

SCHEDULE 1

Rule 7(2)

“PART 14
ADMISSIONS

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Admissions made before commencement of proceedings

14.1.—(1) A person may, by notice in writing—

- (a) admit the whole or any part of another party’s case before commencement of proceedings (a “pre-action admission”);
- (b) withdraw a pre-action admission before commencement of proceedings, if the person to whom the admission was made agrees.

(2) After commencement of proceedings—

- (a) any party may apply to the court for judgment on the pre-action admission; and
- (b) the maker of the pre-action admission may apply to the court for permission to withdraw it.

Admissions made after commencement of proceedings

14.2.—(1) After commencement of proceedings, a party may admit, by notice in writing, the whole or any part of another party’s claim or case.

(2) Where the claim is for money only, the defendant may admit, by notice in writing—

- (a) the whole or part of the claim for a specified amount;
- (b) the whole or part of the claim for an unspecified amount; or
- (c) liability for an unspecified amount to be determined.

(3) The defendant may offer, by notice in writing, a sum in satisfaction of a claim for a specified or unspecified amount.

(4) Where a defendant—

- (a) admits liability to pay the whole of or part of a claim for a specified sum of money;

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- (b) admits liability to pay the whole of a claim for an unspecified amount of money; or
- (c) admits liability to pay a claim for an unspecified amount of money and offers a sum in satisfaction of the claim,

the claimant may file a request for judgment.

(5) Where a claimant files a request for judgment under paragraph (4) the court shall enter judgment.

(6) Where a defendant makes an admission under paragraph (4)(a), or makes an admission under paragraph (4)(c) and the claimant accepts the amount offered, the judgment shall be in accordance with the admission (less any payments made) and costs and shall—

- (a) subject to paragraph (8) below, give effect to any agreement between the parties on time to pay;
- (b) provide for payment at a time and rate decided by the court where there is no such agreement and the defendant has requested time to pay;
- (c) subject to paragraph (8) below, provide for payment on a date or at a rate specified by the claimant, where the defendant has not requested time to pay;
- (d) provide for payment immediately, where the claimant has not so specified and the defendant has not requested time to pay.

(7) Where the defendant makes an admission under paragraph (4)(b), the judgment shall be for an amount decided by the court and costs.

(8) If a repayment date is agreed or (where the defendant has not requested time to pay) is specified by the claimant and that date has passed before the court's judgment is made, the judgment must still be in accordance with the admission but—

- (a) if the whole amount owed is due by the date that has passed, the judgment must state that payment must be made immediately;
- (b) if the amount owed is to be paid by instalments and the date the first instalment is due has passed, the judgment must state that the first instalment must be paid by the date falling one calendar month after the date of the judgment, with subsequent instalments payable at calendar monthly intervals after that.

(9) Where the defendant makes an admission under paragraph (4)(c) but the claimant does not accept the amount offered, the judgment shall be for an amount decided by the court and costs.

(10) Where the claimant or defendant is a child or protected party, the approval of the court is required under rule 21.10 for any settlement, compromise, payment or acceptance of money paid into court.

(11) The court's permission is required to amend or withdraw an admission.

(Rule 3.1(3) provides that the court may attach conditions when it makes an order.)

Admissions made under the RTA Protocol, the EL/PL Protocol or the RTA Small Claims Protocol

14.3.—(1) This rule applies to a pre-action admission made in a case to which one of the following applies—

- (a) the Pre-Action Protocol for Low Value Personal Injury Claims in Road Traffic Accidents (“the RTA Protocol”);
- (b) the Pre-action Protocol for Low Value Personal Injury (Employers’ Liability and Public Liability) Claims (“the EL/PL Protocol”);

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- (c) the Pre-Action Protocol for Personal Injury Claims below the Small Claims Limit in Road Traffic Accidents (“the RTA Small Claims Protocol”).
- (2) The defendant may, by giving notice in writing, withdraw an admission of causation—
 - (a) before commencement of proceedings—
 - (i) during the initial consideration period (or any extension to that period) where the RTA Protocol or the EL/PL Protocol applies, as defined in the relevant Protocol; or
 - (ii) at any time if the person to whom the admission was made agrees; or
 - (b) after commencement of proceedings—
 - (i) if all the parties to the proceedings consent; or
 - (ii) with the court’s permission on an application under Part 23.
- (3) Where the RTA Small Claims Protocol applies, the defendant’s admissions may be withdrawn under paragraph 8.9 of that Protocol.
- (4) The defendant may, by giving notice in writing withdraw any other pre-action admission after commencement of proceedings—
 - (a) if all the parties to the proceedings consent; or
 - (b) with the permission of the court on an application under Part 23.

Application for judgment on admission

- 14.4.—(1) Where a party applies for judgment on an admission, the court shall give such judgment as it considers the applicant is entitled to.
- (2) If the claim is not admitted in full, the claimant may give written notice that the claim is to continue in relation to the balance not admitted to be due.
- (3) The court shall give appropriate directions for determination of any outstanding issues.

Application for permission to withdraw admission

- 14.5. In deciding whether to give permission for an admission to be withdrawn, the court shall consider all the circumstances of the case, including—
 - (a) the grounds for seeking to withdraw the admission;
 - (b) whether there is new evidence that was not available when the admission was made;
 - (c) the conduct of the parties;
 - (d) any prejudice to any person if the admission is withdrawn or not permitted to be withdrawn;
 - (e) what stage the proceedings have reached; in particular, whether a date or period has been fixed for the trial;
 - (f) the prospects of success of the claim or of the part of it to which the admission relates; and
 - (g) the interests of the administration of justice.

Time to pay

- 14.6.—(1) A claimant filing a request to enter judgment on an admission, or a defendant who admits all or part of a money claim may include a notice in writing of—
 - (a) the date by which the judgment debt is to be paid; or

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(b) the times and rate at which it is to be paid by instalments.

(2) A request or admission under paragraph (1) may include a calculation of interest up to the date of the application or request and continuing thereafter.

(3) A defendant requesting time to pay must include in the notice a statement of income, outgoings, assets and liabilities.

(4) Where the rate of payment is determined by the court under rule 14.2(6)(b), the rate may be determined by a court officer, without a hearing, if the amount outstanding (including interest and costs) is not more than £50,000.

(5) A party may by notice in writing, within 14 days of the court officer's determination, request a re-determination by a judge.

(6) The judge shall determine the rate of payment without a hearing unless the judge directs otherwise.

(7) Where there is a relevant change of circumstances after the court's determination, either party may apply to vary the time and rate of payment of instalments.

Request for judgment for an amount of money to be decided by the court – claims in the Civil National Business Centre

14.7.—(1) If a claimant files a request for judgment in the Civil National Business Centre, for an amount of money to be decided by the court, the claim shall be sent to the preferred hearing centre.

(2) If a claim is sent to a preferred hearing centre under paragraph (1), any further correspondence must be sent to, and any further requests must be made at, the hearing centre to which the claim was sent.”

SCHEDULE 2

Rule 15

“PART 24

SUMMARY JUDGMENT

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Scope of this Part

24.1. This Part—

- (a) sets out a procedure by which the court may decide a claim or issue without a trial;
- (b) is subject to other Parts making special provision for particular types of case.

Types of proceedings in which summary judgment is available

24.2. The court may give summary judgment—

- (a) against a claimant in any type of proceedings;
- (b) against a defendant in any type of proceedings except proceedings for possession of residential premises against a mortgagor or tenant or contract-holder, or against a former tenant or former contract-holder holding over with protected occupancy.

Grounds for summary judgment

24.3. The court may give summary judgment against a claimant or defendant on the whole of a claim or on an issue if—

- (a) it considers that the party has no real prospect of succeeding on the claim, defence or issue; and
- (b) there is no other compelling reason why the case or issue should be disposed of at a trial.

Timing of applications and hearing

24.4.—(1) A claimant may not apply for summary judgment until the defendant against whom the application is made has filed an acknowledgment of service or a defence, unless—

- (a) the court gives permission; or
- (b) a rule or practice direction states otherwise.

(2) In civil proceedings against the Crown, as defined in rule 66.1(2), a claimant may not apply for summary judgment until after expiry of the period for filing a defence specified in rule 15.4.

(3) In a claim—

- (a) for specific performance or rescission of an agreement (whether in writing or not) for the sale, purchase, exchange, mortgage or charge of any property, or for the grant or assignment of a lease or tenancy of any property, with or without an alternative claim for damages; or
- (b) for the forfeiture or return of any deposit made under such an agreement,

the claimant may apply for summary judgment at any time after the claim form has been served, unless a rule or practice direction states otherwise.

(4) If a party applies for summary judgment before a defendant has filed a defence, the defendant by or against whom the application is made need not file a defence before the hearing.

(5) Where a summary judgment hearing is fixed, the respondent (or the parties where the hearing is fixed of the court's own initiative) must be given at least 14 days' notice of—

- (a) the date fixed for the hearing; and
- (b) the issues which it is proposed that the court will decide at the hearing.

(6) A rule or practice direction may provide for a different period of notice to be given.

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Application notice and evidence

24.5.—(1) The application notice must—

- (a) state that the application is for summary judgment;
- (b) identify concisely any point of law or document relied upon;
- (c) set out or attach any written evidence on which the applicant relies;
- (d) state that the applicant believes the respondent has no real prospect of succeeding on the claim, defence or issue to be determined;
- (e) state that the applicant knows of no reason why the disposal of the claim, defence or issue should await trial; and
- (f) draw the respondent’s attention to their right to rely on evidence opposing the application.

(2) In claims falling within rule 24.4(3), the application notice must also have attached to it the text of the order sought by the claimant and must be served on the respondent not less than 4 days before the hearing of the application.

(3) If a party wishes to rely on written evidence at the hearing, other than in a claim under rule 24.4(3), they must file and serve copies of such evidence on every other party at least—

- (a) 7 days before the hearing in the case of a respondent’s evidence, or evidence of any party where the hearing is fixed by the court of its own initiative;
- (b) 3 days before the hearing in the case of an applicant’s evidence in reply, or reply evidence of any party where the hearing is fixed by the court of its own initiative.

(4) This rule does not require written evidence—

- (a) to be filed if it has already been filed; or
- (b) to be served on a party on whom it has already been served.

Disposal of applications

24.6. When the court determines a summary judgment application it may—

- (a) give directions as to the filing and service of a defence;
- (b) give further directions about the management of the case;
- (c) make its order subject to conditions in accordance with rule 3.1(3).”