

**BAR
STANDARDS
BOARD**

REGULATING BARRISTERS

**Civil litigation and evidence:
Bar Training syllabus and curriculum
2020-2021**

Syllabus Texts

'Civil Procedure' (the White Book) 2020
The Jackson ADR Handbook (Second Edition, 2016)

Introduction

The syllabus and curriculum for the centrally set assessments in Civil Litigation 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 and civil dispute resolution.

The extended Civil Litigation syllabus for 2020-2021 incorporates elements of the former Resolution of Disputes Out of Court (ReDOC) syllabus, and retains the structure of the former Civil Litigation syllabus, with the addition of two new sections on adjudicative and non-adjudicative methods of Alternative Dispute Resolution (ADR) to be found at Sections 4 and 5 of the syllabus.

The extended Civil Litigation syllabus for 2020-2021 is to be assessed in two papers. Paper 1 is to be a closed book assessment, covering all topic areas of the extended syllabus. Paper 2 is to be an open book assessment, again covering all topic areas of the extended syllabus, into which candidates will be able to take Volumes 1 and 2 of 'Civil Procedure' (the White Book). The extended syllabus makes clear what material may be examinable in both Papers 1 and 2 and is derived from Volumes 1 and 2 of 'Civil Procedure' (the White Book) 2020, and The Jackson ADR Handbook (Second Edition, 2016) Oxford University Press.

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Required Content for the Centrally Set Assessments in Civil Litigation 2020-2021

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
- general principles of Alternative Dispute Resolution (ADR)
- timing the use of ADR

Examinable Material

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, general principles of ADR, roles and responsibilities of lawyers and parties in ADR, timing the use of ADR in relation to the progress of a case, the approach of the courts to ADR, and sanctions for refusing to engage in ADR.

The following material will be assessed

- Civil Procedure Rules and/or Practice Directions: CPR 1.1-1.4, CPR 7.1 and PD7A paragraphs 1 and 2.1-2.5.
- Commentary on the overriding objective at paragraphs 1.4.4, 1.4.9 and 1.4.11 of Volume 1 of 'Civil Procedure' (the White Book) 2020.
- Paragraphs 1.20; 2.30-2.61; 3.04-3.11, 3.14-3.16, 3.24-3.34; 4.02-4.03, 4.07-4.08; 9.05, 9.06-9.07, 9.11-9.12, 9.20, 9.22-9.25, 11.07-11.23, 11.34-11.37, 11.59-11.61, and 11.62-11.63 of The Jackson ADR Handbook (Second Edition, 2016).
- The following specific leading case authority (which students should be able to refer to by name): *Halsey*

Explanatory material which will NOT be assessed

To complement understanding of the examinable material set out above, students may find it helpful to be familiar with paragraphs 1.01-1.08; 2.02-2.24; 2.27; and 11.01-11.03 of The Jackson ADR Handbook (Second Edition, 2016)

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

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 material will be assessed:

- 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.
- The commentary at paragraph 8-38 of Volume 2 of 'Civil Procedure' (the White Book) 2020.
- 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
- ADR prior to the issue of proceedings

Examinable Material

Examinable material will consist of 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, guidance on pre-action procedure where no pre-action protocol applies, and ADR prior to the issue of proceedings;

The following material will be assessed:

- Civil Procedure Rules and/or Practice Directions: Practice Direction (Pre-Action Conduct and Protocols) paragraphs 1-17.
- The commentary on the Practice Direction (Pre-Action Conduct and Protocols) at paragraphs C1A-005 to C1A-007 of Volume 1 of 'Civil Procedure' (the White Book) 2020.
- The Practice Direction for Personal Injury Claims at paragraphs C2-001 to C2-016 of Volume 1 of 'Civil Procedure' (the White Book) 2020.
- The commentary on the Practice Direction for Personal Injury Claims at paragraphs C2A-001 to C2A-005 of Volume 1 of 'Civil Procedure' (the White Book) 2020.
- Paragraphs 8.03, 8.23, 8.24-8.25, 11.05-11.06 and 11.60 of The Jackson ADR Handbook (Second Edition, 2016)

Explanatory material which will NOT be assessed:

To complement understanding of the examinable material set out above, students may find it helpful to be familiar with the commentary on the Practice Direction (Pre-Action Conduct and Protocols) at paragraphs C1A-001, C1A-002 and C1A-004 of Volume 1 of 'Civil Procedure' (the White Book) 2020; and paragraphs 8.01-8.02; and 11.01-11.03 of The Jackson ADR Handbook (Second Edition, 2016)

4. Alternative Dispute Resolution: Adjudicative Options

- Arbitration
- Expert (or Neutral) Determination

Examinable Material

Arbitration

Examinable material will consist of fundamental concepts in arbitration, arbitration requirements, stay of legal proceedings, commencement, procedure in arbitrations, privacy and confidentiality, awards, enforcement, and appeals.

The following material will be assessed:

- Civil Procedure Rules and/or Practice Directions: CPR 62.2-62.4 and 62.8 in Section 2E of Volume 2 of 'Civil Procedure' (the White Book) 2020.
- The discussion of arbitration at paragraphs 25.01-25.26 of The Jackson ADR Handbook (Second Edition, 2016)
- The commentary on section 9 of the Arbitration Act 1996 at paragraphs 2E-107 (first three paragraphs), 2E-111 (first two paragraphs) and 2E-112 (first paragraph) of Volume 2 of 'Civil Procedure' (the White Book) 2020

Expert (or Neutral) Determination

The following material will be assessed:

- The discussion of Expert (or Neutral) Determination at paragraphs 24.01-24.05, 24.07, 24.09-24.10, 24.15, 24.19, 24.24-24.25, 24.30, and 24.52-24.53 of The Jackson ADR Handbook (Second Edition, 2016)

Explanatory material which will NOT be assessed:

To complement understanding of the examinable material set out above, students may find it helpful to be familiar with the Arbitration Act 1996.

5. Alternative Dispute Resolution: Non-Adjudicative Options

- Early Neutral Evaluation
- Conciliation and Mediation

Examinable Material

Examinable material will consist of: early neutral evaluation, conciliation, general principles of mediation, preparation for mediation, and the mediation process.

Early Neutral Evaluation

The following material will be assessed:

- The discussion of Early Neutral Evaluation at paragraphs 22.01-22.07, 22.10-22.13 and 22.15 of The Jackson ADR Handbook (Second Edition, 2016)

Conciliation and Mediation

The following material will be assessed:

- Paragraphs 2.27 and 23.03 of The Jackson ADR Handbook (Second Edition, 2016)
- The discussion of mediation at paragraphs 13.08-13.10, 13.11-13.15, 13.24-13.27, 13.32-13.42, 13.49-13.58, 13.59-13.63, 13.64, 14.49, 14.61, 14.73-14.74, and 15.04-15.05 (including Figure 15.1) of The Jackson ADR Handbook (Second Edition, 2016)

Explanatory material which will NOT be assessed:

To complement understanding of the examinable material set out above, students may find it helpful to be familiar with paragraphs 13.22-13.23, and 13.29-13.31 of The Jackson ADR Handbook (Second Edition, 2016)

6 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

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 material will be assessed:

- 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 7.6, 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 commentary 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
- 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

7 Parties

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

Examinable Material

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 material will be assessed:

- 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.

8 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

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 material will be assessed:

- 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.
- 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

9 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

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 material will be assessed:

- Civil Procedure Rules and/or Practice Directions: CPR 19.1-19.4; CPR 19.5, CPR 20.1-10; PD 19A paragraphs 1- 5; and PD 20 paragraphs 1-7.
- Limitation Act 1980 section 35, at paragraph 8-102 of Volume 2 of 'Civil Procedure' (the White Book) 2020.
- The commentary at paragraphs 19.5.1, 19.5.2, 19.5.4 and 19.5.5 of Volume 1 of 'Civil Procedure' (the White Book) 2020

10 Amendment

- permission or consent to amend
- costs consequences of amendment

Examinable Material

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 material will be assessed:

- Civil Procedure Rules and/or Practice Directions: CPR 17.1-17.2, 17.3 and 17.4; and PD17 paragraphs 1-2.
- 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”.
- Limitation Act 1980 section 35, at paragraph 8-102 of Volume 2 of 'Civil Procedure' (the White Book) 2020.
- The commentary at paragraphs 17.3.5-17.3.9 and 17.4.2 of Volume 1 of 'Civil Procedure' (the White Book) 2020.

11 Further Information

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

Examinable Material

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 material will be assessed:

- Civil Procedure Rules and/or Practice Directions: CPR 18.1 and 18.2; PD 18 paragraphs 1-5.
- The commentary at paragraph 18.1.10 of Volume 1 of 'Civil Procedure' (the White Book) 2020.

12 Default Judgment and Summary Judgment

- default judgments
- applications to set aside
- summary judgments

Examinable Material

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 material will be assessed:

- Civil Procedure Rules and/or Practice Directions: CPR 12.1-12.6, 12.8 and 12.10; CPR 13.1-13.2, 13.3 and 13.4; CPR 24.1, 24.2, 24.3-24.5 and 24.6; PD 12 paragraphs 1-5; and PD 24 paragraphs 1-6 and 8-10.
- The commentary at 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.

13 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

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 material will be assessed:

- Civil Procedure Rules and/or Practice Directions: CPR 2.8 and 2.11; CPR 3.1, 3.1A, 3.3, 3.4, 3.5, 3.8, 3.9, 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.
- The following specific leading case authority (which students should be able to refer to by name): *Denton*
- The commentary at 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.

14 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

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, other powers of the court to order disclosure, privacy, legal professional privilege and confidentiality in ADR; the 'without prejudice' principle.

The following material will be assessed:

- Civil Procedure Rules and/or Practice Directions: CPR 31.1-31.2, 31.3, 31.4-31.5, 31.6, 31.7-31.11, 31.12, 31.14-15, 31.16, 31.17, 31.18 and 31.19-31.23; PD 31A paragraphs 1-2, 2A and 3-8.
- Senior Courts Act 1981 section 34, County Courts Act 1984 section 53, at paragraphs 9A-115 and 9A-506 of Volume 2 of 'Civil Procedure' (the White Book) 2020.
- The following specific leading case authority (which students should be able to refer to by name): *Norwich Pharmacal*.
- The commentary at 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
- Paragraphs 5.15-5.26 of The Jackson ADR Handbook (Second Edition, 2016)

15 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

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 material will be assessed:

- Civil Procedure Rules and/or Practice Directions: CPR 23.1-12; CPR 25.1, 25.2 and 25.3; PD 23A paragraphs 2-5, 9, 12.1, 13; and PD 25A paragraphs 4 and 5.
- The commentary at paragraphs 25.3.2-25.3.8 of Volume 1 of 'Civil Procedure' (the White Book) 2020.

16 Interim Payments and Security for Costs

- interim payments
- security for costs

Examinable Material

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 material will be assessed:

- Civil Procedure Rules and/or Practice Directions: CPR 25.6-9; CPR 25.12 and 25.13; PD 25B paragraph 2.
- The commentary at paragraphs 25.13.1, 25.13.12-25.13.14, and 25.13.18 of Volume 1 of 'Civil Procedure' (the White Book) 2020

17 Interim Injunctions

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

Examinable Material

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 material will be assessed:

- Civil Procedure Rules and/or Practice Directions: CPR 25.1, 25.2 and 25.3.
- The following specific leading case authority (which students should be able to refer to by name): *American Cyanamid*.
- The commentary at 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.
- The commentary at 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.

18 Settlement (including offers to settle)

- negotiation and joint settlement meetings
- 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

Examinable material will consist of negotiation and joint settlement meetings, 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 material will be assessed:

- Civil Procedure Rules and/or Practice Directions: CPR 36.1, 36.2, 36.3-11, 36.13, 36.14-16 and 36.17.
- The following specific leading case authority (which students should be able to refer to by name): *Calderbank*.
- The commentary at 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.
- Paragraphs 8.07, 12.03-12.04, 12.13-12.14, 12.16-12.17 of The Jackson ADR Handbook (Second Edition, 2016)

19 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

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 material will be assessed:

- Civil Procedure Rules and/or Practice Directions: CPR 32.1-4, 32.5, 32.6-16, 32.18-19, 34.1-12.
- The commentary at paragraphs 32.5.1-32.5.3.1 of Volume 1 of 'Civil Procedure' (the White Book) 2020

20 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

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 material will be assessed:

- Civil Procedure Rules and/or Practice Directions: CPR 35.1, 35.2, 35.3, 35.4-6, 35.7, 35.10, 35.11 and 35.12-14; PD35 paragraphs 1-9.
- Section 3 of the Civil Evidence Act 1972, at paragraph 9B-1060 of Volume 2 of 'Civil Procedure' (the White Book) 2020.
- The commentary at 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.

21 Civil Trial and Evidence

- the trial of civil cases
- hearsay evidence in civil proceedings
- convictions as evidence in civil proceedings

Examinable Material

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 material will be assessed:

- Civil Procedure Rules and/or Practice Directions: CPR 32.1-3, 32.5, 33.1-33.6; PD 28 paragraph 8; and PD 29 paragraph 10.
- Section 11 Civil Evidence Act 1968, at paragraph 9B-1032 of Volume 2 of 'Civil Procedure' (the White Book) 2020.
- Sections 1-4 Civil Evidence Act 1995, at paragraphs 9B-1071 to 9B-1074 of Volume 2 of 'Civil Procedure' (the White Book) 2020.
- The commentary at paragraphs 32.5.1-32.5.3.1 of Volume 1 of 'Civil Procedure' (the White Book) 2020.

22 Judgments, Orders and Enforcement

- judgment and orders, including Tomlin orders
- enforcing money judgments
- recording and enforcement of settlements following ADR

Examinable Material

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; recording and enforcement of settlements following ADR.

The following material will be assessed:

- Civil Procedure Rules and/or Practice Directions: CPR 40.3-4, 40.6, 40.7-9, and 40.11-13; CPR 70.1-2A, 70.3, 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.
- 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
- 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.
- The commentary at paragraphs 40.6.2 and 70.3.2 of Volume 1 of 'Civil Procedure' (the White Book) 2020.
- Paragraphs 18.03, 18.06-18.09, 19.02, 19.10-19.13, 20.02, and 20.09 (including Table 1) of The Jackson ADR Handbook (Second Edition, 2016)

23 Costs

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

Examinable Material

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; costs in ADR

The following material will be assessed:

- Civil Procedure Rules and/or Practice Directions: CPR 44.1, 44.2, 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.
- The commentary at 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 specific leading case authorities (which students should be able to refer to by name): *Sanderson*, *Bullock*.
- Paragraphs 10.01 and 10.03 of The Jackson ADR Handbook (Second Edition, 2016)

24 Appeals

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

Examinable Material

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 material will be assessed:

- Civil Procedure Rules and/or Practice Directions: CPR 52.1, 52.3-7, 52.12-16, 52.20 and 52.21; PD52A Section 3 (destinations of appeal), Section 4 (obtaining permission to appeal and allocation of appeals) and Section 5 (skeleton arguments).
- The commentary at paragraphs 52.21.1 and 52.21.3 of Volume 1 of 'Civil Procedure' (the White Book) 2020