
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

[^{F1}PART 19 **E+W**

PARTIES AND GROUP LITIGATION

I ADDITION AND SUBSTITUTION OF PARTIES

[^{F2}Human Rights

[^{F1}[^{F2}19.4A *Section 4 of the Human Rights Act 1998*

(1) The court may not make a declaration of incompatibility in accordance with section 4 of the Human Rights Act 1998 unless 21 days' notice, or such other period of notice as the court directs, has been given to the Crown.

(2) Where notice has been given to the Crown a Minister, or other person permitted by that Act, shall be joined as a party on giving notice to the court.

(Only courts specified in section 4 of the Human Rights Act 1998 can make a declaration of incompatibility)

Section 9 of the Human Rights Act 1998

(3) Where a claim is made under that Act for damages in respect of a judicial act—

- (a) that claim must be set out in the statement of case or the appeal notice; and
- (b) notice must be given to the Crown.

(4) Where paragraph (3) applies and the appropriate person has not applied to be joined as a party within 21 days, or such other period as the court directs, after the notice is served, the court may join the appropriate person as a party.

(A practice direction makes provision for these notices)]

Textual Amendments

- F1** Pt. 19 substituted (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rule 1(b), [Sch. 2](#)
- F2** [Rule 19.4A](#) and cross-heading inserted (2.10.2000) by [The Civil Procedure \(Amendment No. 4\) Rules 2000 \(S.I. 2000/2092\)](#), rules 1, [8](#)

Modifications etc. (not altering text)

- C1** [Sch. 2 CCR Order 25 Rule 3](#) savings for effects of S.I. 2001/2792, Sch. 5 (25.3.2002) by [The Civil Procedure \(Amendment No. 5\) Rules 2001 \(S.I. 2001/4015\)](#), rules 1(c), [43\(2\)](#)

Status:

Point in time view as at 04/12/2008.

Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Section 19.4A.