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STATUTORY INSTRUMENTS

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**1998 No. 3132**

**The Civil Procedure Rules 1998**

**[<sup>F1</sup>PART 70**

**GENERAL RULES ABOUT ENFORCEMENT OF JUDGMENTS AND ORDERS**

**[<sup>F1</sup><sup>F2</sup>Enforcement of decisions of bodies other than the High Court and [<sup>F3</sup>the County Court] and compromises enforceable by enactment**

**70.5.**—(1) This rule applies, subject to paragraph (2), where an enactment provides that—

- (a) a decision of a court, tribunal, body or person other than the High Court or [<sup>F4</sup>the County Court]; or
- (b) a compromise,

may be enforced as if it were a court order or that any sum of money payable under that decision or compromise may be recoverable as if payable under a court order.

(2) This rule does not apply to—

- (a) any judgment to which Part 74 applies;
- (b) arbitration awards;
- (c) any order to which RSC Order 115 applies; or
- (d) proceedings to which Part 75 (traffic enforcement) applies.

(2A) Unless paragraph (3) applies, a party may enforce the decision or compromise by applying for a specific method of enforcement under Parts 71 to 73, [<sup>F5</sup>81, [<sup>F6</sup>83, 84 and 89, and Schedule 2 CCR Order 28]] and must—

- (a) file with the court a copy of the decision or compromise being enforced; and
- (b) provide the court with the information required by [<sup>F7</sup>Practice Direction 70A].

(3) If an enactment provides that a decision or compromise is enforceable or a sum of money is recoverable if a court so orders, an application for such an order must be made in accordance with paragraphs (4) to (7A) of this rule.

(4) The application—

- (a) may, unless paragraph (4A) applies, be made without notice; and
- (b) must be made to the court for the district where the person against whom the order is sought, resides or carries on business, unless [<sup>F8</sup>an enactment, rule or practice direction provides otherwise or] the court otherwise orders.

(4A) Where a compromise requires a person to whom a sum of money is payable under the compromise to do anything in addition to discontinuing or not starting proceedings (“a conditional compromise”), an application under paragraph (4) must be made on notice.

(5) The application notice must—

- (a) be in the form; and

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*Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Section 70.5. (See end of Document for details)*

- (b) contain the information required by [<sup>F9</sup>Practice Direction 70A].
- (6) A copy of the decision or compromise must be filed with the application notice.
- (7) An application other than in relation to a conditional compromise may be dealt with by a court officer without a hearing.
- (7A) Where an application relates to a conditional compromise, the respondent may oppose it by filing a response within 14 days of service of the application notice and if the respondent—
- (a) does not file a response within the time allowed, the court will make the order; or
  - (b) files a response within the time allowed, the court will make such order as appears appropriate.
- (8) If an enactment provides that a decision or compromise may be enforced in the same manner as an order of the High Court if it is registered, any application to the High Court for registration must be made in accordance with [<sup>F10</sup>Practice Direction 70A].]

#### Textual Amendments

- F1** Pt. 70 inserted (25.3.2002) by *The Civil Procedure (Amendment No. 4) Rules 2001* (S.I. 2001/2792), rule 1(c), **Sch. 1** (with savings in rule 24 and S.I. 2001/4015, **rule 43(2)**)
- F2** Rule 70.5 substituted (6.4.2009) by *The Civil Procedure (Amendment No.3) Rules 2008* (S.I. 2008/3327), rules 1, **12(b)**
- F3** Words in Rules substituted (22.4.2014) by *The Civil Procedure (Amendment) Rules 2014* (S.I. 2014/407), rules 2(1), **4(a)(iii)**; S.I. 2014/954, art. 2(a)
- F4** Words in Rules substituted (22.4.2014) by *The Civil Procedure (Amendment) Rules 2014* (S.I. 2014/407), rules 2(1), **4(a)(i)**; S.I. 2014/954, art. 2(a)
- F5** Words in rule 70.5(2A) inserted (6.4.2014) by *The Civil Procedure (Amendment) Rules 2014* (S.I. 2014/407), rules 2(3), **30(e)(i)** (with rule 41)
- F6** Words in rule 70.5(2A) substituted (6.4.2016) by *The Civil Procedure (Amendment) Rules 2016* (S.I. 2016/234), rules 2, **13(a)** (with rule 25)
- F7** Words in rule 70.5(2A)(b) substituted (1.10.2021) by *The Civil Procedure (Amendment No. 4) Rules 2021* (S.I. 2021/855), rules 1(1), **11(b)(i)**
- F8** Words in rule 70.5(4)(b) inserted (6.4.2016) by *The Civil Procedure (Amendment) Rules 2016* (S.I. 2016/234), rules 2, **13(b)** (with rule 26)
- F9** Words in rule 70.5(5) substituted (1.10.2021) by *The Civil Procedure (Amendment No. 4) Rules 2021* (S.I. 2021/855), rules 1(1), **11(b)(ii)**
- F10** Words in rule 70.5(8) substituted (1.10.2021) by *The Civil Procedure (Amendment No. 4) Rules 2021* (S.I. 2021/855), rules 1(1), **11(b)(iii)**

#### Modifications etc. (not altering text)

- C1** Pt. 70 applied (with modifications) (1.10.2007) by *The Court of Protection Rules 2007* (S.I. 2007/1744), rules 1, **184(a)**

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Section 70.5.