
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

PART 38 **E+W**

DISCONTINUANCE

Right to apply to have notice of discontinuance set aside **E+W**

38.4.—(1) Where the claimant discontinues under rule 38.2(1) the defendant may apply to have the notice of discontinuance set aside^(GL).

(2) The defendant may not make an application under this rule more than 28 days after the date when the notice of discontinuance was served on [^{F1}them].

Textual Amendments

F1 Word in rule 38.4(2) substituted (6.4.2023) by [The Civil Procedure \(Amendment\) Rules 2023 \(S.I. 2023/105\)](#), rules 1(1), **21(4)**

Commencement Information

I1 [Rule 38.4](#) in force at 26.4.1999, see [Signature](#)

Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Section 38.4.