
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

[^{F1}PART 68

REFERENCES TO THE EUROPEAN COURT

Textual Amendments

F1 Pt. 68 inserted (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rule 1(b), [Sch. 6](#)

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Interpretation

68.1 In this Part—

- (a) “the court” means the court making the order;
- (b) “the European Court” means the Court of Justice of the European Communities;
- (c) “order” means an order referring a question to the European Court for a preliminary ruling under—
 - (i) article 234 of the Treaty establishing the European Community;
 - (ii) article 150 of the Euratom Treaty;
 - (iii) article 41 of the ECSC Treaty;
 - (iv) the Protocol of 3 June 1971 on the interpretation by the European Court of the Convention of 27 September 1968 on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters⁽¹⁾; or
 - (v) the Protocol of 19 December 1988 on the interpretation by the European Court of the Convention of 19 June 1980 on the Law applicable to Contractual Obligations⁽²⁾.

(1) 1964 c. 81.

(2) 1968 c. 48; 1981 c. 9.

Status: Point in time view as at 01/10/2004.

*Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, PART 68. (See end of Document for details)*

Making of order of reference

- 68.2.**—(1) An order may be made at any stage of the proceedings—
- (a) by the court of its own initiative; or
 - (b) on an application by a party in accordance with Part 23.
- (2) An order may not be made—
- (a) in the High Court, by a Master or district judge;
 - (b) in a county court, by a district judge.
- (3) The request to the European Court for a preliminary ruling must be set out in a schedule to the order, and the court may give directions on the preparation of the schedule.

Transmission to the European Court

- 68.3.**—(1) The Senior Master will send a copy of the order to the Registrar of the European Court.
- (2) Where an order is made by a county court, the proper officer will send a copy of it to the Senior Master for onward transmission to the European Court.
- (3) Unless the court orders otherwise, the Senior Master will not send a copy of the order to the European Court until—
- (a) the time for appealing against the order has expired; or
 - (b) any application for permission to appeal has been refused, or any appeal has been determined.

Stay of proceedings

- 68.4** Where an order is made, unless the court orders otherwise the proceedings will be stayed until the European Court has given a preliminary ruling on the question referred to it.]

Status:

Point in time view as at 01/10/2004.

Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, PART 68.