

STATUTORY INSTRUMENTS

**1998 No. 3132**

The Civil Procedure Rules 1998

PART 38 **E+W**

DISCONTINUANCE

**Stay of remainder of partly discontinued proceedings where costs not paid **E+W****

**38.8.**—(1) This rule applies where—

(a) proceedings are partly discontinued;

[<sup>F1</sup>(b) a claimant is liable to—

(i) pay costs under rule 38.6; or

(ii) make a payment pursuant to an order under section 194(3) of the Legal Services Act 2007; and]

(c) the claimant fails to pay those costs [<sup>F2</sup>or make the payment] within [<sup>F3</sup>14] days of—

(i) the date on which the parties agreed the sum payable by the claimant; or

(ii) the date on which the court ordered the costs to be paid [<sup>F4</sup>or the payment to be made].

(2) Where this rule applies, the court may stay<sup>(GL)</sup> the remainder of the proceedings until the claimant pays the whole of the costs which [<sup>F5</sup>the claimant] is liable to pay under rule 38.6 [<sup>F6</sup>or makes the payment pursuant to an order under section 194(3) of the Legal Services Act 2007]

[<sup>F7</sup>(Rules [<sup>F8</sup>44.9 and 46.7] contain provisions about applying for an order under section 194(3) of the Legal Services Act 2007.)]

**Textual Amendments**

- F1** Rule 38.8(1)(b) substituted (1.10.2008) by [The Civil Procedure \(Amendment\) Rules 2008](#) (S.I. 2008/2178), rules 1(2), **19(a)**
- F2** Words in rule 38.8(1)(c) inserted (1.10.2008) by [The Civil Procedure \(Amendment\) Rules 2008](#) (S.I. 2008/2178), rules 1(2), **19(b)(i)**
- F3** Word in rule 38.8(1)(c) substituted (3.7.2000) by [The Civil Procedure \(Amendment No. 3\) Rules 2000](#) (S.I. 2000/1317), rules 1, **10** (with rule 39)
- F4** Words in rule 38.8(1)(c)(ii) inserted (1.10.2008) by [The Civil Procedure \(Amendment\) Rules 2008](#) (S.I. 2008/2178), rules 1(2), **19(b)(ii)**
- F5** Words in rule 38.8(2) substituted (1.10.2008) by [The Civil Procedure \(Amendment\) Rules 2008](#) (S.I. 2008/2178), rules 1(2), **19(c)(i)**
- F6** Words in rule 38.8(2) inserted (1.10.2008) by [The Civil Procedure \(Amendment\) Rules 2008](#) (S.I. 2008/2178), rules 1(2), **19(c)(ii)**
- F7** Words in rule 38.8 inserted (1.10.2008) by [The Civil Procedure \(Amendment\) Rules 2008](#) (S.I. 2008/2178), rules 1(2), **19(d)**
- F8** Words in rule 38.8 substituted (1.10.2013) by [The Civil Procedure \(Amendment No.7\) Rules 2013](#) (S.I. 2013/1974), rules 2, **15(b)**

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**Changes to legislation:** There are currently no known outstanding effects for the  
The Civil Procedure Rules 1998, Section 38.8. (See end of Document for details)

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**Commencement Information**

**II** [Rule 38.8](#) in force at 26.4.1999, see [Signature](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Section 38.8.