
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

PART 3

THE COURT'S CASE MANAGEMENT POWERS

Relief from sanctions

3.9.—(1) On an application for relief from any sanction imposed for a failure to comply with any rule, practice direction or court order the court will consider all the circumstances including—

- (a) the interests of the administration of justice;
 - (b) whether the application for relief has been made promptly;
 - (c) whether the failure to comply was intentional;
 - (d) whether there is a good explanation for the failure;
 - (e) the extent to which the party in default has complied with other rules, practice directions, court orders and any relevant pre-action protocol^(GL);
 - (f) whether the failure to comply was caused by the party or his legal representative;
 - (g) whether the trial date or the likely trial date can still be met if relief is granted;
 - (h) the effect which the failure to comply had on each party; and
 - (i) the effect which the granting of relief would have on each party.
- (2) An application for relief must be supported by evidence.