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*Status: Point in time view as at 01/12/2017.*

*Changes to legislation: The Civil Procedure Rules 1998, Section 59.7 is up to date with all changes known to be in force on or before 25 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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## STATUTORY INSTRUMENTS

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# 1998 No. 3132

## The Civil Procedure Rules 1998

### [<sup>F1</sup>PART 59

### [<sup>F1</sup>CIRCUIT COMMERCIAL COURTS]

#### [<sup>F1</sup>Default judgment

**59.7.**—(1) Part 12 applies to [<sup>F2</sup>Circuit Commercial claims], except that rules 12.10 and 12.11 apply as modified by paragraphs (2) and (3) of this rule.

(2) If, in a Part 7 claim—

- (a) the claim form has been served but no particulars of claim have been served; and
- (b) the defendant has failed to file an acknowledgment of service,

the claimant must make an application if he wishes to obtain a default judgment.

(3) The application may be made without notice, but the court may direct it to be served on the defendant.]

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#### **Textual Amendments**

- F1** Pt. 59 inserted (25.3.2002) by [The Civil Procedure \(Amendment No. 5\) Rules 2001 \(S.I. 2001/4015\)](#), rule 1(c), [Sch. 3](#)
- F2** Words in Pt. 59 substituted (1.10.2017) by [The Civil Procedure \(Amendment No. 2\) Rules 2017 \(S.I. 2017/889\)](#), rules 1(1), [7\(2\)\(c\)](#)

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