
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

PART 3

THE COURT'S CASE MANAGEMENT POWERS

Sanctions for non—payment of certain fees

3.7.—(1) This rule applies where—

- (a) an allocation questionnaire or a listing questionnaire is filed without payment of the fee specified by the relevant Fees Order; or
- (b) the court dispenses with the need for an allocation questionnaire or a listing questionnaire or both; or
- (c) these Rules do not require an allocation questionnaire or a listing questionnaire to be filed in relation to the claim in question.

(Rule 26.3 provides for the court to dispense with the need for an allocation questionnaire and rules 28.5 and 29.6 provide for the court to dispense with the need for a listing questionnaire)

(2) The court will serve a notice on the claimant requiring payment of the fee which the relevant Fees Order specifies as being due—

- (a) on the filing of the allocation questionnaire or the listing questionnaire; or
- (b) in the circumstances where the claimant is not required to file an allocation questionnaire or a listing questionnaire,

if, at the time the fee is due, the claimant has not paid the fee or made an application for exemption from or remission of the fee.

(3) The notice will specify the date by which the claimant must pay the fee.

(4) If the claimant does not—

- (a) pay the fee; or
- (b) make an application for an exemption from or remission of the fee,

by the date specified in the notice—

- (i) the claim shall be struck out; and
- (ii) the claimant shall be liable for the costs which the defendant has incurred unless the court orders otherwise.

(Rule 44.12 provides for the basis of assessment where a right to costs arises under this rule)

(5) Where an application for exemption from or remission of a fee is refused, the court will serve notice on the claimant requiring payment of the fee by the date specified in the notice.

(6) If the claimant does not pay the fee by the date specified in the notice—

- (a) the claim shall be struck out; and

- (b) the claimant shall be liable for the costs which the defendant has incurred unless the court orders otherwise.

(7) If—

- (a) a claimant applies under rule 3.9 (relief from sanctions) to have the claim reinstated; and

- (b) the court grants relief under that rule,

the relief shall be conditional on the claimant—

- (i) paying the fee; or

- (ii) filing evidence of exemption from payment or remission of the fee, within 2 days of the date of the order.