
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

PART 8

ALTERNATIVE PROCEDURE FOR CLAIMS

Types of claim in which Part 8 procedure may be followed

- 8.1.**—(1) The Part 8 procedure is the procedure set out in this Part.
- (2) A claimant may use the Part 8 procedure where—
- (a) he seeks the court’s decision on a question which is unlikely to involve a substantial dispute of fact; or
 - (b) paragraph (6) applies.
- (3) The court may at any stage order the claim to continue as if the claimant had not used the Part 8 procedure and, if it does so, the court may give any directions it considers appropriate.
- (4) Paragraph (2) does not apply if a practice direction provides that the Part 8 procedure may not be used in relation to the type of claim in question.
- (5) Where the claimant uses the Part 8 procedure he may not obtain default judgment under Part 12.
- (6) A rule or practice direction may, in relation to a specified type of proceedings—
- (a) require or permit the use of the Part 8 procedure; and
 - (b) disapply or modify any of the rules set out in this Part as they apply to those proceedings.

(Rule 8.9 provides for other modifications to the general rules where the Part 8 procedure is being used)

[^{F1}(Part 78 provides procedures for European orders for payment and for the European small claims procedure.)]

Textual Amendments

- F1** Words in [rule 8.1\(6\)](#) 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 \(S.I. 2008/2178\)](#), [rules 1\(3\), 7](#)
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Commencement Information

- I1** [Rule 8.1](#) in force at 26.4.1999, see [Signature](#)

Status:

Point in time view as at 01/01/2009. This version of this provision has been superseded.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 8.1.