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STATUTORY INSTRUMENTS

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**1998 No. 3132**

The Civil Procedure Rules 1998

PART 1 **E+W**

OVERRIDING OBJECTIVE

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**The overriding objective** **E+W**

**1.1.**—(1) These Rules are a new procedural code with the overriding objective of enabling the court to deal with cases justly [<sup>F2</sup>and at proportionate cost].

(2) Dealing with a case justly [<sup>F3</sup>and at proportionate cost] includes, so far as is practicable—

- (a) ensuring that the parties are on an equal footing;
- (b) saving expense;
- (c) dealing with the case in ways which are proportionate—
  - (i) to the amount of money involved;
  - (ii) to the importance of the case;
  - (iii) to the complexity of the issues; and
  - (iv) to the financial position of each party;
- (d) ensuring that it is dealt with expeditiously and fairly; <sup>F4</sup>...
- (e) allotting to it an appropriate share of the court's resources, while taking into account the need to allot resources to other cases [<sup>F5</sup>; and]

[<sup>F6</sup>(f) enforcing compliance with rules, practice directions and orders.]

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**Textual Amendments**

**F2** Words in rule 1.1(1) inserted (1.4.2013) by [The Civil Procedure \(Amendment\) Rules 2013 \(S.I. 2013/262\)](#), rules 2, **4(a)** (with rule 22)

*Status: Point in time view as at 01/10/2018.*

*Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, PART 1. (See end of Document for details)*

- F3** Words in rule 1.1(2) inserted (1.4.2013) by [The Civil Procedure \(Amendment\) Rules 2013 \(S.I. 2013/262\)](#), rules 2, **4(b)(i)** (with rule 22)
- F4** Word in rule 1.1(2)(d) omitted (1.4.2013) by virtue of [The Civil Procedure \(Amendment\) Rules 2013 \(S.I. 2013/262\)](#), rules 2, **4(b)(ii)** (with rule 22)
- F5** Word in rule 1.1(2)(e) substituted (1.4.2013) by [The Civil Procedure \(Amendment\) Rules 2013 \(S.I. 2013/262\)](#), rules 2, **4(b)(iii)** (with rule 22)
- F6** Rule 1.1(2)(f) inserted (1.4.2013) by [The Civil Procedure \(Amendment\) Rules 2013 \(S.I. 2013/262\)](#), rules 2, **4(b)(iv)** (with rule 22)

#### Commencement Information

- I1** [Rule 1.1](#) in force at 26.4.1999, see [Signature](#)

### Application by the court of the overriding objective **E+W**

**1.2** The court must seek to give effect to the overriding objective when it—

- (a) exercises any power given to it by the Rules; or
- (b) interprets any rule [<sup>F7</sup>, subject to [<sup>F8</sup>rules 76.2, 79.2 [<sup>F9</sup>, 80.2 [<sup>F10</sup>, 82.2 and 88.2]]]].

#### Textual Amendments

- F7** Words in rule 1.2(b) inserted (14.3.2005) by [The Civil Procedure \(Amendment No. 2\) Rules 2005 \(S.I. 2005/656\)](#), rules 1, **3**
- F8** Words in rule 1.2(b) substituted (15.12.2011) by [The Civil Procedure \(Amendment No. 3\) Rules 2011 \(S.I. 2011/2970\)](#), rules 1, **3**
- F9** Words in rule 1.2 substituted (27.6.2013) by [The Civil Procedure \(Amendment No. 5\) Rules 2013 \(S.I. 2013/1571\)](#), rules 1, **3**
- F10** Words in rule 1.2 substituted (27.2.2015) by [The Civil Procedure \(Amendment\) Rules 2015 \(S.I. 2015/406\)](#), rules 1, **3**

#### Commencement Information

- I2** [Rule 1.2](#) in force at 26.4.1999, see [Signature](#)

### Duty of the parties **E+W**

**1.3** The parties are required to help the court to further the overriding objective.

#### Commencement Information

- I3** [Rule 1.3](#) in force at 26.4.1999, see [Signature](#)

### Court's duty to manage cases **E+W**

**1.4.—(1)** The court must further the overriding objective by actively managing cases.

(2) Active case management includes —

- (a) encouraging the parties to co-operate with each other in the conduct of the proceedings;
- (b) identifying the issues at an early stage;
- (c) deciding promptly which issues need full investigation and trial and accordingly disposing summarily of the others;

- (d) deciding the order in which issues are to be resolved;
- (e) encouraging the parties to use an alternative dispute resolution<sup>(GL)</sup> procedure if the court considers that appropriate and facilitating the use of such procedure;
- (f) helping the parties to settle the whole or part of the case;
- (g) fixing timetables or otherwise controlling the progress of the case;
- (h) considering whether the likely benefits of taking a particular step justify the cost of taking it;
- (i) dealing with as many aspects of the case as it can on the same occasion;
- (j) dealing with the case without the parties needing to attend at court;
- (k) making use of technology; and
- (l) giving directions to ensure that the trial of a case proceeds quickly and efficiently.

#### Commencement Information

**I4** [Rule 1.4](#) in force at 26.4.1999, see [Signature](#)

#### [<sup>F11</sup>The Welsh language **E+W**

**1.5.**—(1) Nothing in the overriding objective undermines the principles provided by the Welsh Language (Wales) Measure 2011 that the Welsh language has official status in Wales or by the Welsh Language Act 1993 that in any legal proceedings in Wales the Welsh language may be used by any person who desires to use it.

(2) The parties are required to assist the court to put into effect the principles set out in paragraph (1).]

#### Textual Amendments

**F11** [Rule 1.5](#) inserted (1.10.2018) by [The Civil Procedure \(Amendment No. 3\) Rules 2018 \(S.I. 2018/975\)](#), rules 1(1), **3(b)**

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, PART 1.