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STATUTORY INSTRUMENTS

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**1998 No. 3132**

**The Civil Procedure Rules 1998**

**PART 11**

**DISPUTING THE COURT'S JURISDICTION**

**Procedure for disputing the court's jurisdiction**

**11.**—(1) A defendant who wishes to—

- (a) dispute the court's jurisdiction to try the claim; or
- (b) argue that the court should not exercise its jurisdiction,

may apply to the court for an order declaring that it has no such jurisdiction or should not exercise any jurisdiction which it may have.

(2) A defendant who wishes to make such an application must first file an acknowledgment of service in accordance with Part 10.

(3) A defendant who files an acknowledgment of service does not, by doing so, lose any right that he may have to dispute the court's jurisdiction.

(4) An application under this rule must—

- (a) be made within the period for filing a defence; and
- (b) be supported by evidence.

(Rule 15.4 sets out the period for filing a defence)

(5) If the defendant—

- (a) files an acknowledgment of service; and
- (b) does not make such an application within the period for filing a defence,

he is to be treated as having accepted that the court has jurisdiction to try the claim.

(6) An order containing a declaration that the court has no jurisdiction or will not exercise its jurisdiction may also make further provision including—

- (a) setting aside the claim form;
- (b) setting aside service of the claim form;
- (c) discharging any order made before the claim was commenced or before the claim form was served; and
- (d) staying<sup>(GL)</sup>the proceedings.

(7) If on an application under this rule the court does not make a declaration—

- (a) the acknowledgment of service shall cease to have effect; and
- (b) the defendant may file a further acknowledgment of service within 14 days or such other period as the court may direct.

(8) If the defendant files a further acknowledgment of service in accordance with paragraph (7) (b) he shall be treated as having accepted that the court has jurisdiction to try the claim.

(9) Where a defendant makes an application under this rule he need not file a defence before the hearing of the application.

(10) Where the claimant uses the procedure set out in Part 8 (alternative procedure for claims) this Part applies subject to the modifications set out in rule 8.3.