
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

PART 38

DISCONTINUANCE

Right to discontinue claim

38.2.—(1) A claimant may discontinue all or part of a claim at any time.

(2) However—

- (a) a claimant must obtain the permission of the court if he wishes to discontinue all or part of a claim in relation to which—
 - (i) the court has granted an interim injunction^(GL); or
 - (ii) any party has given an undertaking to the court;
- (b) where the claimant has received an interim payment in relation to a claim (whether voluntarily or pursuant to an order under Part 25), he may discontinue that claim only if—
 - (i) the defendant who made the interim payment consents in writing; or
 - (ii) the court gives permission;
- (c) where there is more than one claimant, a claimant may not discontinue unless—
 - (i) every other claimant consents in writing; or
 - (ii) the court gives permission.

(3) Where there is more than one defendant, the claimant may discontinue all or part of a claim against all or any of the defendants.