
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

PART 17 E+W

AMENDMENTS TO STATEMENTS OF CASE

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

17.4.—(1) This rule applies where—

- (a) a party applies to amend [^{F1}their] 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); [^{F2}or]
 - [^{F3}(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 [^{F4}as are already in issue on] 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.

[^{F5}Rule [^{F6}19.6]] 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

- F1** Word in rule 17.4(1)(a) substituted (6.4.2023) by [The Civil Procedure \(Amendment\) Rules 2023 \(S.I. 2023/105\)](#), rules 1(1), **11(4)(a)**
- F2** 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)**
- F3** 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)**
- F4** Words in rule 17.4(2) inserted (6.4.2023) by [The Civil Procedure \(Amendment\) Rules 2023 \(S.I. 2023/105\)](#), rules 1(1), **11(4)(b)**

(1) 1980 c. 58.
(2) 1984 c. 16.

Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, Section 17.4. (See end of Document for details)

- 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)**
- F6** Word in rule 17.4 substituted (6.4.2023) by [The Civil Procedure \(Amendment\) Rules 2023 \(S.I. 2023/105\)](#), rules 1(1), **11(4)(c)**
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Commencement Information

- I1** [Rule 17.4](#) in force at 26.4.1999, see [Signature](#)

Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Section 17.4.