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STATUTORY INSTRUMENTS

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**1998 No. 3132**

The Civil Procedure Rules 1998

PART 21

CHILDREN AND PATIENTS

**Who may be a litigation friend without a court order**

**21.4.**—(1) This rule does not apply if the court has appointed a person to be a litigation friend.

(2) A person authorised under Part VII of the Mental Health Act 1983 to conduct legal proceedings in the name of a patient or on his behalf is entitled to be the litigation friend of the patient in any proceedings to which his authority extends.

(3) If nobody has been appointed by the court or, in the case of a patient, authorised under Part VII, a person may act as a litigation friend if he—

- (a) can fairly and competently conduct proceedings on behalf of the child or patient;
- (b) has no interest adverse to that of the child or patient; and
- (c) where the child or patient is a claimant, undertakes to pay any costs which the child or patient may be ordered to pay in relation to the proceedings, subject to any right he may have to be repaid from the assets of the child or patient.

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**Commencement Information**

**II** [Rule 21.4](#) in force at 26.4.1999, see [Signature](#)

**Status:**

Point in time view as at 02/10/2006. This version of this provision has been superseded.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 21.4.