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STATUTORY INSTRUMENTS

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**1998 No. 3132**

**The Civil Procedure Rules 1998**

**PART 40**

**[<sup>F1</sup>JUDGMENTS, ORDERS, SALE OF LAND ETC]**

**[<sup>F1</sup>I JUDGMENTS AND ORDERS]**

**Drawing up and filing of judgments and orders**

**40.3.**—(1) [<sup>F1</sup>Except as is provided at paragraph (4) below or by any Practice Direction, every] judgment or order will be drawn up by the court unless—

- (a) the court orders a party to draw it up;
- (b) a party, with the permission of the court, agrees to draw it up;
- (c) the court dispenses with the need to draw it up; or
- (d) it is a consent order under rule 40.6.

(2) The court may direct that—

- (a) a judgment or an order drawn up by a party must be checked by the court before it is sealed<sup>(GL)</sup>; or
- (b) before a judgment or an order is drawn up by the court, the parties must file an agreed statement of its terms.

(3) Where a judgment or an order is to be drawn up by a party—

- (a) he must file it no later than 7 days after the date on which the court ordered or permitted him to draw it up so that it can be sealed<sup>(GL)</sup> by the court; and
- (b) if he fails to file it within that period, any other party may draw it up and file it.

[<sup>F2</sup>(4) Except for orders made by the court of its own initiative and unless the court otherwise orders, every judgment or order made in claims proceeding in the [<sup>F3</sup>King's] Bench Division at the Royal Courts of Justice, other than in the Administrative Court, will be drawn up by the parties, and rule 40.3 is modified accordingly.]

**Textual Amendments**

- F1** Words in [rule 40.3\(1\)](#) substituted (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), [rules 1\(c\)](#), [37\(a\)](#)
- F2** [Rule 40.3\(4\)](#) inserted (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), [rules 1\(c\)](#), [37\(b\)](#)
- F3** Word in [rule 40.3\(4\)](#) substituted (6.4.2023) by [The Civil Procedure \(Amendment\) Rules 2023 \(S.I. 2023/105\)](#), [rules 1\(1\)](#), [22\(1\)](#)

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**Changes to legislation:** There are currently no known outstanding effects for the  
The Civil Procedure Rules 1998, Section 40.3. (See end of Document for details)

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**Commencement Information**

**II** [Rule 40.3](#) in force at 26.4.1999, see [Signature](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Section 40.3.