
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

PART 12

DEFAULT JUDGMENT

Default judgment obtained by making an application

12.10 The claimant must make an application in accordance with Part 23 where—

- (a) the claim is—
 - (i) a claim against a child or patient;
 - (ii) a claim in tort by one spouse against the other; or
 - (iii) a claim against the Crown.
- (b) he wishes to obtain a default judgment where the defendant has failed to file an acknowledgment of service—
 - (i) against a defendant who has been served with the claim out of the jurisdiction under RSC Order 11 r.1(2)(a) (service without leave under the Civil Jurisdiction and Judgments Act 1982⁽¹⁾);
 - (ii) against a defendant domiciled in Scotland or Northern Ireland or in any other Convention territory;
 - (iii) against a State;
 - (iv) against a diplomatic agent who enjoys immunity from civil jurisdiction by virtue of the Diplomatic Privileges Act 1964⁽²⁾; or
 - (v) against persons or organisations who enjoy immunity from civil jurisdiction pursuant to the provisions of the International Organisations Acts 1968 and 1981⁽³⁾.

⁽¹⁾ 1982 c. 27.

⁽²⁾ 1964 c. 81.

⁽³⁾ 1968 c. 48; 1981 c. 9.