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STATUTORY INSTRUMENTS

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**2004 No. 3419**

**The Civil Procedure (Amendment No. 4) Rules 2004**

**Amendment to the Civil Procedure Rules 1998**

**5. In rule 25.7—**

(a) for paragraph (1) substitute—

“(1) The court may only make an order for an interim payment where any of the following conditions are satisfied—

- (a) the defendant against whom the order is sought has admitted liability to pay damages or some other sum of money to the claimant;
- (b) the claimant has obtained judgment against that defendant for damages to be assessed or for a sum of money (other than costs) to be assessed;
- (c) it is satisfied that, if the claim went to trial, the claimant would obtain judgment for a substantial amount of money (other than costs) against the defendant from whom he is seeking an order for an interim payment whether or not that defendant is the only defendant or one of a number of defendants to the claim;
- (d) the following conditions are satisfied—
  - (i) the claimant is seeking an order for possession of land (whether or not any other order is also sought); and
  - (ii) the court is satisfied that, if the case went to trial, the defendant would be held liable (even if the claim for possession fails) to pay the claimant a sum of money for the defendant’s occupation and use of the land while the claim for possession was pending; or
- (e) in a claim in which there are two or more defendants and the order is sought against any one or more of those defendants, the following conditions are satisfied—
  - (i) the court is satisfied that, if the claim went to trial, the claimant would obtain judgment for a substantial amount of money (other than costs) against at least one of the defendants (but the court cannot determine which); and
  - (ii) all the defendants are either—
    - (a) a defendant that is insured in respect of the claim;
    - (b) a defendant whose liability will be met by an insurer under section 151 of the Road Traffic Act 1988 or an insurer acting under the Motor Insurers Bureau Agreement, or the Motor Insurers Bureau where it is acting itself; or
    - (c) a defendant that is a public body.”; and

(b) omit paragraphs (2) and (3).