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STATUTORY INSTRUMENTS

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**1998 No. 3132**

**The Civil Procedure Rules 1998**

**PART 3**

**THE COURT'S CASE [F1 AND COSTS] MANAGEMENT POWERS**

*[F1 SECTION 1*

*Case Management]*

**Judgment without trial after striking out**

**3.5.—(1)** This rule applies where—

- (a) the court makes an order which includes a term that the statement of case of a party shall be struck out if the party does not comply with the order; and
- (b) the party against whom the order was made does not comply with it.

**(2)** A party may obtain judgment with costs by filing a request for judgment if—

- (a) the order referred to in paragraph (1)(a) relates to the whole of a statement of case; and
- (b) where the party wishing to obtain judgment is the claimant, the claim is for—
  - (i) a specified amount of money;
  - (ii) an amount of money to be decided by the court;
  - (iii) delivery of goods where the claim form gives the defendant the alternative of paying their value; or
  - (iv) any combination of these remedies.

[F1(3) Where judgment is obtained under this rule in a case to which paragraph (2)(b)(iii) applies, it will be judgment requiring the defendant to deliver the goods, or (if [F2 the defendant] does not do so) pay the value of the goods as decided by the court (less any payments made).]

[F3(4) The request must state that the right to enter judgment has arisen because the court's order has not been complied with.

[F4(5) A party must make an application in accordance with Part 23 if [F5 they wish] to obtain judgment under this rule in a case to which paragraph (2) does not apply.

**Textual Amendments**

- F1** Rule 3.5(3) inserted (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rules 1(b), **3(c)**
- F2** Words in rule 3.5(3) substituted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(1), **6(c)(i)**; S.I. 2014/954, art. 2(a)
- F3** Rule 3.5(3) renumbered as rule 3.5(4) (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rules 1(b), **3(a)**

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**Status:** Point in time view as at 22/04/2014.

**Changes to legislation:** There are currently no known outstanding effects for the  
The Civil Procedure Rules 1998, Section 3.5. (See end of Document for details)

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- F4** Rule 3.5(4) renumbered as rule 3.5(5) (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rules 1(b), **3(b)**
- F5** Words in rule 3.5(5) substituted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **6(c)(ii)**; S.I. 2014/954, art. 2(a)

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**Commencement Information**

- I1** Rule 3.5 in force at 26.4.1999, see **Signature**

**Status:**

Point in time view as at 22/04/2014.

**Changes to legislation:**

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Section 3.5.