

STATUTORY INSTRUMENTS

**1998 No. 3132**

**The Civil Procedure Rules 1998**

**PART 13**

**SETTING ASIDE OR VARYING DEFAULT JUDGMENT**

**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 [<sup>F1</sup>or, in the County Court, sent] to another defendant’s home court <sup>F2</sup>...; and
- (d) the defendant is an individual,

[<sup>F3</sup>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<sup>(GL)</sup> or vary judgment to the defendant’s home court

<sup>F4</sup> ...

<sup>F5</sup>(1A) .....

[<sup>F6</sup>(1B) Where—

- (a) the claim is for a specified amount of money;
- (b) the claim [<sup>F7</sup>has been started in the County Court Money Claims Centre];
- (c) the claim has not been [<sup>F8</sup>sent to a County Court hearing centre; and]
- (d) the defendant is not an individual,]

[<sup>F9</sup>an application by a defendant under this Part to set aside or vary the judgment will be sent to the preferred hearing centre.].

[<sup>F10</sup>(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<sup>(GL)</sup> or vary judgment) must be supported by evidence.

**Textual Amendments**

**F1** 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)

*Status: Point in time view as at 07/05/2018. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the  
The Civil Procedure Rules 1998, Section 13.4. (See end of Document for details)*

- F2** 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)**
- F3** 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)
- F4** 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**
- F5** 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**
- F6** 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)**
- F7** 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)
- F8** 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)
- F9** 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)
- F10** 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**

- I1** Rule 13.4 in force at 26.4.1999, see **Signature**

**Status:**

Point in time view as at 07/05/2018. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Section 13.4.