

---

STATUTORY INSTRUMENTS

---

**1998 No. 3132**

The Civil Procedure Rules 1998

PART 38

DISCONTINUANCE

**Right to apply to have notice of discontinuance set aside**

**38.4.**—(1) Where the claimant discontinues under rule 38.2(1) the defendant may apply to have the notice of discontinuance set aside<sup>(GL)</sup>.

(2) The defendant may not make an application under this rule more than 28 days after the date when the notice of discontinuance was served on him.

---

**Commencement Information**

**II** [Rule 38.4](#) in force at 26.4.1999, see [Signature](#)

**Status:**

Point in time view as at 26/04/1999. This version of this provision has been superseded.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 38.4.