
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

PART 40

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

[^{F1}I JUDGMENTS AND ORDERS]

Consent judgments and orders

40.6.—(1) This rule applies where all the parties agree the terms in which a judgment should be given or an order should be made.

- (2) A court officer may enter and seal^(GL) an agreed judgment or order if—
- (a) the judgment or order is listed in paragraph (3);
 - (b) none of the parties is a litigant in person; and
 - (c) the approval of the court is not required by these Rules, a practice direction or any enactment before an agreed order can be made.
- (3) The judgments and orders referred to in paragraph (2) are—
- (a) a judgment or order for—
 - (i) the payment of an amount of money (including a judgment or order for damages or the value of goods to be decided by the court); or
 - (ii) the delivery up of goods with or without the option of paying the value of the goods or the agreed value.
 - (b) an order for—
 - (i) the dismissal of any proceedings, wholly or in part;
 - (ii) the stay^(GL) of proceedings on agreed terms, disposing of the proceedings, whether those terms are recorded in a schedule to the order or elsewhere;
 - (iii) the stay^(GL) of enforcement of a judgment, either unconditionally or on condition that the money due under the judgment is paid by instalments specified in the order;
 - (iv) the setting aside under Part 13 of a default judgment which has not been satisfied;
 - (v) the payment out of money which has been paid into court;
 - (vi) the discharge from liability of any party;
 - (vii) the payment, assessment or waiver of costs, or such other provision for costs as may be agreed.

(4) Rule 40.3 (drawing up and filing of judgments and orders) applies to judgments and orders entered and sealed^(GL) by a court officer under paragraph (2) as it applies to other judgments and orders.

Status: Point in time view as at 05/04/2010.

Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, Section 40.6. (See end of Document for details)

(5) Where paragraph (2) does not apply, any party may apply for a judgment or order in the terms agreed.

(6) The court may deal with an application under paragraph (5) without a hearing.

(7) Where this rule applies—

(a) the order which is agreed by the parties must be drawn up in the terms agreed;

(b) it must be expressed as being “By Consent”;

(c) it must be signed by the legal representative acting for each of the parties to whom the order relates or, where paragraph (5) applies, by the party if he is a litigant in person.

Commencement Information

II [Rule 40.6](#) in force at 26.4.1999, see [Signature](#)

Status:

Point in time view as at 05/04/2010.

Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Section 40.6.