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STATUTORY INSTRUMENTS

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**1998 No. 3132**

**The Civil Procedure Rules 1998**

[<sup>F1</sup>PART 78

EUROPEAN ORDER FOR PAYMENT AND  
EUROPEAN SMALL CLAIMS PROCEDURES

*SECTION II - EUROPEAN SMALL CLAIMS PROCEDURE*

*ESCP claims made in a court in England and Wales*

[<sup>F1</sup>**Transfer of proceedings where the claim is outside the scope of the ESCP Regulation –  
article 4(3) of the ESCP Regulation**

**78.15.**—(1) Where the court identifies that the claim is outside the scope of the ESCP Regulation, the court will notify the claimant of this in a transfer of proceedings notice.

(2) If the claimant wishes to withdraw the claim, the claimant must notify the court of this within 21 days of the date of the transfer of proceedings notice.

(3) Where the claimant has notified the court in accordance with paragraph (2), the claim is automatically withdrawn.

(4) Where the claimant has not notified the court in accordance with paragraph (2) and the claim is instead to be transferred under article 4(3) of the ESCP Regulation—

(a) the claim will be treated as if it had been started as a claim under Part 7 and the ESCP claim form will be treated as a Part 7 claim form including particulars of claim; and

(b) thereafter, these Rules apply with necessary modifications and subject to this rule,

and the court will notify the claimant of the transfer and its effect.]

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**Textual Amendments**

**F1** Pt. 78 inserted (12.12.2008 for specified purposes) by [The Civil Procedure \(Amendment\) Rules 2008](#) (S.I. 2008/2178), rule 1(3), [Sch. 2](#)

**Status:**

Point in time view as at 12/12/2008. This version of this provision has been superseded.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 78.15.