
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

[^{F1}PART 26

CASE MANAGEMENT – PRELIMINARY STAGE

[^{F1}Automatic transfer in the High Court

26.2.—(1) This rule applies to proceedings 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; and
- (d) the defendant is an individual.

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

(3) Where this rule applies, the court shall 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 ^{F2}... that they wish the proceedings to continue, the court shall 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)

^{F3}
...

(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 Pt. 26 substituted (1.10.2023) by [The Civil Procedure \(Amendment No. 2\) Rules 2023 \(S.I. 2023/572\)](#), [rule 1\(1\)](#), [Sch. 1](#) (with [rule 2](#))

F2 Words in rule 26.2(4) omitted (1.10.2023 immediately after [S.I. 2023/572](#) comes into force) by virtue of [The Civil Procedure \(Amendment No. 3\) Rules 2023 \(S.I. 2023/788\)](#), [rules 1\(1\)](#), [16\(1\)\(a\)](#)

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 omitted (1.10.2023 immediately after [S.I. 2023/572](#) comes into force) by virtue of [The Civil Procedure \(Amendment No. 3\) Rules 2023 \(S.I. 2023/788\)](#), rules 1(1), **16(1)(b)**

Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Section 26.2.