
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

[^{F1}PART 78

EUROPEAN ORDER FOR PAYMENT AND
EUROPEAN SMALL CLAIMS PROCEDURES

SECTION I - EUROPEAN ORDER FOR PAYMENT PROCEDURE

EOP applications made to a court in England and Wales

[^{F1}**Transfer of proceedings where an EOP application has been opposed**

78.5.—(1) Where a statement of opposition is filed in accordance with article 16 of the EOP Regulation and the claimant has not opposed the transfer of the matter—

- (a) the EOP application will be treated as if it had been started as a claim under Part 7 and the EOP application form A 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 rules 78.6 and 78.7.

(2) When the court notifies the claimant in accordance with article 17(3) of the EOP Regulation the court will also—

- (a) notify the claimant—
 - (i) that the EOP application form A is now treated as a Part 7 claim form including particulars of claim; and
 - (ii) of the time within which the defendant must respond under rule 78.6; and
- (b) notify the defendant—
 - (i) that a statement of opposition has been received;
 - (ii) that the application will not continue under Part 78;
 - (iii) that the application has been transferred under article 17 of the EOP Regulation;
 - (iv) that the EOP application form A is now treated as a Part 7 claim form including particulars of claim; and
 - (v) of the time within which the defendant must respond under rule 78.6.]

Textual Amendments

- F1** Pt. 78 inserted (12.12.2008 for specified purposes, 1.1.2009 in so far as not already in force) by [The Civil Procedure \(Amendment\) Rules 2008 \(S.I. 2008/2178\)](#), rule 1(3), [Sch. 2](#)

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Point in time view as at 31/08/2009. This version of this provision has been superseded.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 78.5.