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STATUTORY INSTRUMENTS

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**1998 No. 3132**

The Civil Procedure Rules 1998

PART 12

DEFAULT JUDGMENT

**Default judgment obtained by making an application**

**12.10** The claimant must make an application in accordance with Part 23 where—

- (a) the claim is—
  - (i) a claim against a child or patient;
  - (ii) a claim in tort by one spouse against the other; or
  - (iii) a claim against the Crown.
- (b) he wishes to obtain a default judgment where the defendant has failed to file an acknowledgment of service—
  - (i) against a defendant who has been served with the claim out of the jurisdiction under RSC Order 11 r.1(2)(a) (service without leave under the Civil Jurisdiction and Judgments Act 1982<sup>(1)</sup>);
  - (ii) against a defendant domiciled in Scotland or Northern Ireland or in any other Convention territory;
  - (iii) against a State;
  - (iv) against a diplomatic agent who enjoys immunity from civil jurisdiction by virtue of the Diplomatic Privileges Act 1964<sup>(2)</sup>; or
  - (v) against persons or organisations who enjoy immunity from civil jurisdiction pursuant to the provisions of the International Organisations Acts 1968 and 1981<sup>(3)</sup>.

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<sup>(1)</sup> 1982 c. 27.

<sup>(2)</sup> 1964 c. 81.

<sup>(3)</sup> 1968 c. 48; 1981 c. 9.