judgments

Examinable material will consist of: claims in which default judgment may be obtained, conditions to be satisfied for default judgment, procedures for obtaining default judgment, nature of judgment obtained, default judgment in claims against more than one defendant, evidence on requests and applications for default judgment, setting aside or varying default judgment, grounds for summary judgment, proceedings in which summary judgment is available, procedure for obtaining summary judgment, evidence at a summary judgment hearing, the court's powers on a summary judgment application and setting aside orders for summary judgment.

The following provisions of the Civil Procedure Rules will be assessed at a level covering the Civil Procedure Rules, relevant Practice Direction provisions and the leading case law authorities: CPR 13.3 (cases where the court may set aside or vary judgment entered under Part 12) and CPR 24.2 (grounds for summary judgment) and 24.6 (court's powers when it determines a summary judgment application). Relevant case law authorities are considered in paragraphs 13.3.1-13.3.5, paragraphs 24.2.3-24.2.7 and paragraph 24.6.6 of Volume 1 of 'Civil Procedure' (the White Book) 2020.

The following provisions of the Civil Procedure Rules will be assessed at a level limited to the wording of the relevant Civil Procedure Rules and/or Practice Directions: CPR 12.1-12.6, 12.8 and 12.10; CPR 13.1-13.2 and 13.4; CPR 24.1 and 24.3-24.5; PD 12 paragraphs 1-5; and PD 24 paragraphs 1-6 and 8-10.

## 11 Case Management, Sanctions and Striking Out

- the small claims track, fast track and multi-track
- allocation
- case management conferences
- costs management
- directions
- relief from sanctions
- striking out a claim
- discontinuance

Examinable material will consist of the court's case management powers, court's power to make orders of its own initiative, power to strike out statements of case, sanctions, relief from sanctions, power of court to rectify where there have been errors of procedure, costs management, costs budgets, filing and exchanging budgets, costs management orders, costs management conferences, court regard to budgets in making case management decisions, case management, directions questionnaires, stays to allow for settlement, referrals to mediation, scope of the small claims track, fast track and multi-track, allocation, directions in fast track cases and case management in multi-track cases.

The following provisions of the Civil Procedure Rules will be assessed at a level covering the Civil Procedure Rules, relevant Practice Direction provisions and the leading case law authorities: CPR 3.4 (power to strike out a statement of case) and 3.9 (relief from sanctions). Relevant case law authorities are considered in paragraphs 3.4.1, 3.4.2 and 3.4.3; the first three paragraphs of 3.4.3.2; the first paragraph of 3.4.3.3; and paragraphs 3.4.5, 3.9.1 and 3.9.2-3.9.8 of Volume 1 of 'Civil Procedure' (the White Book) 2020.

The following provisions of the Civil Procedure Rules will be assessed at a level limited to the wording of the relevant Civil Procedure Rules and/or Practice Directions: CPR 2.8 and 2.11; CPR 3.1, 3.1A, 3.3, 3.5, 3.8, 3.10 and 3.12-3.18; CPR 26.1 and 26.3-26.10; CPR 28.3-28.4; CPR 29.1-29.9; CPR 38.1-7; PD 3E paragraphs 1-7; PD 26 paragraphs 7, 9 and 11; and PD 29 paragraphs 3-10.

### *Note*

The following is the specific leading case authority with which students should be familiar (and should be able to refer to by name): *Denton*.

## 12 Disclosure and Inspection of Documents

- disclosure and inspection of documents
- specific disclosure
- collateral use of disclosed documents
- pre-action disclosure
- disclosure against non-parties
- legal professional privilege and without prejudice communications in civil cases

Examinable material will consist of: disclosure and inspection, right of inspection of disclosed documents, the meaning of document, standard disclosure, duty of search, disclosure of documents in party's control, disclosure of copies, procedure for standard disclosure, disclosure lists, disclosure statements, withholding disclosure or inspection, specific disclosure or inspection, documents referred to in statements of case etc, inspection and copying of documents, pre-action disclosure, disclosure against non-parties, and other powers of the court to order disclosure.

The following provisions of the Civil Procedure Rules will be assessed at a level covering the Civil Procedure Rules, relevant Practice Direction provisions and the leading case law authorities: CPR 31.3 (right of inspection of a disclosed document); 31.6 (standard disclosure); 31.12 (specific disclosure or inspection); 31.16 (disclosure before proceedings start); 31.17 (disclosure against non-parties); and 31.18 (other powers of the court to order disclosure). Relevant case law authorities are considered in paragraphs 31.3.4, 31.3.5-31.3.6, 31.3.8, 31.3.9, 31.3.11, 31.3.24 and 31.3.39; 31.6.2-31.6.4 and 31.6.8; 31.12.1.1 and 31.12.2; 31.16.3-31.16.5; 31.17.1, 31.17.2.1, 31.17.3 and 31.17.4; and 31.18.2 and 31.18.3-31.18.7 of Volume 1 of 'Civil Procedure' (the White Book) 2020.

The following provisions of the Civil Procedure Rules will be assessed at a level limited to the wording of the relevant Civil Procedure Rules and/or Practice Directions: CPR 31.1-31.2, 31.4-31.5, 31.7-31.11, 31.14-15 and 31.19-31.23; PD 31A paragraphs 1-2, 2A and 3-8.

The following statutory provisions will be assessed at a level limited to the wording of the relevant provisions: Senior Courts Act 1981 section 34, and County Courts Act 1984 section 53, at paragraphs 9A-115 and 9A-506 of Volume 2 of 'Civil Procedure' (the White Book) 2020.

### *Note*

The following is the specific leading case authority with which students should be familiar (and should be able to refer to by name): *Norwich Pharmacal*.



## 13 Interim Applications

- with notice and without notice applications
- documentation required in interim applications
- periods of notice in interim applications
- the duty of full and frank disclosure in without notice applications

Examinable material will consist of how to apply for an interim remedy, applicant's disclosure duties in applications made without notice or on short notice, consequences of material non-disclosure, where to make an application, content of application notice, filing and serving application notice, applications made without notice, applications dealt with without a hearing, setting aside or varying orders made without notice, proceeding in absence of a party, dismissal of applications totally without merit, pre-action applications, evidence in interim applications, and supply by the applicant of a draft order.

The following provision of the Civil Procedure Rules will be assessed at a level covering the Civil Procedure Rules, relevant Practice Direction provisions and the leading case law authorities: CPR 25.3 (how to apply for an interim remedy). Relevant case law authorities are considered in paragraphs 25.3.2-25.3.8 of Volume 1 of 'Civil Procedure' (the White Book) 2020.

The following provisions of the Civil Procedure Rules will be assessed at a level limited to the wording of the relevant Civil Procedure Rules and/or Practice Directions: CPR 23.1-12; CPR 25.1 and 25.2; PD 23A paragraphs 2-5, 9, 12.1, 13; and PD 25A paragraphs 4 and 5.

## 14 Interim Payments and Security for Costs

- interim payments
- security for costs

Examinable material will consist of the procedure for applying for interim payments, conditions to be satisfied and matters to be taken into account, evidence on interim payment applications, powers of the court where it has made an order for interim payment, restrictions on disclosure of interim payments, applying for security for cost, and the conditions to be satisfied on an application for security for costs.

The following provisions of the Civil Procedure Rules will be assessed at a level covering the Civil Procedure Rules, relevant Practice Direction provisions and the leading case law authorities: 25.13. Relevant case law authorities are considered in paragraphs 25.13.1, 25.13.12-25.13.14, and 25.13.18 of Volume 1 of 'Civil Procedure' (the White Book) 2020.

The following provisions of the Civil Procedure Rules will be assessed at a level limited to the wording of the relevant Civil Procedure Rules and/or Practice Directions: CPR 25.6-9; CPR 25.12; PD 25B paragraph 2.

## 15 Interim Injunctions

- interim injunctions
- American Cyanamid principles
- exceptions and variations to American Cyanamid
- usual undertakings and cross-undertakings

Examinable material will consist of applying for interim injunctions; principles and guidelines to be applied (*American Cyanamid* case); guidelines - adequacy of damages as a remedy and the balance of convenience; particular guidelines; interlocutory ruling in effect disposing of action finally; cases excepted from guidelines; mandatory injunctions; and cross-undertaking as to damages. The following provisions of the Civil Procedure Rules will be assessed at a level covering the Civil Procedure Rules, relevant Practice Direction provisions and the leading case law authorities: CPR 25.1 (orders for interim remedies) and 25.3 (how to apply for an interim remedy). Relevant case law authorities are considered in paragraphs 25.1.9-25.1.11, 25.1.14.1, 25.1.14.2 and 25.1.15 of Volume 1 of 'Civil Procedure' (the White Book) 2020. Relevant material on interim injunctions is also contained in paragraphs 15-7 to 15-18, 15-20 to 15-22, 15-24 to 15-27, and 15-29 to 15-30 of Volume 2 of 'Civil Procedure' (the White Book) 2020.

The following provisions of the Civil Procedure Rules will be assessed at a level limited to the wording of the relevant Civil Procedure Rules and/or Practice Directions: CPR 25.2.

### *Note*

The following is the specific leading case authority with which students should be familiar (and should be able to refer to by name): *American Cyanamid*.

## 16 Offers to Settle

- Calderbank offers and offers to settle under Part 36
- consequences of accepting Part 36 offers
- withdrawing, reducing and increasing offers to settle
- consequences of failing to obtain judgment more advantageous than offer to settle

Examinable material will consist of Calderbank offers and offers to settle under Part 36, form and content of Part 36 offers, time when a Part 36 offer is made, clarification of a Part 36 offer, withdrawing or changing the terms of a Part 36 offer, acceptance of a Part 36 offer, costs consequences and effects of accepting a Part 36 offer, restrictions on disclosure of a Part 36 offer and costs consequences following judgment.

The following provisions of the Civil Procedure Rules will be assessed at a level covering the Civil Procedure Rules, relevant Practice Direction provisions and the leading case law authorities: CPR 36.2 (Part 36 Offers to Settle), 36.13 (costs consequences of acceptance of a Part 36 offer) and 36.17 (costs consequences following judgment). Relevant case law authorities are considered in paragraphs 36.2.1, 36.2.4, 36.13.1-3, 36.17.1-4, 36.17.5 and 36.17.6 of Volume 1 of 'Civil Procedure' (the White Book) 2020.

The following provisions of the Civil Procedure Rules will be assessed at a level limited to the wording of the relevant Civil Procedure Rules and/or Practice Directions: CPR 36.1, 36.3-11 and 36.14-16.

### *Note*

The following is the specific leading case authority with which students should be familiar (and should be able to refer to by name): *Calderbank*.

## 17 Evidence of Fact

- evidence of fact in civil proceedings
- witness statements and witness summonses
- notices to admit facts and notices to prove documents

Examinable material will consist of the power of the court to control evidence, evidence of witnesses, service and use of witness statements at trial and other hearings, witness summaries, use of witness statements for other purposes, false statements in witness statements, notices to admit facts, notices to prove documents, issuing and serving witness summonses, and evidence by deposition.

The following provisions of the Civil Procedure Rules will be assessed at a level covering the Civil Procedure Rules, relevant Practice Direction provisions and the leading case law authorities: CPR 32.5 (use at trial of witness statements). Relevant case law authorities are considered in paragraphs 32.5.1-32.5.3.1 of Volume 1 of 'Civil Procedure' (the White Book) 2020.

The following provisions of the Civil Procedure Rules will be assessed at a level limited to the wording of the relevant Civil Procedure Rules and/or Practice Directions: CPR 32.1-4, 32.6-16, 32.18-19, 34.1-12.

## 18 Expert Evidence

- the general exclusionary rule in relation to evidence of opinion
- the main exceptions to the rule
- expert opinion evidence in civil proceedings

Examinable material will consist of the general exclusionary rule in relation to evidence of opinion and main exceptions to the rule, the use of expert opinion evidence in civil proceedings, expert evidence at trial, the court's duty and power to restrict expert evidence, duties and responsibilities of experts, expert reports, written questions to experts, single joint experts, discussions between experts, consequences of failing to disclose an expert's report, and obtaining further expert evidence.

The following provisions of the Civil Procedure Rules will be assessed at a level covering the Civil Procedure Rules, relevant Practice Direction provisions and the leading case law authorities: CPR 35.1 (court's duty to restrict expert evidence), 35.3 (expert's overriding duty to the court), 35.7 (single joint experts) and 35.11 (use by one party of expert's report disclosed by another). Relevant case law authorities are considered in paragraphs 35.0.1 (first three paragraphs), 35.0.2, 35.0.3, 35.0.4, 35.1.1, 35.1.2 (first, second and eleventh paragraphs), 35.3.3, 35.4.2 (first, second, third, fourth, fifth and sixth paragraphs), 35.7.4 and 35.11.1 of Volume 1 of 'Civil Procedure' (the White Book) 2020.

The following provisions of the Civil Procedure Rules will be assessed at a level limited to the wording of the relevant Civil Procedure Rules and/or Practice Directions: CPR 35.2, 35.4-6, 35.10 and 35.12-14; PD35 paragraphs 1-9.

The following statutory provision may also be assessed: section 3 of the Civil Evidence Act 1972, at paragraph 9B-1060 of Volume 2 of 'Civil Procedure' (the White Book) 2020.

## 19 Civil Trial and Evidence

- burden and standard of proof
- the trial of civil cases
- hearsay evidence in civil proceedings
- convictions as evidence in civil proceedings

Examinable material will consist of the power of the court to control evidence, evidence of witnesses, evidence by video link, use of witness statements at trial, the use of hearsay evidence at trial, the use of plans, models and photographs as evidence, convictions as evidence in civil proceedings, and the trial of civil cases, including trial timetables, order of speeches, calling and examining witnesses, judgment, submissions on orders for costs and permission to appeal.

The following provisions of the Civil Procedure Rules will be assessed at a level covering the Civil Procedure Rules, relevant Practice Direction provisions and the leading case law authorities: CPR 32.5 (use at trial of witness statements which have been served). Relevant case law authorities are considered in paragraphs 32.5.1-32.5.3.1 of Volume 1 of 'Civil Procedure' (the White Book) 2020.

The following provisions of the Civil Procedure Rules will be assessed at a level limited to the wording of the relevant Civil Procedure Rules and/or Practice Directions: CPR 32.1-3, 33.1-33.6; PD 28 paragraph 8; and PD 29 paragraph 10.

The following statutory provisions may also be assessed: section 11 Civil Evidence Act 1968, and sections 1-4 Civil Evidence Act 1995, at paragraph 9B-1032 and paragraphs 9B-1071 to 9B-1074 of Volume 2 of 'Civil Procedure' (the White Book) 2020.

### *Note*

Students should be familiar with the discussion of the burden and standard of proof in civil cases in chapter 2 of the Bar Manual: Evidence.

## 20 Judgments, Orders and Enforcement

- judgment and orders, including Tomlin orders
- enforcing money judgments

Examinable material will consist of drawing up and filing judgments and orders, service of judgments and orders, when judgments and orders take effect, consent judgments and orders, Tomlin orders, applying to set aside or vary judgments and orders, time for complying with judgments and orders, correction of errors in judgments and orders, judgments on both claim and counterclaim, methods of enforcing judgments and orders, and transfer of proceedings for enforcement.

The following provisions of the Civil Procedure Rules will be assessed at a level covering the Civil Procedure Rules, relevant Practice Direction provisions and the leading case law authorities: CPR 40.6 (consent judgments and orders) and 70.3 (transfer of proceedings for enforcement). Relevant case law authorities are considered in paragraphs 40.6.2 and 70.3.2 of Volume 1 of 'Civil Procedure' (the White Book) 2020.

The following provisions of the Civil Procedure Rules will be assessed at a level limited to the wording of the relevant Civil Procedure Rules and/or Practice Directions: CPR 40.3-4, 40.7-9, and 40.11-13; CPR 70.1-2A, 70.4 and 70.6; CPR 71.1-2, 71.6 and 71.8; CPR 72.1-3; CPR 73.3; CPR 83.2; CPR 84.3; CPR 89.3-4; PD 40B paragraphs 4 and 8; PD 70 paragraphs 1A.1 and 1.1; PD 71 paragraphs 1, 2, 4 and 5; PD 72 paragraph 1; and PD 73 paragraph 1.

### *Note*

Students should be familiar with the editorial introductions to CPR Parts 71-73, 83-84 and 89 at paragraphs 71.0.1, 72.0.1, 72.2.15, 73.0.1, 73.0.4 (1) and (2), 83.0.2-3, the second paragraph of 83.0.17, 84.0.2-3 and 89.0.1 of Volume 1 of 'Civil Procedure' (the White Book) 2020.

The following statutory provisions may also be assessed: section 6(1)-(5) of the Attachment of Earnings Act 1971 at paragraph 9B-965 of Volume 2 of 'Civil Procedure' (the White Book) 2020



## 21 Costs

- summary and detailed assessment of costs
- standard and indemnity costs
- interim costs orders
- costs orders in civil cases

Examinable material will consist of court discretion as to costs, interim costs orders, standard or indemnity basis of assessment, factors taken into account in deciding amount of costs, procedure for assessing costs, summary assessment of costs, detailed assessment of costs, time for complying with order for costs, court powers in relation to misconduct, and qualified one-way costs shifting.

The following provisions of the Civil Procedure Rules will be assessed at a level covering the Civil Procedure Rules, relevant Practice Direction provisions and the leading case law authorities: CPR 44.2 (court's discretion as to costs). Relevant case law authorities are considered in paragraphs 44.2.3 (first, sixth and seventh paragraphs), 44.2.4, 44.2.5, 44.2.6 (first paragraph), 44.2.7 (first paragraph), 44.2.8 (first paragraph), 44.2.10 (first two paragraphs), 44.2.12 (first two paragraphs), 44.2.13 (first three paragraphs), 44.2.14 (first two paragraphs), 44.2.17 (first two paragraphs), 44.2.18 (first three paragraphs), 44.2.19 (first and fourth paragraphs), 44.2.20, 44.2.24, 44.2.25 (first and third paragraphs), and 44.2.28 (first, second, third, fourth, fifth and sixth paragraphs) of Volume 1 of 'Civil Procedure' (the White Book) 2020.

The following provisions of the Civil Procedure Rules will be assessed at a level limited to the wording of the relevant Civil Procedure Rules and/or Practice Directions: CPR 44.1, 44.3-4, 44.6-7, 44.11, and 44.13-16; CPR 47.1-2; PD 44 paragraphs 3-6, 8, 9.1-9.2, 9.5(1), (2) and (4), and 9.6.

### Notes

The following are the specific leading case authorities with which students should be familiar (and should be able to refer to by name): *Sanderson*, *Bullock*.

Students will not be assessed on the rules about costs before April 1, 2013.

## 22 Appeals

- civil appeals in England and Wales (excluding appeals to the Supreme Court)

Examinable material will consist of permission to appeal, routes of appeal, time for appealing, appellant's notice, grounds on which appeals may succeed, appeal court powers, hearing of appeals, fresh evidence in appeals, respondent's notice, and skeleton arguments.

The following provisions of the Civil Procedure Rules will be assessed at a level covering the Civil Procedure Rules, relevant Practice Direction provisions and the leading case law authorities: CPR 52.21 (hearing of appeals). Relevant case law authorities are considered in paragraphs 52.21.1 and 52.21.3 of Volume 1 of 'Civil Procedure' (the White Book) 2020.

The following provisions of the Civil Procedure Rules will be assessed at a level limited to the wording of the relevant Civil Procedure Rules and/or Practice Directions: CPR 52.1, 52.3-7, 52.12-16 and 52.20; PD52A Section 3 (destinations of appeal), Section 4 (obtaining permission to appeal and allocation of appeals) and Section 5 (skeleton arguments).