

---

STATUTORY INSTRUMENTS

---

**1998 No. 3132**

**The Civil Procedure Rules 1998**

**PART 7** **E+W**

**HOW TO START PROCEEDINGS—THE CLAIM FORM**

**Contents of this Part**

---

Where to start proceedings	Rule 7.1
How to start proceedings	Rule 7.2
Right to use one claim form to start two or more claims	Rule 7.3
Particulars of claim	Rule 7.4
Service of a claim form	Rule 7.5
Extension of time for serving a claim form	Rule 7.6
Application by defendant for service of a claim form	Rule 7.7
Form for defence etc. must be served with particulars of claim	Rule 7.8
Fixed date and other claims	Rule 7.9
Production Centre for claims	Rule 7.10

---

**Where to start proceedings** **E+W**

**7.1** Restrictions on where proceedings may be started are set out in the relevant practice direction.

**Commencement Information**

**II** [Rule 7.1](#) in force at 26.4.1999, see [Signature](#)

**How to start proceedings** **E+W**

**7.2.**—(1) Proceedings are started when the court issues a claim form at the request of the claimant.

(2) A claim form is issued on the date entered on the form by the court.

(A person who seeks a remedy from the court before proceedings are started or in relation to proceedings which are taking place, or will take place, in another jurisdiction must make an application under Part 23)

(Part 16 sets out what the claim form must include)

*Status: Point in time view as at 26/04/1999.*

*Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, PART 7. (See end of Document for details)*

**Commencement Information**

**I2** [Rule 7.2](#) in force at 26.4.1999, see [Signature](#)

**Right to use one claim form to start two or more claims** **E+W**

**7.3** A claimant may use a single claim form to start all claims which can be conveniently disposed of in the same proceedings.

**Commencement Information**

**I3** [Rule 7.3](#) in force at 26.4.1999, see [Signature](#)

**Particulars of claim** **E+W**

**7.4.**—(1) Particulars of claim must—

- (a) be contained in or served with the claim form; or
- (b) subject to paragraph (2) be served on the defendant by the claimant within 14 days after service of the claim form.

(2) Particulars of claim must be served on the defendant no later than the latest time for serving a claim form.

(Rule 7.5 sets out the latest time for serving a claim form)

(3) Where the claimant serves particulars of claim separately from the claim form in accordance with paragraph (1)(b), he must, within 7 days of service on the defendant, file a copy of the particulars together with a certificate of service.

(Part 16 sets out what the particulars of claim must include)

(Part 22 requires particulars of claim to be verified by a statement of truth)

(Rule 6.10 makes provision for a certificate of service)

**Commencement Information**

**I4** [Rule 7.4](#) in force at 26.4.1999, see [Signature](#)

**Service of a claim form** **E+W**

**7.5.**—(1) After a claim form has been issued, it must be served on the defendant.

(2) The general rule is that a claim form must be served within 4 months after the date of issue.

(3) The period for service is 6 months where the claim form is to be served out of the jurisdiction.

**Commencement Information**

**I5** [Rule 7.5](#) in force at 26.4.1999, see [Signature](#)

### **Extension of time for serving a claim form** **E+W**

**7.6.**—(1) The claimant may apply for an order extending the period within which the claim form may be served.

- (2) The general rule is that an application to extend the time for service must be made—
- (a) within the period for serving the claim form specified by rule 7.5; or
  - (b) where an order has been made under this rule, within the period for service specified by that order.

(3) If the claimant applies for an order to extend the time for service of the claim form after the end of the period specified by rule 7.5 or by an order made under this rule, the court may make such an order only if—

- (a) the court has been unable to serve the claim form; or
- (b) the claimant has taken all reasonable steps to serve the claim form but has been unable to do so; and
- (c) in either case, the claimant has acted promptly in making the application.

(4) An application for an order extending the time for service—

- (a) must be supported by evidence; and
- (b) may be made without notice.

#### **Commencement Information**

**I6** [Rule 7.6](#) in force at 26.4.1999, see [Signature](#)

### **Application by defendant for service of claim form** **E+W**

**7.7.**—(1) Where a claim form has been issued against a defendant, but has not yet been served on him, the defendant may serve a notice on the claimant requiring him to serve the claim form or discontinue the claim within a period specified in the notice.

(2) The period specified in a notice served under paragraph (1) must be at least 14 days after service of the notice.

(3) If the claimant fails to comply with the notice, the court may, on the application of the defendant—

- (a) dismiss the claim; or
- (b) make any other order it thinks just.

#### **Commencement Information**

**I7** [Rule 7.7](#) in force at 26.4.1999, see [Signature](#)

### **Form for defence etc. must be served with particulars of claim** **E+W**

**7.8.**—(1) When particulars of claim are served on a defendant, whether they are contained in the claim form, served with it or served subsequently, they must be accompanied by—

- (a) a form for defending the claim;
- (b) a form for admitting the claim; and
- (c) a form for acknowledging service.

*Status: Point in time view as at 26/04/1999.*

*Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, PART 7. (See end of Document for details)*

- (2) Where the claimant is using the procedure set out in Part 8 (alternative procedure for claims)—
- (a) paragraph (1) does not apply; and
  - (b) a form for acknowledging service must accompany the claim form.

**Commencement Information**

**18** Rule 7.8 in force at 26.4.1999, see [Signature](#)

**Fixed date and other claims** **E+W**

**7.9** A practice direction—

- (a) may set out the circumstances in which the court may give a fixed date for a hearing when it issues a claim;
- (b) may list claims in respect of which there is a specific claim form for use and set out the claim form in question; and
- (c) may disapply or modify these Rules as appropriate in relation to the claims referred to in paragraphs (a) and (b).

**Commencement Information**

**19** Rule 7.9 in force at 26.4.1999, see [Signature](#)

**Production Centre for claims** **E+W**

**7.10.**—(1) There shall be a Production Centre for the issue of claim forms and other related matters.

(2) The relevant practice direction makes provision for—

- (a) which claimants may use the Production Centre;
- (b) the type of claims which the Production Centre may issue;
- (c) the functions which are to be discharged by the Production Centre;
- (d) the place where the Production Centre is to be located; and
- (e) other related matters.

(3) The relevant practice direction may disapply or modify these Rules as appropriate in relation to claims issued by the Production Centre.

**Commencement Information**

**110** Rule 7.10 in force at 26.4.1999, see [Signature](#)

**Status:**

Point in time view as at 26/04/1999.

**Changes to legislation:**

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, PART 7.