

SCHEDULE 1

Special provisions relating to default judgment on an additional claim other than a counterclaim or a contribution or indemnity notice

- 20.11.**—(1) This rule applies if—
- (a) the additional claim is not—
 - (i) a counterclaim; or
 - (ii) a claim by a defendant for contribution or indemnity against another defendant under rule 20.6; and
 - (b) the party against whom an additional claim is made fails to file an acknowledgment of service or defence in respect of the additional claim.
- (2) The party against whom the additional claim is made—
- (a) is deemed to admit the additional claim, and is bound by any judgment or decision in the proceedings in so far as it is relevant to any matter arising in the additional claim;
 - (b) subject to paragraph (3), if default judgment under Part 12 is given against the additional claimant, the additional claimant may obtain judgment in respect of the additional claim by filing a request in the relevant practice form.
- (3) An additional claimant may not enter judgment under paragraph (2)(b) without the court's permission if—
- (a) he has not satisfied the default judgment which has been given against him; or
 - (b) he wishes to obtain judgment for any remedy other than a contribution or indemnity.
- (4) An application for the court's permission under paragraph (3) may be made without notice unless the court directs otherwise.
- (5) The court may at any time set aside or vary a judgment entered under paragraph (2)(b).