

STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

PART 26 **E+W**

CASE MANAGEMENT—PRELIMINARY STAGE

Automatic transfer [^{F1}in the High Court] **E+W**

26.2.—(1) ^{F2}... This rule applies to proceedings [^{F3}in the High Court] where—

- (a) the claim is for a specified amount of money;
- (b) the claim was commenced in a court which is not the defendant's home court;
- (c) the claim has not been transferred to another defendant's home court ^{F4}...; and
- (d) the defendant is an individual.

(2) This rule does not apply where the claim was commenced in a specialist list^(GL).

(3) Where this rule applies, the court will transfer the proceedings to the defendant's home court when a defence is filed, unless paragraph (4) applies.

(Rule 2.3 defines “defendant's home court”)

(4) Where the claimant notifies the court under rule 15.10 or rule 14.5 that he wishes the proceedings to continue, the court will transfer the proceedings to the defendant's home court when it receives that notification from the claimant.

(Rule 15.10 deals with a claimant's notice where the defence is that money claimed has been paid)

(Rule 14.5 sets out the procedure where the defendant admits part of a claim for a specified amount of money)

(5) Where—

- (a) the claim is against two or more defendants with different home courts; and
- (b) the defendant whose defence is filed first is an individual,

proceedings are to be transferred under this rule to the home court of that defendant.

(6) The time when a claim is automatically transferred under this rule may be varied by a practice direction in respect of claims issued by the Production Centre.

(Rule 7.10 makes provision for the Production Centre)

Textual Amendments

F1 Words in rule 26.2 heading substituted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(1), **14(c)(i)**; S.I. 2014/954, art. 2(a)

F2 Words in rule 26.2 omitted (22.4.2014) by virtue of [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(1), **14(c)(ii)**; S.I. 2014/954, art. 2(a)

Status: Point in time view as at 01/12/2017. This version of this provision has been superseded.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 26.2. (See end of Document for details)

- F3** Words in rule 26.2(1) inserted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **14(c)(iii)**; S.I. 2014/954, art. 2(a)
- F4** Words in rule 26.2(1)(c) omitted (19.3.2012) by virtue of The Civil Procedure (Amendment No.4) Rules 2011 (S.I. 2011/3103), rules 1, **9(b)(ii)(bb)**

Commencement Information

- I1** Rule 26.2 in force at 26.4.1999, see **Signature**

Status:

Point in time view as at 01/12/2017. 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 26.2.