
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

PART 3

THE COURT'S CASE MANAGEMENT POWERS

Court's power to make order of its own initiative

3.3.—(1) Except where a rule or some other enactment provides otherwise, the court may exercise its powers on an application or of its own initiative.

(Part 23 sets out the procedure for making an application)

- (2) Where the court proposes to make an order of its own initiative—
- (a) it may give any person likely to be affected by the order an opportunity to make representations; and
 - (b) where it does so it must specify the time by and the manner in which the representations must be made.
- (3) Where the court proposes—
- (a) to make an order of its own initiative; and
 - (b) to hold a hearing to decide whether to make the order,

it must give each party likely to be affected by the order at least 3 days' notice of the hearing.

(4) The court may make an order of its own initiative without hearing the parties or giving them an opportunity to make representations.

- (5) Where the court has made an order under paragraph (4)—
- (a) a party affected by the order may apply to have it set aside^(GL), varied or stayed^(GL); and
 - (b) the order must contain a statement of the right to make such an application.

- (6) An application under paragraph (5)(a) must be made—
- (a) within such period as may be specified by the court; or
 - (b) if the court does not specify a period, not more than 7 days after the date on which the order was served on the party making the application.

[^{F1}(7) If the court of its own initiative strikes out a statement of case or dismisses an application [^{F2}(including an application for permission to appeal or for permission to apply for judicial review)], and it considers that the claim or application is totally without merit—

- (a) the court's order must record that fact; and
- (b) the court must at the same time consider whether it is appropriate to make a civil restraint order.]

Status: Point in time view as at 02/10/2006. This version of this provision has been superseded.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 3.3. (See end of Document for details)

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Textual Amendments

- F1** Rule 3.3(7) inserted (1.10.2004) by [The Civil Procedure \(Amendment No.2\) Rules 2004 \(S.I. 2004/2072\)](#), rules 1(b), 4
- F2** Words in rule 3.3(7) inserted (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), 4
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Commencement Information

- I1** Rule 3.3 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 3.3.