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STATUTORY INSTRUMENTS

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**1998 No. 3132**

The Civil Procedure Rules 1998

PART 41

PROVISIONAL DAMAGES

**Order for an award of provisional damages**

- 41.2.**—(1) The court may make an order for an award of provisional damages if—
- (a) the particulars of claim include a claim for provisional damages; and
  - (b) the court is satisfied that SCA s.32A or CCA s.51 applies.

(Rule 16.4(1)(d) sets out what must be included in the particulars of claim where the claimant is claiming provisional damages)

- (2) An order for an award of provisional damages—
- (a) must specify the disease or type of deterioration in respect of which an application may be made at a future date;
  - (b) must specify the period within which such an application may be made; and
  - (c) may be made in respect of more than one disease or type of deterioration and may, in respect of each disease or type of deterioration, specify a different period within which a subsequent application may be made.
- (3) The claimant may make more than one application to extend the period specified under paragraph (2)(b) or (2)(c).

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**Commencement Information**

**II** [Rule 41.2](#) 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Point in time view as at 26/04/1999. This version of this provision has been superseded.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 41.2.