
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

PART 13

SETTING ASIDE OR VARYING DEFAULT JUDGMENT

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Scope of this Part

13.1 The rules in this Part set out the procedure for setting aside or varying judgment entered under Part 12 (default judgment).

F1

Textual Amendments

F1 Words in [rule 13.1](#) omitted (22.4.2014) by virtue of [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(1), [9\(a\)](#); S.I. 2014/954, art. 2(a)

Commencement Information

I1 [Rule 13.1](#) in force at 26.4.1999, see [Signature](#)

Cases where the court must set aside judgment entered under Part 12

13.2 The court must set aside^(GL) a judgment entered under Part 12 if judgment was wrongly entered because—

- (a) in the case of a judgment in default of an acknowledgment of service, any of the conditions in [rule 12.3\(1\)](#) and [12.3\(3\)](#) was not satisfied;

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- (b) in the case of a judgment in default of a defence, any of the conditions in rule 12.3(2) and 12.3(3) was not satisfied; or
- (c) the whole of the claim was satisfied before judgment was entered.

Commencement Information

I2 Rule 13.2 in force at 26.4.1999, see [Signature](#)

Cases where the court may set aside or vary judgment entered under Part 12

13.3.—(1) In any other case, the court may set aside^(GL) or vary a judgment entered under Part 12 if—

- (a) the defendant has a real prospect of successfully defending the claim; or
- (b) it appears to the court that there is some other good reason why—
 - (i) the judgment should be set aside or varied; or
 - (ii) the defendant should be allowed to defend the claim.

(2) In considering whether to set aside^(GL) or vary a judgment entered under Part 12, the matters to which the court must have regard include whether the person seeking to set aside the judgment made an application to do so promptly.

(Rule 3.1(3) provides that the court may attach conditions when it makes an order)

F2 ...

Textual Amendments

F2 Words in rule 13.3 omitted (31.12.2020) by virtue of [The Civil Procedure Rules 1998 \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/521\)](#), regs. 1(1), **7(2)**; 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

I3 Rule 13.3 in force at 26.4.1999, see [Signature](#)

Application to set aside or vary judgment—procedure

13.4.—(1) Where—

- (a) the claim is for a specified amount of money;
- (b) the judgment was obtained in a court which is not the defendant’s home court;
- (c) the claim has not been transferred [^{F3}or, in the County Court, sent] to another defendant’s home court ^{F4}...; and
- (d) the defendant is an individual,

[^{F5}in the High Court the court will transfer, or, in the County Court, the court officer will send,] an application by a defendant under this Part to set aside^(GL) or vary judgment to the defendant’s home court

F6 ...

^{F7}(1A)

[^{F8}(1B) Where—

- (a) the claim is for a specified amount of money;
- (b) the claim [^{F9}has been started in the County Court Money Claims Centre];
- (c) the claim has not been [^{F10}sent to a County Court hearing centre; and]
- (d) the defendant is not an individual,]

[^{F11}an application by a defendant under this Part to set aside or vary the judgment will be sent to the preferred hearing centre.].

[^{F12}(1C) If a claim is sent to a preferred hearing centre pursuant to paragraph (1B) any further correspondence should be sent to, and any further requests should be made at, the hearing centre to which the claim was sent.]

13.4.—(2) Paragraph (1) does not apply where the claim was commenced in a specialist list.

(3) An application under rule 13.3 (cases where the court may set aside^(GL) or vary judgment) must be supported by evidence.

Textual Amendments

- F3** Word in rule 13.4(1)(c) inserted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **9(b)(i)(aa)**; S.I. 2014/954, art. 2(a)
- F4** Words in rule 13.4(1)(c) omitted (19.3.2012) by virtue of The Civil Procedure (Amendment No.4) Rules 2011 (S.I. 2011/3103), rules 1, **6(a)**
- F5** Words in rule 13.4 substituted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **9(b)(i)(cc)**; S.I. 2014/954, art. 2(a)
- F6** Words in rule 13.4 omitted (26.4.1999) by virtue of The Civil Procedure (Amendment) Rules 1999 (S.I. 1999/1008), rules 1, **5**
- F7** Rule 13.4(1A) omitted (2.10.2000) by virtue of The Civil Procedure (Amendment No. 4) Rules 2000 (S.I. 2000/2092), rules 1, **7**
- F8** Rule 13.4(1B) inserted (19.3.2012) by The Civil Procedure (Amendment No.4) Rules 2011 (S.I. 2011/3103), rules 1, **6(b)**
- F9** Words in rule 13.4(1B)(b) substituted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **9(b)(ii)(aa)**; S.I. 2014/954, art. 2(a)
- F10** Words in rule 13.4(1B)(c) substituted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **9(b)(ii)(bb)**; S.I. 2014/954, art. 2(a)
- F11** Words in rule 13.4(1B) substituted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **9(b)(ii)(cc)**; S.I. 2014/954, art. 2(a)
- F12** Rule 13.4(1C) inserted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **9(b)(iii)**; S.I. 2014/954, art. 2(a)

Commencement Information

- I4** Rule 13.4 in force at 26.4.1999, see **Signature**

Claimant’s duty to apply to set aside judgment

^{F13}**13.5**

Textual Amendments

- F13** Rule 13.5 revoked (30.6.2004) by The Civil Procedure (Amendment) Rules 2004 (S.I. 2004/1306), rules 1(b), **21(a)**

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*Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, PART 13. (See end of Document for details)*

Abandoned claim restored where default judgment set aside

13.6 Where—

- (a) the claimant claimed a remedy in addition to one specified in rule 12.4(1) (claims in respect of which the claimant may obtain default judgment by filing a request);
- (b) the claimant abandoned his claim for that remedy in order to obtain default judgment on request in accordance with rule 12.4(3); and
- (c) that default judgment is set aside^(GL) under this Part,

the abandoned claim is restored when the default judgment is set aside.

Commencement Information

15 Rule 13.6 in force at 26.4.1999, see [Signature](#)

Status:

Point in time view as at 31/12/2020.

Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, PART 13.