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STATUTORY INSTRUMENTS

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**1998 No. 3132**

**The Civil Procedure Rules 1998**

**PART 3**

**THE COURT'S CASE [<sup>F1</sup>AND COSTS] MANAGEMENT POWERS**

*[<sup>F1</sup>SECTION 1*

*Case Management]*

**Sanctions have effect unless defaulting party obtains relief**

**3.8.**—(1) Where a party has failed to comply with a rule, practice direction or court order, any sanction for failure to comply imposed by the rule, practice direction or court order has effect unless the party in default applies for and obtains relief from the sanction.

(Rule 3.9 sets out the circumstances which the court [<sup>F1</sup>will] consider on an application to grant relief from a sanction)

(2) Where the sanction is the payment of costs, the party in default may only obtain relief by appealing against the order for costs.

(3) Where a rule, practice direction or court order—

- (a) requires a party to do something within a specified time, and
- (b) specifies the consequence of failure to comply,

the time for doing the act in question may not be extended by agreement between the parties [<sup>F2</sup>except as provided in paragraph (4)].

[<sup>F3</sup>(4) In the circumstances referred to in paragraph (3) and unless the court orders otherwise, the time for doing the act in question may be extended by prior written agreement of the parties for up to a maximum of 28 days, provided always that any such extension does not put at risk any hearing date]

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**Textual Amendments**

- F1** Word in rule 3.8(1) substituted (1.4.2013) by [The Civil Procedure \(Amendment\) Rules 2013 \(S.I. 2013/262\)](#), rules 2, **5(f)** (with rule 22)
- F2** Words in rule 3.8(3) inserted (5.6.2014) by [The Civil Procedure \(Amendment No. 5\) Rules 2014 \(S.I. 2014/1233\)](#), rules 1, **3(a)**
- F3** Rule 3.8(4) inserted (5.6.2014) by [The Civil Procedure \(Amendment No. 5\) Rules 2014 \(S.I. 2014/1233\)](#), rules 1, **3(b)**

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**Commencement Information**

- I1** [Rule 3.8](#) in force at 26.4.1999, see [Signature](#)

**Status:**

Point in time view as at 31/01/2019.

**Changes to legislation:**

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Section 3.8.