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STATUTORY INSTRUMENTS

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**1998 No. 3132**

The Civil Procedure Rules 1998

[<sup>F1</sup>PART 21

CHILDREN AND PROTECTED PARTIES

[<sup>F1</sup>Stage of proceedings at which a litigation friend becomes necessary

**21.3.**—(1) This rule does not apply where the court has made an order under rule 21.2(3).

(2) A person may not, without the [<sup>F2</sup>the court's permission] —

(a) make an application against a child or protected party before proceedings have started; or

(b) take any step in proceedings except—

(i) issuing and serving a claim form; or

(ii) applying for the appointment of a litigation friend under rule 21.6,

until the child or protected party has a litigation friend.

(3) If during proceedings a party lacks capacity to continue to conduct proceedings, no party may take any further step in the proceedings without the [<sup>F3</sup>the court's permission] until the protected party has a litigation friend.

(4) Any step taken before a child or protected party has a litigation friend has no effect unless the court orders otherwise.]

**Textual Amendments**

**F1** Pt. 21 substituted (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007 \(S.I. 2007/2204\)](#), rule 1, [Sch. 2](#)

**F2** Words in rule 21.3(2) substituted (6.4.2023) by [The Civil Procedure \(Amendment\) Rules 2023 \(S.I. 2023/105\)](#), rules 1(1), [14\(4\)](#)

**F3** Words in rule 21.3(3) substituted (6.4.2023) by [The Civil Procedure \(Amendment\) Rules 2023 \(S.I. 2023/105\)](#), rules 1(1), [14\(4\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Section 21.3.