
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

PART 24

SUMMARY JUDGMENT

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Scope of this Part

24.1 This Part sets out a procedure by which the court may decide a claim or a particular issue without a trial.

[^{F1}(Part 53 makes special provision about summary disposal of defamation claims in accordance with the Defamation Act 1996)]

Textual Amendments

F1 Words in [rule 24.1](#) inserted (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rules 1(b), **12(a)**

Commencement Information

II [Rule 24.1](#) in force at 26.4.1999, see [Signature](#)

Grounds for summary judgment

24.2 The court may give summary judgment against a claimant or defendant on the whole of a claim or on a particular issue if—

- (a) it considers that—
 - (i) that claimant has no real prospect of succeeding on the claim or issue; or

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- (ii) that defendant has no real prospect of successfully defending the claim or issue; and
- (b) there is no other [^{F2}compelling] reason why the case or issue should be disposed of at a trial.
- (Rule 3.4 makes provision for the court to strike out^(GL) a statement of case or part of a statement of case if it appears that it discloses no reasonable grounds for bringing or defending a claim)

Textual Amendments

F2 Word in rule 24.2(b) inserted (3.7.2000) by [The Civil Procedure \(Amendment No. 3\) Rules 2000 \(S.I. 2000/1317\)](#), rules 1, 9 (with rule 39)

Commencement Information

I2 [Rule 24.2](#) in force at 26.4.1999, see [Signature](#)

Types of proceedings in which summary judgment is available

24.3.—(1) The court may give summary judgment against a claimant in any type of proceedings.

[^{F3}(2) The court may give summary judgment against a defendant in any type of proceedings except proceedings for possession of residential premises against—

- (a) a mortgagor; or
- (b) a tenant or a person holding over after the end of the tenancy whose occupancy is protected within the meaning of the Rent Act 1977 or the Housing Act 1988.]

Textual Amendments

F3 [Rule 24.3\(2\)](#) substituted (1.10.2021) by [The Civil Procedure \(Amendment No. 4\) Rules 2021 \(S.I. 2021/855\)](#), rules 1(1), 5

Commencement Information

I3 [Rule 24.3](#) in force at 26.4.1999, see [Signature](#)

Procedure

24.4.—(1) A claimant may not apply for summary judgment until the defendant against whom the application is made has filed—

- (a) an acknowledgement of service; or
- (b) a defence,
 - unless—
 - (i) the court gives permission; or
 - (ii) a practice direction provides otherwise.

[^{F4}(1A) In civil proceedings against the Crown, as defined in rule 66.1(2), a claimant may not apply for summary judgment until after expiry of the period for filing a defence specified in rule 15.4.]

(Rule 10.3 sets out the period for filing an acknowledgment of service and rule 15.4 the period for filing a defence)

[^{F5}(2) If a party applies for summary judgment before a defendant has filed a defence, the defendant by or against whom the application is made need not file a defence before the hearing.]

(3) Where a summary judgment hearing is fixed, the respondent (or the parties where the hearing is fixed of the court's own initiative) must be given at least 14 days' notice of—

- (a) the date fixed for the hearing; and
- (b) the issues which it is proposed that the court will decide at the hearing.

[^{F6}(4) A practice direction may provide for a different period of notice to be given.]

(Part 23 contains the general rules about how to make an application)

(Rule 3.3 applies where the court exercises its powers of its own initiative)

Textual Amendments

- F4** Rule 24.4(1A) inserted (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **27**
- F5** Rule 24.4(2) substituted (1.10.2022) by [The Civil Procedure \(Amendment No. 2\) Rules 2022 \(S.I. 2022/783\)](#), rules 1(1), **13**
- F6** Rule 24.4(4) inserted (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rules 1(b), **12(b)**

Commencement Information

- I4** Rule 24.4 in force at 26.4.1999, see [Signature](#)

Evidence for the purposes of a summary judgment hearing

24.5.—(1) If the respondent to an application for summary judgment wishes to rely on written evidence at the hearing, he must—

- (a) file the written evidence; and
- (b) serve copies on every other party to the application, at least 7 days before the summary judgment hearing.

(2) If the applicant wishes to rely on written evidence in reply, he must—

- (a) file the written evidence; and
- (b) serve a copy on the respondent,

at least 3 days before the summary judgment hearing.

(3) Where a summary judgment hearing is fixed by the court of its own initiative—

- (a) any party who wishes to rely on written evidence at the hearing must—
 - (i) file the written evidence; and
 - (ii) unless the court orders otherwise, serve copies on every other party to the proceedings,

at least 7 days before the date of the hearing;

- (b) any party who wishes to rely on written evidence at the hearing in reply to any other party's written evidence must—

- (i) file the written evidence in reply; and
- (ii) unless the court orders otherwise serve copies on every other party to the proceedings,

at least 3 days before the date of the hearing.

(4) This rule does not require written evidence—

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- (a) to be filed if it has already been filed; or
- (b) to be served on a party on whom it has already been served.

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I5 [Rule 24.5](#) in force at 26.4.1999, see [Signature](#)

Court's powers when it determines a summary judgment application

24.6 When the court determines a summary judgment application it may—

- (a) give directions as to the filing and service of a defence;
- (b) give further directions about the management of the case.

(Rule 3.1(3) provides that the court may attach conditions when it makes an order)

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Commencement Information

I6 [Rule 24.6](#) in force at 26.4.1999, see [Signature](#)

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Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, PART 24.