
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

PART 40

[^{F1}JUDGMENTS, ORDERS, SALE OF LAND ETC]

[^{F1}I JUDGMENTS AND ORDERS]

Drawing up and filing of judgments and orders

40.3.—(1) [^{F1}Except as is provided at paragraph (4) below or by any Practice Direction, every] judgment or order will be drawn up by the court unless—

- (a) the court orders a party to draw it up;
- (b) a party, with the permission of the court, agrees to draw it up;
- (c) the court dispenses with the need to draw it up; or
- (d) it is a consent order under rule 40.6.

(2) The court may direct that—

- (a) a judgment or an order drawn up by a party must be checked by the court before it is sealed^(GL); or
- (b) before a judgment or an order is drawn up by the court, the parties must file an agreed statement of its terms.

(3) Where a judgment or an order is to be drawn up by a party—

- (a) he must file it no later than 7 days after the date on which the court ordered or permitted him to draw it up so that it can be sealed^(GL) by the court; and
- (b) if he fails to file it within that period, any other party may draw it up and file it.

[^{F2}(4) Except for orders made by the court of its own initiative and unless the court otherwise orders, every judgment or order made in claims proceeding in the Queen's Bench Division at the Royal Courts of Justice, other than in the Administrative Court, will be drawn up by the parties, and rule 40.3 is modified accordingly.]

Textual Amendments

- F1** Words in rule 40.3(1) substituted (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **37(a)**
- F2** Rule 40.3(4) inserted (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **37(b)**

Commencement Information

- I1** [Rule 40.3](#) in force at 26.4.1999, see [Signature](#)

Status:

Point in time view as at 01/10/2007. This version of this provision has been superseded.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 40.3.