
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

PART 17

AMENDMENTS TO STATEMENTS OF CASE

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Amendments to statements of case

17.1.—(1) A party may amend his statement of case at any time before it has been served on any other party.

(2) If his statement of case has been served, a party may amend it only—

- (a) with the written consent of all the other parties; or
- (b) with the permission of the court.

[^{F1}(3) If a statement of case has been served, an application to amend it by removing, adding or substituting a party must be made in accordance with rule 19.4.]

^{F2}
...

(Part 22 requires amendments to a statement of case to be verified by a statement of truth unless the court orders otherwise)

Textual Amendments

F1 Rule 17.1(3) inserted (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rules 1(b), **7(a)**

F2 Words in rule 17.1 omitted (2.5.2000) by virtue of [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rules 1(b), **7(b)**

Commencement Information

I1 Rule 17.1 in force at 26.4.1999, see [Signature](#)

Status: Point in time view as at 22/08/2020.

*Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, PART 17. (See end of Document for details)*

Power of court to disallow amendments made without permission

17.2.—(1) If a party has amended his statement of case where permission of the court was not required, the court may disallow the amendment.

(2) A party may apply to the court for an order under paragraph (1) within 14 days of service of a copy of the amended statement of case on him.

Commencement Information

I2 Rule 17.2 in force at 26.4.1999, see [Signature](#)

Amendments to statements of case with the permission of the court

17.3.—(1) Where the court gives permission for a party to amend his statement of case, it may give directions as to—

- (a) amendments to be made to any other statement of case; and
- (b) service of any amended statement of case.

(2) The power of the court to give permission under this rule is subject to—

- (a) rule 19.1 (change of parties—general);
- (b) rule 19.4 (special provisions about adding or substituting parties after the end of a relevant limitation period^(GL)); and
- (c) rule 17.4 (amendments of statement of case after the end of a relevant limitation period).

Commencement Information

I3 Rule 17.3 in force at 26.4.1999, see [Signature](#)

Amendments to statements of case after the end of a relevant limitation period

17.4.—(1) This rule applies where—

- (a) a party applies to amend his statement of case in one of the ways mentioned in this rule; and
- (b) a period of limitation has expired under—

- (i) the Limitation Act 1980⁽¹⁾;
- (ii) the Foreign Limitation Periods Act 1984⁽²⁾; [^{F3}or]

[^{F4}(iii) any other enactment which allows such an amendment, or under which such an amendment is allowed.]

(2) The court may allow an amendment whose effect will be to add or substitute a new claim, but only if the new claim arises out of the same facts or substantially the same facts as a claim in respect of which the party applying for permission has already claimed a remedy in the proceedings.

(3) The court may allow an amendment to correct a mistake as to the name of a party, but only where the mistake was genuine and not one which would cause reasonable doubt as to the identity of the party in question.

(4) The court may allow an amendment to alter the capacity in which a party claims if the new capacity is one which that party had when the proceedings started or has since acquired.

(1) 1980 c. 58.

(2) 1984 c. 16.

([^{F5}Rule 19.5] specifies the circumstances in which the court may allow a new party to be added or substituted after the end of a relevant limitation period^(GL))

Textual Amendments

- F3** Word in rule 17.4(1)(b)(ii) inserted (26.3.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rules 1(a), **7(1)(a)**
- F4** Rule 17.4(1)(b)(iii) substituted for rule 17.4(1)(b)(iii)(iv) (26.3.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rules 1(a), **7(1)(b)**
- F5** Words in rule 17.4 substituted (26.3.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rules 1(a), **7(2)**

Commencement Information

- I4** [Rule 17.4](#) in force at 26.4.1999, see [Signature](#)

Status:

Point in time view as at 22/08/2020.

Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, PART 17.