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STATUTORY INSTRUMENTS

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**1998 No. 3132**

The Civil Procedure Rules 1998

PART 20

COUNTERCLAIMS AND OTHER ADDITIONAL CLAIMS

**Matters relevant to question of whether a Part 20 claim should be separate from main claim**

**20.9.**—(1) This rule applies where the court is considering whether to—

- (a) permit a Part 20 claim to be made;
- (b) dismiss a Part 20 claim; or
- (c) require a Part 20 claim to be dealt with separately from the claim by the claimant against the defendant.

(Rule 3.1(2)(e) and (j) deal respectively with the court's power to order that part of proceedings be dealt with as separate proceedings and to decide the order in which issues are to be tried)

(2) The matters to which the court may have regard include—

- (a) the connection between the Part 20 claim and the claim made by the claimant against the defendant;
- (b) whether the Part 20 claimant is seeking substantially the same remedy which some other party is claiming from him; and
- (c) whether the Part 20 claimant wants the court to decide any question connected with the subject matter of the proceedings—
  - (i) not only between existing parties but also between existing parties and a person not already a party; or
  - (ii) against an existing party not only in a capacity in which he is already a party but also in some further capacity.