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STATUTORY INSTRUMENTS

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**1998 No. 3132**

The Civil Procedure Rules 1998

PART 38

DISCONTINUANCE

**Stay of remainder of partly discontinued proceedings where costs not paid**

**38.8.**—(1) This rule applies where—

- (a) proceedings are partly discontinued;
- (b) a claimant is liable to pay costs under rule 38.6; and
- (c) the claimant fails to pay those costs within 21 days of—
  - (i) the date on which the parties agreed the sum payable by the claimant; or
  - (ii) the date on which the court ordered the costs to be paid.

(2) Where this rule applies, the court may stay<sup>(GL)</sup> the remainder of the proceedings until the claimant pays the whole of the costs which he is liable to pay under rule 38.6