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STATUTORY INSTRUMENTS

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**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.

[<sup>F1</sup>(2A) In the County Court, a claim under the Part 8 procedure may be made at any County Court hearing centre unless an enactment, rule or practice direction provides otherwise.

(Practice Direction 8A includes further direction in respect of claims which are not made at the appropriate County Court hearing centre in the first instance.)]

(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)

[<sup>F2</sup>(Part 78 provides procedures for European orders for payment and for the European small claims procedure. [<sup>F3</sup>It also provides procedures for applications for mediation settlement enforcement orders in relation to certain cross-border disputes.])]

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**Textual Amendments**

**F1** Rule 8.1(2A) inserted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(1), 7; [S.I. 2014/954](#), art. 2(a)

**F2** 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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**Status:** Point in time view as at 22/04/2014. 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. (See end of Document for details)

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**F3** Words in rule 8.1 inserted (6.4.2011) by The Civil Procedure (Amendment) Rules 2011 (S.I. 2011/88),  
rules 1, 6

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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 22/04/2014. 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.