
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

PART 40

[^{F1}JUDGMENTS, ORDERS, SALE OF LAND ETC]

[^{F1}II SALE OF LAND ETC. AND CONVEYANCING COUNSEL

Textual Amendments

- F1** Pt. 40 Section 2 inserted (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rule 1(b), [Sch. 4 Pt. 2](#)

Scope of this Section

40.15.—(1) This Section—

- (a) deals with the court's power to order the sale, mortgage, partition or exchange of land; and
- (b) contains provisions about conveyancing counsel.

(Section 131 of the Supreme Court Act 1981 provides for the appointment of the conveyancing counsel of the Supreme Court)

(2) In this Section “land” includes any interest in, or right over, land.

Power to order sale etc.

40.16 In any proceedings relating to land, the court may order the land, or part of it, to be—

- (a) sold;
- (b) mortgaged;
- (c) exchanged; or
- (d) partitioned.

Power to order delivery up of possession etc.

40.17 Where the court has made an order under rule 40.16, it may order any party to deliver up to the purchaser or any other person—

- (a) possession of the land;
- (b) receipt of rents or profits relating to it; or
- (c) both.

Status: Point in time view as at 07/10/2001.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Cross Heading: II SALE OF LAND ETC. AND CONVEYANCING COUNSEL. (See end of Document for details)

Reference to conveyancing counsel

40.18.—(1) The court may direct conveyancing counsel to investigate and prepare a report on the title of any land or to draft any document.

(2) The court may take the report on title into account when it decides the issue in question.

(Provisions dealing with the fees payable to conveyancing counsel are set out in the practice direction relating to Part 44)

Party may object to report

40.19.—(1) Any party to the proceedings may object to the report on title prepared by conveyancing counsel.

(2) Where there is an objection, the issue will be referred to a judge for determination.

(Part 23 contains general rules about making an application)]

Status:

Point in time view as at 07/10/2001.

Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Cross Heading: II SALE OF LAND ETC. AND CONVEYANCING COUNSEL.