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STATUTORY INSTRUMENTS

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**1998 No. 3132**

**The Civil Procedure Rules 1998**

**PART 11**

**DISPUTING THE COURT'S JURISDICTION**

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Procedure for disputing the court's jurisdiction. Rule 11

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**Procedure for disputing the court's jurisdiction**

**11.**—(1) A defendant who wishes to—

- (a) dispute the court's jurisdiction to try the claim; or
- (b) argue that the court should not exercise its jurisdiction,

may apply to the court for an order declaring that it has no such jurisdiction or should not exercise any jurisdiction which it may have.

(2) A defendant who wishes to make such an application must first file an acknowledgment of service in accordance with Part 10.

(3) A defendant who files an acknowledgment of service does not, by doing so, lose any right that he may have to dispute the court's jurisdiction.

(4) An application under this rule must—

- [<sup>F1</sup>(a) be made within 14 days after filing an acknowledgment of service; and]
- (b) be supported by evidence.

<sup>F2</sup>  
...

(5) If the defendant—

- (a) files an acknowledgment of service; and
- (b) does not make such an application within the period [<sup>F3</sup>specified in paragraph (4)],

he is to be treated as having accepted that the court has jurisdiction to try the claim.

(6) An order containing a declaration that the court has no jurisdiction or will not exercise its jurisdiction may also make further provision including—

- (a) setting aside the claim form;
- (b) setting aside service of the claim form;
- (c) discharging any order made before the claim was commenced or before the claim form was served; and
- (d) staying<sup>(GL)</sup> the proceedings.

(7) If on an application under this rule the court does not make a declaration—

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*Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, PART 11. (See end of Document for details)*

- (a) the acknowledgment of service shall cease to have effect; <sup>F4</sup> ...
  - (b) the defendant may file a further acknowledgment of service within 14 days or such other period as the court may direct [<sup>F5</sup>; and
  - (c) the court shall give directions as to the filing and service of the defence in a claim under Part 7 or the filing of evidence in a claim under Part 8 in the event that a further acknowledgment of service is filed.]
- (8) If the defendant files a further acknowledgment of service in accordance with paragraph (7)
- (b) he shall be treated as having accepted that the court has jurisdiction to try the claim.
- [<sup>F6</sup>(9) If a defendant makes an application under this rule, he must file and serve his written evidence in support with the application notice, but he need not before the hearing of the application file—
- (a) in a Part 7 claim, a defence; or
  - (b) in a Part 8 claim, any other written evidence.]
- <sup>F7</sup>(10) . . . . .

<b>Textual Amendments</b>	
<b>F1</b>	Rule 11(4)(a) substituted (25.3.2002) by <a href="#">The Civil Procedure (Amendment No. 5) Rules 2001 (S.I. 2001/4015)</a> , rules 1(c), <b>12(a)</b>
<b>F2</b>	Words in rule 11 omitted (25.3.2002) by virtue of <a href="#">The Civil Procedure (Amendment No. 5) Rules 2001 (S.I. 2001/4015)</a> , rules 1(c), <b>12(b)</b>
<b>F3</b>	Words in rule 11(5) substituted (25.3.2002) by <a href="#">The Civil Procedure (Amendment No. 5) Rules 2001 (S.I. 2001/4015)</a> , rules 1(c), <b>12(c)</b>
<b>F4</b>	Word in rule 11(7)(a) omitted (1.10.2005) by virtue of <a href="#">The Civil Procedure (Amendment No.3) Rules 2005 (S.I. 2005/2292)</a> , rules 1(c), <b>18(a)</b>
<b>F5</b>	Rule 11(7)(c) and word inserted (1.10.2005) by <a href="#">The Civil Procedure (Amendment No.3) Rules 2005 (S.I. 2005/2292)</a> , rules 1(c), <b>18(b)</b>
<b>F6</b>	Rule 11(9) substituted (25.3.2002) by <a href="#">The Civil Procedure (Amendment No. 5) Rules 2001 (S.I. 2001/4015)</a> , rules 1(c), <b>12(d)</b>
<b>F7</b>	Rule 11(10) omitted (25.3.2002) by virtue of <a href="#">The Civil Procedure (Amendment No. 5) Rules 2001 (S.I. 2001/4015)</a> , rules 1(c), <b>12(e)</b>
<b>Commencement Information</b>	
<b>I1</b>	Rule 11 in force at 26.4.1999, see <a href="#">Signature</a>

**Status:**

Point in time view as at 01/10/2005.

**Changes to legislation:**

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, PART 11.