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STATUTORY INSTRUMENTS

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**1998 No. 3132**

The Civil Procedure Rules 1998

PART 38

DISCONTINUANCE

**Discontinuance and subsequent proceedings**

**38.7** A claimant who discontinues a claim needs the permission of the court to make another claim against the same defendant if—

- (a) he discontinued the claim after the defendant filed a defence; and
- (b) the other claim arises out of facts which are the same or substantially the same as those relating to the discontinued claim.

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**Commencement Information**

**II** [Rule 38.7](#) in force at 26.4.1999, see [Signature](#)

**Status:**

Point in time view as at 31/08/2009. This version of this provision has been superseded.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 38.7.