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STATUTORY INSTRUMENTS

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**2005 No. 2292**

**The Civil Procedure (Amendment No.3) Rules 2005**

**Amendment to the Civil Procedure Rules 1998**

7. After rule 3.7A insert—

**“Sanctions for dishonouring cheque**

**3.7B.—**(1) This rule applies where any fee is paid by cheque and that cheque is subsequently dishonoured.

(2) The court will serve a notice on the paying party requiring payment of the fee which will specify the date by which the fee must be paid.

(3) If the fee is not paid by the date specified in the notice—

- (a) where the fee is payable by the claimant, the claim will automatically be struck out without further order of the court;
- (b) where the fee is payable by the defendant, the defence will automatically be struck out without further order of the court,

and the paying party shall be liable for the costs which any other party has incurred unless the court orders otherwise.

(Rule 44.12 provides for the basis of assessment where a right to costs arises under this rule)

(4) If—

- (a) the paying party applies to have the claim or defence reinstated; and
- (b) the court grants relief,

the relief shall be conditional on that party paying the fee within the period specified in paragraph (5).

(5) The period referred to in paragraph (4) is—

- (a) if the order granting relief is made at a hearing at which the paying party is present or represented, 2 days from the date of the order;
- (b) in any other case, 7 days from the date of service of the order on the paying party.

(6) For the purposes of this rule, “claimant” includes a Part 20 claimant and “claim form” includes a Part 20 claim.”