
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

PART 12

DEFAULT JUDGMENT

Conditions to be satisfied

12.3.—(1) The claimant may obtain judgment in default of an acknowledgment of service only if—

- (a) the defendant has not filed an acknowledgment of service or a defence to the claim (or any part of the claim); and
- (b) the relevant time for doing so has expired.

[^{F1}(2) Judgment in default of defence may be obtained only—

- (a) where an acknowledgment of service has been filed but a defence has not been filed;
- (b) in a counterclaim made under rule 20.4, where a defence has not been filed,

and, in either case, the relevant time limit for doing so has expired.]

[^{F2}(Rule 20.4 makes general provision for a defendant's counterclaim against a claimant, and rule 20.4(3) provides that Part 10 (acknowledgment of service) does not apply to a counterclaim made under that rule)]

(Rules 10.3 and 15.4 deal respectively with the period for filing an acknowledgment of service and the period for filing a defence)

(3) The claimant may not obtain a default judgment if—

[^{F3}(a) the defendant has applied—

- (i) to have the claimant's statement of case struck out under rule 3.4; or
- (ii) for summary judgment under Part 24,

and, in either case, that application has not been disposed of;]

- (b) the defendant has satisfied the whole claim (including any claim for costs) on which the claimant is seeking judgment; ^{F4}...
- (c) (i) the claimant is seeking judgment on a claim for money; and
(ii) the defendant has filed or served on the claimant an admission under rule 14.4 or 14.7 (admission of liability to pay all of the money claimed) together with a request for time to pay [^{F5}; or
- (d) notice has been given under rule 82.21 of a person's intention to make an application for a declaration under section 6 of the Justice and Security Act 2013 in relation to the proceedings, and that application has not been disposed of.]

(Part 14 sets out the procedure where a defendant admits a money claim and asks for time to pay)

Status: Point in time view as at 31/01/2019. This version of this provision has been superseded.

*Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, Section 12.3. (See end of Document for details)*

[^{F6}(Rule 6.17 provides that, where the claim form is served by the claimant, the claimant may not obtain default judgment unless a certificate of service has been filed.)]

[^{F7}(Article 19(1) of the Service Regulation (which has the same meaning as in rule 6.31(e)) applies in relation to judgment in default where the claim form is served in accordance with that Regulation.)]

Textual Amendments

- F1** Rule 12.3(2) substituted (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rules 1(b), **6(a)**
- F2** Words in rule 12.3 inserted (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rules 1(b), **6(b)**
- F3** Rule 12.3(3)(a) substituted (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rules 1(b), **6(c)**
- F4** Word in rule 12.3(3)(b) omitted (27.6.2013) by virtue of [The Civil Procedure \(Amendment No. 5\) Rules 2013 \(S.I. 2013/1571\)](#), rules 1, **4(a)**
- F5** Rule 12.3(3)(d) and word inserted (27.6.2013) by [The Civil Procedure \(Amendment No. 5\) Rules 2013 \(S.I. 2013/1571\)](#), rules 1, **4(b)**
- F6** Words in rule 12.3 substituted (1.10.2008) by [The Civil Procedure \(Amendment\) Rules 2008 \(S.I. 2008/2178\)](#), rules 1(2), **9(a)**
- F7** Words in rule 12.3 substituted (1.10.2008) by [The Civil Procedure \(Amendment\) Rules 2008 \(S.I. 2008/2178\)](#), rules 1(2), **9(b)**

Commencement Information

- I1** Rule 12.3 in force at 26.4.1999, see [Signature](#)

Status:

Point in time view as at 31/01/2019. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Section 12.3.