
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

PART 8

ALTERNATIVE PROCEDURE FOR CLAIMS

Procedure where defendant objects to use of the Part 8 procedure

- 8.8.**—(1) Where the defendant contends that the Part 8 procedure should not be used because—
- (a) there is a substantial dispute of fact; and
 - (b) the use of the Part 8 procedure is not required or permitted by a rule or practice direction, he must state his reasons when he files his acknowledgment of service.

(Rule 8.5 requires a defendant who wishes to rely on written evidence to file it when he files his acknowledgment of service)

(2) When the court receives the acknowledgment of service and any written evidence it will give directions as to the future management of the case.

(Rule 8.1(3) allows the court to make an order that the claim continue as if the claimant had not used the Part 8 procedure)