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STATUTORY INSTRUMENTS

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**1998 No. 3132**

**The Civil Procedure Rules 1998**

**PART 3**

**THE COURT'S CASE [F1 AND COSTS] MANAGEMENT POWERS**

*[F1 SECTION 1*

*Case Management]*

**Power to strike out a statement of case**

**3.4.—(1)** In this rule and rule 3.5, reference to a statement of case includes reference to part of a statement of case.

- (2) The court may strike out<sup>(GL)</sup> a statement of case if it appears to the court—
- (a) that the statement of case discloses no reasonable grounds for bringing or defending the claim;
  - (b) that the statement of case is an abuse of the court's process or is otherwise likely to obstruct the just disposal of the proceedings; or
  - (c) that there has been a failure to comply with a rule, practice direction or court order.
- (3) When the court strikes out a statement of case it may make any consequential order it considers appropriate.
- (4) Where—
- (a) the court has struck out a claimant's statement of case;
  - (b) the claimant has been ordered to pay costs to the defendant; and
  - (c) before the claimant pays those costs, [F1 the claimant] starts another claim against the same defendant, arising out of facts which are the same or substantially the same as those relating to the claim in which the statement of case was struck out,

the court may, on the application of the defendant, stay<sup>(GL)</sup> that other claim until the costs of the first claim have been paid.

- (5) Paragraph (2) does not limit any other power of the court to strike out<sup>(GL)</sup> a statement of case.

[F2(6) If the court strikes out a claimant's statement of case and it considers that the claim is totally without merit—

- (a) the court's order must record that fact; and
- (b) the court must at the same time consider whether it is appropriate to make a civil restraint order.]

[F3(7) If a defendant applies to strike out all or part of the claim form or particulars of claim, that defendant need not file a defence before the hearing.]

**Status:** Point in time view as at 01/10/2022.

**Changes to legislation:** There are currently no known outstanding effects for the  
The Civil Procedure Rules 1998, Section 3.4. (See end of Document for details)

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### Textual Amendments

- F1** Words in rule 3.4(4)(c) substituted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(1), **6(a)**; S.I. 2014/954, **art. 2(a)**
- F2** Rule 3.4(6) inserted (1.10.2004) by [The Civil Procedure \(Amendment No.2\) Rules 2004 \(S.I. 2004/2072\)](#), rules 1(b), **5**
- F3** Rule 3.4(7) inserted (1.10.2022) by [The Civil Procedure \(Amendment No. 2\) Rules 2022 \(S.I. 2022/783\)](#), rules 1(1), **4(1)**

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### Commencement Information

- I1** [Rule 3.4](#) in force at 26.4.1999, see [Signature](#)

**Status:**

Point in time view as at 01/10/2022.

**Changes to legislation:**

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Section 3.4.