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STATUTORY INSTRUMENTS

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**1998 No. 3132**

**The Civil Procedure Rules 1998**

**PART 26**

**CASE MANAGEMENT—PRELIMINARY STAGE**

**Automatic transfer**

**26.2.**—(1) This rule applies to proceedings where—

- (a) the claim is for a specified amount of money;
- (b) the claim was commenced in a court which is not the defendant's home court;
- (c) the claim has not been transferred to another defendant's home court under rule 13.4 (application to set aside<sup>(GL)</sup> or vary default judgment—procedure) or rule 14.12 (admission—de termination of rate of payment by judge); and
- (d) the defendant is an individual.

(2) This rule does not apply where the claim was commenced in a specialist list<sup>(GL)</sup>.

(3) Where this rule applies, the court will transfer the proceedings to the defendant's home court when a defence is filed, unless paragraph (4) applies.

(Rule 2.3 defines "defendant's home court")

(4) Where the claimant notifies the court under rule 15.10 or rule 14.5 that he wishes the proceedings to continue, the court will transfer the proceedings to the defendant's home court when it receives that notification from the claimant.

(Rule 15.10 deals with a claimant's notice where the defence is that money claimed has been paid)

(Rule 14.5 sets out the procedure where the defendant admits part of a claim for a specified amount of money)

(5) Where—

- (a) the claim is against two or more defendants with different home courts; and
- (b) the defendant whose defence is filed first is an individual,

proceedings are to be transferred under this rule to the home court of that defendant.

(6) The time when a claim is automatically transferred under this rule may be varied by a practice direction in respect of claims issued by the Production Centre.

(Rule 7.10 makes provision for the Production Centre)