

Bar Training Civil Litigation Syllabus 2024-2025

Summary of Changes

Introduction

We have been asked by the Bar Standards Board to provide a short document summarising the main changes to the Bar Training Civil Litigation Syllabus in 2024-2025. This document is particularly intended to enable continuing students to understand which areas of the 2023-2024 syllabus will form part of the centrally set assessments in 2024-2025, and which parts of the 2023-2024 syllabus will not be assessed.

This document provides a summary of the main changes to the syllabus. Students should also refer to the new syllabus, which includes full updated references to 'Civil Procedure' (the White Book) 2024 and The Jackson ADR Handbook (Third Edition, 2021), to understand the detailed requirements of the 2024-2025 syllabus.

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5 June 2024

1 General Matters

1. the overriding objective
2. the duty of the court to manage cases
3. general principles of Alternative Dispute Resolution (ADR)
4. timing the use of ADR

Summary of Changes

Under the updated syllabus, examinable material on general principles of Alternative Dispute Resolution (ADR) includes the commentary at paragraphs 14-1 (first sub-paragraph ending "... on the power articulated by the Court of Appeal.") and 14-11 of Volume 2 of 'Civil Procedure' (the White Book) 2024. Students should also be able to refer to the following specific leading case authorities by name: *Halsey* and *Churchill*.

The following material has been removed from the updated syllabus: paragraphs 1.22-23, 9.06-9.07 and 9.11-9.12 of The Jackson ADR Handbook (Third Edition, 2021).

2 Limitation

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

Summary of Changes

Under the updated syllabus, examinable material on limitation periods in cases of tort, latent damage, personal injury, fatal accident, contract, and contribution claims includes the commentary at the first two sub-paragraphs at 8-43 (ending "... the claimant was unaware of any valid basis for the claim.") of Volume 2 of 'Civil Procedure' (the White Book) 2024.

3 Pre-action Conduct

1. the Practice Direction (Pre-Action Conduct and Protocols)
2. the Pre-Action Protocol for Personal Injury Claims
3. consequences of non-compliance
4. ADR prior to the issue of proceedings

Summary of Changes

Under the updated syllabus, examinable material on the Pre-Action Protocol for Personal Injury Claims includes the commentary at paragraphs C2-001.1 and C2-012.1 of Volume 1 of 'Civil Procedure' (the White Book) 2024.

The following material has been removed from the updated syllabus: the commentary on the Pre-Action Protocol for Personal Injury Claims at paragraph C2A-005 of Volume 1 of 'Civil Procedure' (the White Book) 2023.

4 Alternative Dispute Resolution: Adjudicative Options

1. arbitration
2. expert (or neutral) determination

Summary of Changes

Under the updated syllabus, examinable material on arbitration includes the commentary at paragraphs 2E-107 (first three sub-paragraphs ending "... secondary nature of the claim against the guarantor."), 2E-111 (first two sub-paragraphs to "... only conditionally on their stay application failing") and 2E-112 (first sub-paragraph to "The standard of proof is the balance of probabilities") of Volume 2 of 'Civil Procedure' (the White Book) 2024.

5 Alternative Dispute Resolution: Non-Adjudicative Options

1. early neutral evaluation
2. conciliation and mediation

Summary of Changes

The following material has been removed from the updated syllabus: paragraph 13.17 of The Jackson ADR Handbook (Third Edition, 2021).

6 Commencing Proceedings

1. the Part 7 procedure
2. validity, extension and service of claim forms
3. service of other court documents within the jurisdiction
4. the Part 8 procedure

Summary of Changes

Under the updated syllabus, examinable material on the Part 7 procedure includes the commentary in the first sub-paragraph of 7.6.2 (to “v) ... in accordance with the overriding objective.”), and the first two sub-paragraphs of 7.6.3 (ending “... on the last day of the four month period.”) of Volume 1 of ‘Civil Procedure’ (the White Book) 2024.

7 Parties

1. partnerships, sole traders, LLPs and companies, trusts and deceased persons
2. children and persons suffering from mental incapacity

Summary of Changes

No changes in the updated syllabus.

8 Statements of Case

1. claim forms and particulars of claim
2. acknowledgement of service, defences, replies, counterclaims

Summary of Changes

No changes in the updated syllabus.

9 Multiple Causes of Action, Counterclaims and Other Additional Claims

1. multiple causes of action and multiple parties
2. counterclaims against the claimant or an additional party
3. contribution notices and claims against third parties and fourth parties

Summary of Changes

No changes in the updated syllabus.

10 Amendment

1. permission or consent to amend
2. costs consequences of amendment

Summary of Changes

Under the updated syllabus, examinable material on permission or consent to amend includes the commentary at paragraphs 17.3.5 (first four sub-paragraphs ending “... has received only peripheral attention to date” and final sub-paragraph beginning “The fact one defendant agrees...”), 17.3.6-17.3.7, 17.3.8-17.3.9 and 17.4.2 of Volume 1 of ‘Civil Procedure’ (the White Book) 2024.

11 Further Information

1. requests for further information
2. responding to a request for further information

Summary of Changes

Under the updated syllabus, examinable material on requests for further information includes the editorial introduction at paragraph 18.0.1 (first two sub-paragraphs ending “... or on an application by a party.”) and the commentary at paragraph 18.1.10 (first sub-paragraph to “... information as to identity of intermediary where anonymity guaranteed.”) of Volume 1 of ‘Civil Procedure’ (the White Book) 2024.

12 Default Judgment and Summary Judgment

1. default judgment
2. applications to set aside
3. summary judgment

Summary of Changes

Under the updated syllabus, examinable material on summary judgment includes CPR 24.4(1), (4) and (5); and the commentary at paragraphs 24.3.2, 24.3.2.1, 24.3.2.2 (first sub-paragraph to “... is provided by the decision of the Supreme Court in *Okpabi v Royal Dutch Shell...*”); 24.3.2.3 (first two sub-paragraphs ending “... it is not enough to say, with Mr Micawber, that something may turn up.”), 24.3.2.4, 24.3.3, 24.3.4, 24.3.5, 24.3.6, 24.6.1,

24.6.2 (first two sub-paragraphs to "... until after the trial of the counterclaim"), 24.6.3-24.6.5, 24.6.6 (first sub-paragraph to "5. ... most of the sum claimed as a condition of being allowed to defend."), 24.6.7, 24.6.8 (first sub-paragraph to "... whether that party may apply to the court to have the judgment set aside or varied" and from "... it seems that it was assumed that the position was retrieved..." to "... "may make such order as it thinks just" ...") and 24.6.9 (first sub-paragraph ending "... as to the future conduct of the case.") of Volume 1 of 'Civil Procedure' (the White Book) 2024.

The following material has been removed from the updated syllabus: PD 24 paragraphs 1-5 and 8-10.

13 Case Management, Sanctions, Striking Out and Discontinuance

1. the small claims track, fast track, intermediate track and multi-track
2. allocation and assignment
3. case management
4. costs management
5. directions
6. relief from sanctions
7. striking out a claim
8. discontinuance

Summary of Changes

The updated syllabus introduces material on the intermediate track.

Under the updated syllabus, examinable material on the small claims track, fast track, intermediate track and multi-track includes CPR 26.9 (1)(a)(i) and (ii)(cc), 26.9(2), 26.9(4)-(9), 26.9(10)(b)(i) and 26.9(12); and the commentary at paragraph 26.9.1 (first sub-paragraph ending "... in the interests of justice to do so.") of Volume 1 of 'Civil Procedure' (the White Book) 2024.

Under the updated syllabus, examinable material on allocation and assignment includes 26.7(1)-(2) and (4)-(6), 26.12(1), 26.13, 26.17 and 26.18 and PD 26 paragraphs 14 and 16.

Under the updated syllabus, examinable material on directions includes CPR 26.4(1)-(3), (5)-(9) and (11), CPR 26.5, CPR 28.2, CPR 28.3, CPR 28.7, CPR 28.12, CPR 28.13, CPR 28.14, CPR 29.1-29.9; PD 29 paragraph 3.1(1) and (2)(a), 3.2, 3.3 and 3.10(1), paragraph 4.2, 4.3, 4.5 and 4.11, paragraph 5.1, 5.2, 5.3, 5.5 and 5.8, paragraph 6, paragraph 7.1, 7.2, 7.3 and 7.4, and paragraph 10.1 and 10.2; and the commentary at paragraph 28.2.2 of Volume 1 of 'Civil Procedure' (the White Book) 2024 .

Under the updated syllabus, examinable material on relief from sanctions includes the commentary at paragraph 13.3.5 of Volume 1 of 'Civil Procedure' (the White Book) 2024.

Under the updated syllabus, examinable material on striking out a claim includes the commentary at paragraph 3.4.5, the first four sub-paragraphs of 3.4.6 (to "... the question whether the claimant should have brought their claim as part of the earlier proceedings") and the first sub-paragraph of 3.4.9 (ending "... in the court in which it was made.") of Volume 1 of 'Civil Procedure' (the White Book) 2024.

14 Disclosure and Inspection of Documents

1. disclosure and inspection of documents
2. specific disclosure
3. collateral use of disclosed documents
4. pre-action disclosure
5. disclosure against non-parties
6. legal professional privilege and without prejudice communications in civil cases

Summary of Changes

Under the updated syllabus, examinable material on disclosure against non-parties includes the commentary at paragraphs 31.18.3 (first sub-paragraph to "d... ('the Overall Justice Condition').") and 31.18.4-31.18.7 of Volume 1 of 'Civil Procedure' (the White Book) 2024.

Under the updated syllabus, examinable material on legal professional privilege and without prejudice communications in civil cases includes the commentary at paragraph 31.3.9 (first three sub-paragraphs to "... is privileged and excluded from inspection (*Waugh v British Railways Board...*)") of Volume 1 of 'Civil Procedure' (the White Book) 2024.

15 Interim Applications

1. with notice and without notice applications
2. documentation required in interim applications
3. periods of notice in interim applications
4. the duty of full and frank disclosure in without notice applications

Summary of Changes

Under the updated syllabus, examinable material on with notice and without notice applications includes PD 23A paragraphs 3, 5 and 6.1-6.3.

Under the updated syllabus examinable material on documentation required in interim applications includes PD 23A paragraphs 2, 4 and 7.

16 Interim Payments and Security for Costs

- interim payments
- security for costs

Summary of Changes

No changes in the updated syllabus.

17 Interim Injunctions

1. interim injunctions
2. *American Cyanamid* principles
3. exceptions and variations to *American Cyanamid*
4. usual undertakings and cross-undertakings

Summary of Changes

Under the updated syllabus, examinable material on interim injunctions includes the commentary at paragraph 15-4 (first sub-paragraph to “... either unconditionally or on such terms as the court thinks just”) of Volume 2 of ‘Civil Procedure’ (the White Book) 2024.

Under the updated syllabus, examinable material on *American Cyanamid* principles includes the commentary at paragraphs 15-9.1 (first sub-paragraph to “... have been unsuccessful in asserting their right at trial”) and 15-15 (first sub-paragraph ending “... except for the limited purposes permitted by guideline (6).”) of Volume 2 of ‘Civil Procedure’ (the White Book) 2024.

Under the updated syllabus, examinable material on exceptions and variations to *American Cyanamid* includes the commentary at paragraphs 15-17 to 15-18 (first two sub-paragraphs to “It is for the judge to control the extent of the inquiry undertaken”), 15-20 (first sub-paragraph ending “... until the very end of the period of the contractual restriction.”) and 15-24 (first five sub-paragraphs ending “(4)... sufficiently outweigh the risk of injustice if it is granted.”) of Volume 2 of ‘Civil Procedure’ (the White Book) 2024.

18 Settlement (including offers to settle)

1. negotiation and joint settlement meetings
2. *Calderbank* offers and offers to settle under Part 36
3. withdrawing, reducing and increasing offers to settle
4. consequences of accepting Part 36 offers
5. consequences of failing to obtain judgment more advantageous than offer to settle

Summary of Changes

No changes in the updated syllabus.

19 Evidence of Fact

1. evidence of fact in civil proceedings
2. witness statements and witness summonses
3. notices to admit facts and notices to prove documents

Summary of Changes

No changes in the updated syllabus.

20 Expert Evidence

1. the adducing of expert evidence in civil proceedings
2. the main exceptions to the general exclusionary rule in relation to evidence of opinion
3. expert opinion evidence in civil proceedings

Summary of Changes

Under the updated syllabus, examinable material on the adducing of expert evidence in civil proceedings includes the editorial introduction at paragraph 35.0.1.2 and 35.0.1.3 (excluding the final sub-paragraph beginning “The rules in this Part are supplemented...”) of Volume 1 of ‘Civil Procedure’ (the White Book) 2024.

Under the updated syllabus, examinable material on the main exceptions to the general exclusionary rule in relation to evidence of opinion includes section 3 of the Civil Evidence

Act 1972, at paragraph 9B-1060+ in the online version of Volume 2 of 'Civil Procedure' (the White Book) 2024.

Under the updated syllabus, examinable material on expert opinion evidence in civil proceedings includes the commentary at paragraph 35.0.3 (first two sub-paragraphs to "...remitting the case back for a re-trial.") of Volume 1 of 'Civil Procedure' (the White Book) 2024.

21 Civil Trial and Evidence

1. the trial of civil cases
2. hearsay evidence in civil proceedings
3. convictions as evidence in civil proceedings

Summary of Changes

Under the updated syllabus, examinable material on the trial of civil cases includes CPR 28.6.

Under the updated syllabus, examinable material on convictions as evidence in civil proceedings includes section 11 Civil Evidence Act 1968, at paragraph 9B-1032+ of the online version of Volume 2 of 'Civil Procedure' (the White Book) 2024.

22 Judgments, Orders and Enforcement

1. judgment and orders, including Tomlin orders
2. enforcing money judgments
3. recording and enforcement of settlements following ADR

Summary of Changes

Under the updated syllabus, examinable material on enforcing money judgments includes the editorial introductions to CPR Parts 83 and 89 at paragraphs 83.0.17 (second sub-paragraph beginning "By virtue of art. 8 ...") and 89.0.1 (first sub-paragraph ending "... the court does the rest.") of Volume 1 of 'Civil Procedure' (the White Book) 2024; and section 6(1)-(5) of the Attachment of Earnings Act 1971 at paragraph 9B-965+ of the online version of Volume 2 of 'Civil Procedure' (the White Book) 2024.

23 Costs

1. costs orders in civil cases
2. costs on the standard basis and costs on the indemnity basis
3. summary and detailed assessment of costs
4. interim costs orders

Summary of Changes

Under the updated syllabus, examinable material on costs orders in civil cases includes the commentary at paragraphs 44.2.3 (first sub-paragraph ending "... development of the expression are explained"), sixth sub-paragraph beginning "It is clear that costs incurred ..." and seventh sub-paragraph beginning "In his judgment in the case ...", 44.2.4, 44.2.5, 44.2.6 (first sub-paragraph to "... all the circumstances"), 44.2.7 (first sub-paragraph to "... "a different order"."), 44.2.8 (first sub-paragraph ending "... on particular issues."), 44.2.10 (first two sub-paragraphs to "... unsuccessful party's costs of that issue"), 44.2.13 (first three sub-paragraphs ending "... as elaborated in r.44.2(5)."), 44.2.14 (first two sub-paragraphs ending "... (above at 102)."), 44.2.17 (first two sub-paragraphs ending "... is a different matter."), 44.2.18 (first three sub-paragraphs to "... or improperly in so doing"), 44.2.19 (first sub-paragraph ending "... para. 36.0.2 above." and fourth sub-paragraph beginning "Generally, parties who negotiate..."), 44.2.20, 44.2.24, 44.2.25 (first sub-paragraph ending "... may be relevant." and third sub-paragraph beginning "There is no strict rule ..."), 44.2.28 (first, second, third, fourth, fifth and sixth sub-paragraphs ending "... at [84])." and 44.16.2 of Volume 1 of 'Civil Procedure' (the White Book) 2024.

Under the updated syllabus, examinable material on costs on the standard basis and costs on the indemnity basis includes the commentary at paragraph 44.3.8 (first four sub-paragraphs ending "... at [7] and [13].") of Volume 1 of 'Civil Procedure' (the White Book) 2024.

Under the updated syllabus, examinable material on interim costs orders includes the commentary at paragraph 44.2.12 (first two sub-paragraphs ending "... a request for a detailed assessment hearing.") of Volume 1 of 'Civil Procedure' (the White Book) 2024.

24 Appeals

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

Summary of Changes

No changes in the updated syllabus.