
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

[^{F1}PART 73

CHARGING ORDERS, STOP ORDERS AND STOP NOTICES

[^{F1}SECTION III—STOP NOTICES

Textual Amendments

- F1** Pt. 73 inserted (25.3.2002) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), [rule 1\(c\)](#), [Sch. 4](#) (with savings in [rule 24](#) and [S.I. 2001/4015](#), [rule 43\(2\)](#))

General

73.16 In this Section—

- (a) “stop notice” means a notice issued by the court which requires a person or body not to take, in relation to securities specified in the notice, any of the steps listed in section 5(5) of the 1979 Act, without first giving notice to the person who obtained the notice; and
- (b) “securities” does not include securities held in court.

Request for stop notice

73.17.—(1) The High Court may, on the request of any person claiming to be beneficially entitled to an interest in securities, issue a stop notice.

(A stop notice may also be included in a final charging order, by either the High Court or [^{F2}the County Court], under rule [^{F3}73.10(8) or 73.10A(4)].)

(2) A request for a stop notice must be made by filing—

- (a) a draft stop notice; and
- (b) written evidence which—
 - (i) identifies the securities in question;
 - (ii) describes the applicant’s interest in the securities; and
 - (iii) gives an address for service for the applicant.

(A sample form of stop notice is annexed to [^{F4}Practice Direction 73].)

(3) If a court officer considers that the request complies with paragraph (2), he will issue a stop notice.

(4) The applicant must serve copies of the stop notice and his written evidence on the person to whom the stop notice is addressed.

Status: Point in time view as at 31/01/2019.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Cross Heading: SECTION III—STOP NOTICES. (See end of Document for details)

Textual Amendments

- F2** Words in [Rules](#) substituted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014](#) (S.I. 2014/407), [rules 2\(1\)](#), [4\(a\)\(i\)](#); S.I. 2014/954, art. 2(a)
- F3** Words in [rule 73.17](#) substituted (6.4.2016) by [The Civil Procedure \(Amendment\) Rules 2016](#) (S.I. 2016/234), [rules 2](#), [17](#) (with [rule 24](#))
- F4** Words in [rule 73.17](#) substituted (6.4.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2009](#) (S.I. 2009/3390), [rules 1\(2\)](#), [47\(a\)\(ii\)](#)

Effect of stop notice

73.18.—(1) A stop notice—

- (a) takes effect when it is served in accordance with [rule 73.17\(4\)](#); and
- (b) remains in force unless it is withdrawn or discharged in accordance with [rule 73.20](#) or [73.21](#).

(2) While a stop notice is in force, the person on whom it is served—

- (a) must not—
 - (i) register a transfer of the securities described in the notice; or
 - (ii) take any other step restrained by the notice,
 without first giving 14 days' notice to the person who obtained the stop notice; but
- (b) must not, by reason only of the notice, refuse to register a transfer or to take any other step, after he has given 14 days' notice under [paragraph \(2\)\(a\)](#) and that period has expired.

Amendment of stop notice

73.19.—(1) If any securities are incorrectly described in a stop notice which has been obtained and served in accordance with [rule 73.17](#), the applicant may request an amended stop notice in accordance with that rule.

(2) The amended stop notice takes effect when it is served.

Withdrawal of stop notice

73.20.—(1) A person who has obtained a stop notice may withdraw it by serving a request for its withdrawal on—

- (a) the person or body on whom the stop notice was served; and
- (b) the court which issued the stop notice.

(2) The request must be signed by the person who obtained the stop notice, and his signature must be witnessed by a practising solicitor.

Discharge or variation of stop notice

73.21.—(1) The court may, on the application of any person claiming to be beneficially entitled to an interest in the securities to which a stop notice relates, make an order discharging or varying the notice.

(2) An application to discharge or vary a stop notice must be made to the court which issued the notice.

(3) The application notice must be served on the person who obtained the stop notice.

[
F5**73.22** [F6Practice Direction 73] makes provision for the procedure to be followed when applying for an order under section 23 of the Partnership Act 1890.]]

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Textual Amendments

- F5** Rule 73.22 inserted (2.10.2006) by [The Civil Procedure \(Amendment\) Rules 2006 \(S.I. 2006/1689\)](#), rules 1, **10**
- F6** Words in rule 73.22 substituted (6.4.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2009 \(S.I. 2009/3390\)](#), rules 1(2), **47(b)**

Status:

Point in time view as at 31/01/2019.

Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Cross Heading: SECTION III—STOP NOTICES.