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STATUTORY INSTRUMENTS

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**1998 No. 3132**

**The Civil Procedure Rules 1998**

**[<sup>F1</sup>PART 61**

**ADMIRALTY CLAIMS**

**[<sup>F1</sup>Judgment in default**

**61.9.—**(1) In a claim in rem (other than a collision claim) the claimant may obtain judgment in default of—

- (a) an acknowledgment of service only if—
  - (i) the defendant has not filed an acknowledgment of service; and
  - (ii) the time for doing so set out in rule 61.3(4) has expired; and
- (b) defence only if—
  - (i) a defence has not been filed; and
  - (ii) the relevant time limit for doing so has expired.

(2) In a collision claim, a party who has filed a collision statement of case within the time specified by rule 61.4(5) may obtain judgment in default of a collision statement of case only if—

- (a) the party against whom judgment is sought has not filed a collision statement of case; and
- (b) the time for doing so set out in rule 61.4(5) has expired.

(3) An application for judgment in default—

- (a) under paragraph (1) or paragraph (2) in an in rem claim must be made by filing—
  - (i) an application notice as set out in the practice direction;
  - (ii) a certificate proving service of the claim form; and
  - (iii) evidence proving the claim to the satisfaction of the court; and
- (b) under paragraph (2) in any other claim must be made in accordance with Part 12 with any necessary modifications.

(4) An application notice seeking judgment in default and, unless the court orders otherwise, all evidence in support, must be served on all persons who have entered cautions against release on the Register.

(5) The court may set aside or vary any judgment in default entered under this rule.

(6) The claimant may apply to the court for judgment against a party at whose instance a notice against arrest was entered where—

- (a) the claim form has been served on that party;
- (b) the sum claimed in the claim form does not exceed the amount specified in the undertaking given by that party in accordance with rule 61.7(2)(a)(ii); and

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**Status:** Point in time view as at 31/08/2009. This version of this provision has been superseded.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 61.9. (See end of Document for details)

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- (c) that party has not fulfilled that undertaking within 14 days after service on him of the claim form.]

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**Textual Amendments**

- F1** Pt. 61 inserted (25.3.2002) by [The Civil Procedure \(Amendment No. 5\) Rules 2001 \(S.I. 2001/4015\)](#), rule 1(c), [Sch. 5](#)

**Status:**

Point in time view as at 31/08/2009. 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 61.9.