

---

STATUTORY INSTRUMENTS

---

**1998 No. 3132**

**The Civil Procedure Rules 1998**

**[<sup>F1</sup>PART 19**

**PARTIES AND GROUP LITIGATION**

***1 ADDITION AND SUBSTITUTION OF PARTIES***

**[<sup>F1</sup>Procedure for adding and substituting parties**

**19.4.—(1)** The court's permission is required to remove, add or substitute a party, unless the claim form has not been served.

[<sup>F2</sup>(2) An application for permission under paragraph (1)—

(a) may be made by—

(i) an existing party; or

(ii) a person who wishes to become a party; and

(b) must be—

(i) supported by evidence; and

(ii) made under Part 23.]

(3) An application for an order under rule 19.2(4) <sup>F3</sup>...—

(a) may be made without notice; and

(b) must be supported by evidence.

(4) Nobody may be added or substituted as a claimant unless—

(a) [<sup>F4</sup>they have given their] consent in writing; and

(b) that [<sup>F5</sup>consent, and the proposed amended claim form and particulars of claim, have] been filed with the court.

[<sup>F6</sup>(5) If an order is made adding or substituting a person as a claimant prior to the filing of their consent—

(a) the order; and

(b) the addition or substitution of the new party as claimant,

shall not take effect until the signed, written consent of the new claimant is filed.

(6) The Commissioners for HM Revenue and Customs may, where a dispute between other parties may have tax consequences, be added as party to proceedings if they consent in writing.

(7) An order for the removal, addition or substitution of a party must be served on—

(a) all parties to the proceedings; and

(b) any other person affected by the order.

(8) When the court makes an order for the removal, addition or substitution of a party, it may give consequential directions.

(9) A new defendant does not become a party to the proceedings until the amended claim form has been served on them.

(10) A party applying to add a new party by amendment [<sup>F7</sup>shall] be responsible for the costs of and arising from the amendment [<sup>F8</sup>unless the court decides otherwise].

(11) The court may remove, add or substitute parties in existing proceedings on its own initiative.]]

#### Textual Amendments

- F1** Pt. 19 substituted (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rule 1(b), [Sch. 2](#)
- F2** Rule 19.4(2) substituted (6.4.2023) by [The Civil Procedure \(Amendment\) Rules 2023 \(S.I. 2023/105\)](#), rules 1(1), [12\(4\)\(a\)](#)
- F3** Words in rule 19.4(3) omitted (6.4.2023) by virtue of [The Civil Procedure \(Amendment\) Rules 2023 \(S.I. 2023/105\)](#), rules 1(1), [12\(4\)\(b\)](#)
- F4** Words in rule 19.4(4)(a) substituted (6.4.2023) by [The Civil Procedure \(Amendment\) Rules 2023 \(S.I. 2023/105\)](#), rules 1(1), [12\(4\)\(c\)\(i\)](#)
- F5** Words in rule 19.4(4)(b) substituted (6.4.2023) by [The Civil Procedure \(Amendment\) Rules 2023 \(S.I. 2023/105\)](#), rules 1(1), [12\(4\)\(c\)\(ii\)](#)
- F6** Rule 19.4(5)-(11) substituted for rule 19.4(4A)-(6) (6.4.2023) by [The Civil Procedure \(Amendment\) Rules 2023 \(S.I. 2023/105\)](#), rules 1(1), [12\(5\)](#)
- F7** Word in rule 19.4(10) substituted (1.10.2023 immediately after [S.I. 2023/572](#) comes into force) by [The Civil Procedure \(Amendment No. 3\) Rules 2023 \(S.I. 2023/788\)](#), rules 1(1), [10\(a\)](#)
- F8** Words in rule 19.4(10) inserted (1.10.2023 immediately after [S.I. 2023/572](#) comes into force) by [The Civil Procedure \(Amendment No. 3\) Rules 2023 \(S.I. 2023/788\)](#), rules 1(1), [10\(b\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Section 19.4.