

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

SCHEDULE 1 **E+W**

Rule 50(3)

Modifications etc. (not altering text)

C1 Sch. 1, Sch. 2 applied (with modifications) (30.12.2005) by [The Family Procedure \(Adoption\) Rules 2005 \(S.I. 2005/2795\)](#), [rule 5\(5\)](#)

Commencement Information

I1 Sch. 1 in force at 26.4.1999, see [Signature](#)

RSC ORDER 10 **E+W**

SERVICE OF ORIGINATING PROCESS: GENERAL PROVISIONS

Service of claim form in certain actions for possession of land **E+W**

^{F1}Rule 4

Textual Amendments

F1 Sch. 1 RSC Order 10 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), [rule 1\(d\)](#), [Sch. 3](#)

RSC ORDER 11 **E+W**

SERVICE OF PROCESS, ETC., OUT OF THE JURISDICTION

Principal cases in which service of claim form out of jurisdiction is permissible **E+W**

^{F2}Rule 1

Textual Amendments

F2 Sch. 1 RSC Order 11 revoked (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), [rule 1\(b\)](#), [Sch. 8](#) (with [rule 39\(b\)](#)) (as amended by [S.I. 2000/940](#), [rules 1, 2](#))

The period for filing an acknowledgment of service or filing or serving an admission where the claim form is served under rule 1(2) **E+W**

^{F2}Rule1A

Textual Amendments

F2 Sch. 1 RSC Order 11 revoked (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), [rule 1\(b\)](#), [Sch. 8](#) (with [rule 39\(b\)](#)) (as amended by [S.I. 2000/940](#), [rules 1, 2](#))

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The period for filing a defence where the claim form is served under rule 1(2) E+W

F2 Rule 1B

Textual Amendments

F2 Sch. 1 RSC Order 11 revoked (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

E+W

F2

Textual Amendments

F2 Sch. 1 RSC Order 11 revoked (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

E+W

F2

Textual Amendments

F2 Sch. 1 RSC Order 11 revoked (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

E+W

F2

Textual Amendments

F2 Sch. 1 RSC Order 11 revoked (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

E+W

F2

Textual Amendments

F2 Sch. 1 RSC Order 11 revoked (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

E+W

F2

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Textual Amendments

F2 Sch. 1 RSC Order 11 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

E+W

F2

Textual Amendments

F2 Sch. 1 RSC Order 11 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

E+W

F2

Textual Amendments

F2 Sch. 1 RSC Order 11 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

E+W

F2

Textual Amendments

F2 Sch. 1 RSC Order 11 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

E+W

F2

Textual Amendments

F2 Sch. 1 RSC Order 11 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

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F³RSC ORDER 15 E+W

CAUSES OF ACTION, COUNTERCLAIMS AND PARTIES

Textual Amendments

F3 Sch. 1 RSC Order 15 revoked (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rule 1(b), **Sch. 10**

Proceedings against estates E+W

F³Rule 6A

Change of parties by reason of death, etc. E+W

F³Rule 7

Failure to proceed after death of party E+W

F³Rule 9

Relator actions E+W

F³Rule 11

Representative proceedings E+W

F³Rule 12

Derivative claims E+W

F³Rule 12A

Representation of interested persons who cannot be ascertained, etc. E+W

F³Rule 13

Notice of claim to non—parties E+W

F³Rule 13A

Representation of beneficiaries by trustees, etc. E+W

F³Rule 14

Representation of deceased person interested in proceedings E+W

F³Rule 15

Declaratory judgment E+W

F³Rule 16

Conduct of proceedings **E+W**

^{F3}**Rule 17**

RSC ORDER 17 **E+W**

INTERPLEADER

Entitlement to relief by way of interpleader **E+W**

Rule 1.—(1) Where—

- (a) a person is under a liability in respect of a debt or in respect of any money, goods or chattels and he is, or expects to be, sued for or in respect of that debt or money or those goods or chattels by two or more persons making adverse claims thereto; or
- (b) claim is made to any money, goods or chattels taken or intended to be taken by a sheriff in execution under any process, or to the proceeds or value of any such goods or chattels, by a person other than the person against whom the process is issued,

the person under liability as mentioned in sub-paragraph (a) or (subject to rule 2) the sheriff, may apply to the Court for relief by way of interpleader.

(2) References in this Order to a sheriff shall be construed as [^{F4}including references to—

- (a) an individual authorised to act as an enforcement officer under the Courts Act 2003; and
- (b) any other officer charged with the execution of process by or under the authority of the High Court.]

Textual Amendments

F4 Words in [Sch. 1 RSC Order 17 rule 1\(2\)](#) substituted (1.4.2004) by [The Civil Procedure \(Amendment No. 5\) Rules 2003 \(S.I. 2003/3361\)](#), [rules 1\(c\)](#), **19**

Claim to goods, etc., taken in execution **E+W**

Rule 2.—(1) Any person making a claim to or in respect of any money, goods or chattels taken or intended to be taken in execution under process of the Court, or to the proceeds or value of any such goods or chattels, must give notice of his claim to the sheriff charged with the execution of the process and must include in his notice a statement of his address, and that address shall be his address for service.

(2) On receipt of a claim made under this rule the sheriff must forthwith give notice thereof to the execution creditor and the execution creditor must, within seven days after receiving the notice, give notice to the sheriff informing him whether he admits or disputes the claim. An execution creditor who gives notice in accordance with this paragraph admitting a claim shall only be liable to the sheriff for any fees and expenses incurred by the sheriff before receipt of that notice.

(3) Where—

- (a) the sheriff receives a notice from an execution creditor under paragraph (2) disputing a claim, or the execution creditor fails, within the period mentioned in that paragraph, to give the required notice; and
- (b) the claim made under this rule is not withdrawn,

the sheriff may apply to the Court for relief under this Order.

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(4) A sheriff who receives a notice from an execution creditor under paragraph (2) admitting a claim made under this rule shall withdraw from possession of the money, goods or chattels claimed and may apply to the Court for relief under this Order of the following kind, that is to say, an order restraining the bringing of a claim against him for or in respect of his having taken possession of that money or those goods or chattels.

Claim in respect of goods protected from seizure **E+W**

Rule 2A.—(1) Where a judgment debtor whose goods have been seized, or are intended to be seized, by a sheriff under a writ of execution claims that such goods are not liable to execution by virtue of section 138(3A) of the Act⁽¹⁾, he must within 5 days of the seizure give notice in writing to the sheriff identifying all those goods in respect of which he makes such a claim and the grounds of such claim in respect of each item.

(2) Upon receipt of a notice of claim under paragraph (1), the sheriff must forthwith give notice thereof to the execution creditor and to any person who has made a claim to, or in respect of, the goods under rule 2 (1) and the execution creditor and any person who has made claim must, within 7 days of receipt of such notice, inform the sheriff in writing whether he admits or disputes the judgment debtor's claim in respect of each item.

(3) The sheriff shall withdraw from possession of any goods in respect of which the judgment debtor's claim is admitted or if the execution creditor or any person claiming under rule 2 (1) fails to notify him in accordance with paragraph (2) and the sheriff shall so inform the parties in writing.

(4) Where the sheriff receives notice from—

- (a) the execution creditor; or
- (b) any such person to whom notice was given under paragraph (2), that the claim or any part thereof is disputed, he must forthwith seek the directions of the Court and may include therein an application for an order restraining the bringing of any claim against him for, or in respect of, his having seized any of those goods or his having failed so to do.

(5) The sheriff's application for directions under paragraph (4) shall be made by an application in accordance with CPR Part 23 and, on the hearing of the application, the Court may—

- (a) determine the judgment debtor's claim summarily; or
- (b) give such directions for the determination of any issue raised by such claim as may be just.

(6) A master and a district judge of a district registry shall have power to make an order of the kind referred to in paragraph (4) and the reference to master shall be construed in accordance with rule 4.

Mode of application **E+W**

Rule 3.—(1) An application for relief under this Order must be made by claim form unless made in an existing claim, in which case it must be made by accordance with CPR Part 23.

(2) Where the applicant is a sheriff who has withdrawn from possession of money, goods or chattels taken in execution and who is applying for relief under rule 2 (4) the claim form must be served on any person who made a claim under that rule to or in respect of that money or those goods or chattels, and that person may attend the hearing of the application.

(4) Subject to paragraph (5) a claim form or application notice under this rule must be supported by evidence that the applicant—

- (a) claims no interest in the subject—matter in dispute other than for charges or costs;
- (b) does not collude with any of the claimants to that subject—matter; and

(1) Section 138 was amended by the Administration of Justice Act 1985 (c. 61), sections 55 and 67(2); and by the Courts and Legal Services Act 1990 (c. 41), section 125(2), schedule 17, paragraph 17.

(c) is willing to pay or transfer that subject—matter into Court or to dispose of it as the Court may direct.

(5) Where the applicant is a sheriff, he shall not provide such evidence as is referred to in paragraph (4) unless directed by the Court to do so.

(6) Any person who makes a claim under rule 2 and who is served with a claim form under this rule shall within 14 days serve on the execution creditor and the sheriff a witness statement or affidavit specifying any money and describing any goods and chattels claimed and setting out the grounds upon which such claim is based.

(7) Where the applicant is a sheriff a claim form under this rule must give notice of the requirement in paragraph (6).

To whom Sheriff may apply for relief **E+W**

Rule 4 An application to the Court for relief under this Order may, if the applicant is a sheriff, be made—

- (a) where the claim in question is proceeding in the Royal Courts of Justice, to a Master or, if the execution to which the application relates has been or is to be levied in the district of a District Registry, either to a Master or to the District Judge of that Registry;
- (b) where the claim in question is proceeding in a District Registry, to the District Judge of that Registry or, if such execution has been or is to be levied in the district of some other District Registry or outside the district of any District Registry, either to the said the District Judge or to the District Judge of that other Registry or to a Master as the case may be.

Where the claim in question is proceeding in the Admiralty Court or the Family Division, references in this rule to a Master shall be construed as references to the Admiralty Registrar or to a Registrar of that Division.

Powers of Court hearing claim **E+W**

Rule 5.—(1) Where on the hearing of a claim under this Order all the persons by whom adverse claims to the subject—matter in dispute (hereafter in this Order referred to as “the interpleader claimants”) appear, the Court may order—

- (a) that any interpleader claimant be made a defendant in any claim pending with respect to the subject—matter in dispute in substitution for or in addition to the applicant for relief under this Order; or
- (b) that an issue between the interpleader claimants be stated and tried and may direct which of the interpleader claimants is to be claimant and which defendant.

(2) Where—

- (a) the applicant under this Order is a sheriff; or
- (b) all the interpleader claimants consent or any of them so requests; or
- (c) the question at issue between the interpleader claimants is a question of law and the facts are not in dispute,

the Court may summarily determine the question at issue between the interpleader claimants and make an order accordingly on such terms as may be just.

(3) Where an interpleader claimant, having been duly served with a claim form under this Order, does not appear at the hearing or, having appeared, fails or refuses to comply with an order made in the proceedings, the Court may make an order declaring the interpleader claimant, and all persons claiming under him, for ever barred from prosecuting his claim against the applicant for such relief

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and all persons claiming under him, but such an order shall not affect the rights of the interpleader claimants as between themselves.

Power to order sale of goods taken in execution **E+W**

Rule 6 Where an application for relief under this Order is made by a sheriff who has taken possession of any goods or chattels in execution under any process, and an interpleader claimant alleges that he is entitled, under a bill of sale or otherwise, to the goods or chattels by way of security for debt, the Court may order those goods or chattels or any part thereof to be sold and may direct that the proceeds of sale be applied in such manner and on such terms as may be just and as may be specified in the order.

Power to stay proceedings **E+W**

Rule 7 Where a defendant to a claim applies for relief under this Order in the claim, the Court may by order stay all further proceedings in the claim.

Other powers **E+W**

Rule 8.—^[F5(1)] Subject to the foregoing rules of this Order, the Court may in or for the purposes of any interpleader proceedings make such order as to costs or any other matter as it thinks just.

^[F6(2)] Where the interpleader claimant fails to appear at the hearing, the Court may direct that the sheriff's and execution creditor's costs shall be assessed by a master or, where the hearing was heard in a district registry, by a district judge of that registry and the following CPR rules shall apply—

- (a) 44.4 (basis of assessment);
- (b) 44.5 (factors to be taken into account in deciding the amount of costs);
- (c) 48.4 (limitations on court's power to award costs in favour of trustee or personal representative); and
- (d) 48.6 (litigants in person).

(3) Where the claim in question is proceeding in the Admiralty Court or the Family Division, references in this rule to a Master shall be construed as references to the Admiralty Registrar or to a Registrar of that Division.]

Textual Amendments

- F5** Sch. 1 RSC Order 17 rule 8 renumbered as RSC Order 17 rule 8(1) (26.4.1999) by [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, **27(a)**
- F6** Sch. 1 RSC Order 17 rule 8(2)(3) inserted (26.4.1999) by [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, **27(b)**

One order in several proceedings **E+W**

Rule 9 Where the Court considers it necessary or expedient to make an order in any interpleader proceedings in several proceedings pending in several Divisions, or before different Judges of the same Division, the Court may make such an order; and the order shall be entitled in all those causes or matters and shall be binding on all the parties to them.

Disclosure **E+W**

Rule 10 CPR Parts 31 and 18 shall, with the necessary modifications, apply in relation to an interpleader issue as they apply in relation to any other proceedings.

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Trial of interpleader issue **E+W**

Rule 11.—(1) CPR Part 39 shall, with the necessary modifications, apply to the trial of an interpleader issue as it applies to the trial of a claim.

(2) The Court by whom an interpleader issue is tried may give such judgment or make such order as finally to dispose of all questions arising in the interpleader proceedings.

RSC ORDER 23 **E+W**

SECURITY FOR COSTS

Order to apply to High Court and County Court **E+W**

^{F7}**Rule A1**

Textual Amendments

F7 Sch.1 RSC Order 23 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Security for costs of proceedings, etc. **E+W**

^{F7}**Rule 1**

Textual Amendments

F7 Sch.1 RSC Order 23 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Manner of giving security **E+W**

^{F7}**Rule 2**

Textual Amendments

F7 Sch.1 RSC Order 23 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Saving for enactments **E+W**

^{F7}**Rule 3**

Textual Amendments

F7 Sch.1 RSC Order 23 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

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F8 RSC ORDER 30 E+W
RECEIVERS

Textual Amendments

F8 Sch. 1 RSC Order 30 revoked (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rule 1(b), **Sch. 10**

Order to apply to High Court and County Court E+W

F8 Rule A1

Application for receiver and injunction E+W

F8 Rule 1

Giving of security by receiver E+W

F8 Rule 2

Remuneration of receiver E+W

F8 Rule 3

Service of order and notice E+W

F8 Rule 4

Receiver's accounts E+W

F8 Rule 5

Payment into Court by receiver E+W

F8 Rule 6

Default by receiver E+W

F8 Rule 7

Directions to receivers E+W

F8 Rule 8

F⁹RSC ORDER 31 E+W

**SALES, ETC. OF LAND BY ORDER OF COURT:
CONVEYANCING COUNSEL OF THE COURT**

Textual Amendments

F⁹ Sch. 1 RSC Order 31 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Order to apply to High Court and County Court E+W

F⁹Rule A1

I. Sales, etc. of Land by Order of Court E+W

Power to order sale of land E+W

F⁹Rule 1

Manner of carrying out sale E+W

F⁹Rule 2

Certifying result of sale E+W

F⁹Rule 3

Mortgage, exchange or partition under order of the Court E+W

F⁹Rule 4

II. Conveyancing Counsel of the Court E+W

Reference of matters to conveyancing counsel of Court E+W

F⁹Rule 5

Objection to conveyancing counsel's opinion E+W

F⁹Rule 6

Obtaining counsel's opinion on reference E+W

F⁹Rule 8

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F10 RSC ORDER 44 E+W

PROCEEDINGS UNDER JUDGMENTS AND ORDERS: CHANCERY DIVISION

Textual Amendments
F10 Sch. 1 RSC Order 44 revoked (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rule 1(b), **Sch. 10**

Application to Orders E+W

F10 Rule 1

Service of notice of judgment on person not a party E+W

F10 Rule 2

Directions by the Court E+W

F10 Rule 3

Application of rules 5 to 8 E+W

F10 Rule 4

Advertisements for creditors and other claimants E+W

F10 Rule 5

Examination of claims E+W

F10 Rule 6

Adjudication on claims E+W

F10 Rule 7

Notice of adjudication E+W

F10 Rule 8

Interest on debts E+W

F10 Rule 9

Interest on legacies E+W

F10 Rule 10

Master’s order E+W

F10 Rule 11

Appeal against Master’s order **E+W**

^{F10}**Rule 12**

RSC ORDER 45 **E+W**

ENFORCEMENT OF JUDGMENTS AND ORDERS: GENERAL

Modifications etc. (not altering text)

C2 Sch. 1 RSC Order 45 applied (with modifications) (1.10.2007) by [The Court of Protection Rules 2007 \(S.I. 2007/1744\)](#), rules 1, **184(b)**

[^{F11}Interpretation **E+W**

Rule 1A. In this Order, and in RSC Orders 46 and 47—

- (a) “enforcement officer” means an individual who is authorised to act as an enforcement officer under the Courts Act 2003; and
- (b) “relevant enforcement officer” means—
 - (i) in relation to a writ of execution which is directed to an single enforcement officer, that officer;
 - (ii) in relation to a writ of execution which is directed to two or more enforcement officers, the officer to whom the writ is allocated.]

Textual Amendments

F11 Sch. 1 RSC Order 45 rule 1A inserted (1.4.2004) by [The Civil Procedure \(Amendment No. 5\) Rules 2003 \(S.I. 2003/3361\)](#), rules 1(c), **20**

Enforcement of judgment, etc., for payment of money **E+W**

Rule 1.—^{F12}(1)

^{F13}(2)

^{F14}(3)

(4) In this Order references to any writ shall be construed as including references to any further writ in aid of the first mentioned writ.

Textual Amendments

F12 Sch. 1 RSC Order 45 rule 1(1) revoked (25.3.2002) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), rule 1(c), **Sch. 5** (with savings in rule 24 and S.I. 2001/4015, rules 1(c), **43(2)**)

F13 Sch. 1 RSC Order 45 rule 1(2) revoked (25.3.2002) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), rule 1(c), **Sch. 5** (with savings in rule 24 and S.I. 2001/4015, rules 1(c), **43(2)**)

F14 Sch. 1 RSC Order 45 rule 1(3) revoked (25.3.2002) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), rule 1(c), **Sch. 5** (with savings in rule 24 and S.I. 2001/4015, rules 1(c), **43(2)**)

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Notice of seizure **E+W**

Rule 2 When first executing a writ of fieri facias, the Sheriff or his officer [^{F15}or the relevant enforcement officer] shall deliver to the debtor or leave at each place where execution is levied a notice in Form No. 55 in the relevant Practice Direction informing the debtor of the execution.

Textual Amendments

F15 Words in [Sch. 1 RSC Order 45 rule 2](#) inserted (1.4.2004) by [The Civil Procedure \(Amendment No. 5\) Rules 2003 \(S.I. 2003/3361\)](#), [rules 1\(c\)](#), [21](#)

Enforcement of judgment for possession of land **E+W**

Rule 3.—(1) Subject to the provisions of these rules, a judgment or order for the giving of possession of land may be enforced by one or more of the following means, that is to say—

- (a) writ of possession;
- (b) in a case in which rule 5 applies, an order of committal;
- (c) in such a case, writ of sequestration.

(2) A writ of possession to enforce a judgment or order for the giving of possession of any land shall not be issued without the permission of the Court except where the judgment or order was given or made in ^{F16}... [^{F17}proceedings by a mortgagee or mortgagor or by any person having the right to foreclose or redeem any mortgage, being proceedings in which there is a claim for—

- (a) payment of moneys secured by the mortgage;
- (b) sale of the mortgaged property;
- (c) foreclosure;
- (d) delivery of possession (whether before or after foreclosure or without foreclosure) to the mortgagee by the mortgagor or by any other person who is alleged to be in possession of the property;
- (e) redemption;
- (f) reconveyance of the land or its release from the security; or
- (g) delivery of possession by the mortgagee]

[^{F18}(2A) In paragraph (2) “mortgage” includes a legal or equitable mortgage and a legal or equitable charge, and reference to a mortgagor, a mortgagee and mortgaged land is to be interpreted accordingly.]

(3) Such permission [^{F19}as is referred to in paragraph (2)] shall not be granted unless it is shown—

- (a) that every person in actual possession of the whole or any part of the land has received such notice of the proceedings as appears to the Court sufficient to enable him to apply to the Court for any relief to which he may be entitled; and
- (b) if the operation of the judgment or order is suspended by subsection (2) of section 16 of the Landlord and Tenant Act, 1954(2), that the applicant has not received notice in writing from the tenant that he desires that the provisions of paragraphs (a) and (b) of that subsection shall have effect.

(4) A writ of possession may include provision for enforcing the payment of any money adjudged or ordered to be paid by the judgment or order which is to be enforced by the writ.

(2) [1954 c. 56.](#)

Textual Amendments

- F16** Words in Sch. 1 RSC Order 45 rule 3(2) omitted (15.10.2001) by virtue of [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rules 1(d), **20(a)(i)**
- F17** Words in Sch. 1 RSC Order 45 rule 3(2) inserted (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rules 1(d), **20(a)(ii)**
- F18** Sch. 1 RSC Order 45 rule 3(2A) inserted (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rules 1(d), **20(b)**
- F19** Words in Sch. 1 RSC Order 45 rule 3(3) inserted (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rules 1(d), **20(c)**

Enforcement of judgment for delivery of goods **E+W**

Rule 4.—(1) Subject to the provisions of these rules, a judgment or order for the delivery of any goods which does not give a person against whom the judgment is given or order made the alternative of paying the assessed value of the goods may be enforced by one or more of the following means, that is to say—

- (a) writ of delivery to recover the goods without alternative provision for recovery of the assessed value thereof (hereafter in this rule referred to as a “writ of specific delivery”);
- (b) in a case in which rule 5 applies, an order of committal;
- (c) in such a case, writ of sequestration.

(2) Subject to the provisions of these rules, a judgment or order for the delivery of any goods or payment of their assessed value may be enforced by one or more of the following means, that is to say—

- (a) writ of delivery to recover the goods or their assessed value;
- (b) by order of the Court, writ of specific delivery;
- (c) in a case in which rule 5 applies, writ of sequestration.

An application for an order under sub-paragraph (b) shall be made in accordance with CPR Part 23, which must be served on the defendant against whom the judgment or order sought to be enforced was given or made.

(3) A writ of specific delivery, and a writ of delivery to recover any goods or their assessed value, may include provision for enforcing the payment of any money adjudged or ordered to be paid by the judgment or order which is to be enforced by the writ.

(4) A judgment or order for the payment of the assessed value of any goods may be enforced by the same means as any other judgment or order for the payment of money.

Enforcement of judgment to do or abstain from doing any act **E+W**

Rule 5.—(1) Where—

- (a) a person required by a judgment or order to do an act within a time specified in the judgment or order refuses or neglects to do it within that time or, as the case may be, within that time as extended or abridged under a court order or CPR rule 2.11; or
- (b) a person disobeys a judgment or order requiring him to abstain from doing an act, then, subject to the provisions of these rules, the judgment or order may be enforced by one or more of the following means, that is to say—
 - (i) with the permission of the Court, a writ of sequestration against the property of that person;

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Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

- (ii) where that person is a body corporate, with the permission of the Court, a writ of sequestration against the property of any director or other officer of the body;
- (iii) subject to the provisions of the Debtors Act 1869 and 1878(3), an order of committal against that person or, where that person is a body corporate, against any such officer.

(2) Where a judgment or order requires a person to do an act within a time therein specified and an order is subsequently made under rule 6 requiring the act to be done within some other time, references in paragraph (1) of this rule to a judgment or order shall be construed as references to the order made under rule 6.

(3) Where under any judgment or order requiring the delivery of any goods the person liable to execution has the alternative of paying the assessed value of the goods, the judgment or order shall not be enforceable by order of committal under paragraph (1), but the Court may, on the application of the person entitled to enforce the judgment or order, make an order requiring the first mentioned person to deliver the goods to the applicant within a time specified in the order, and that order may be so enforced.

Judgment, etc. requiring act to be done: order fixing time for doing it E+W

Rule 6.—(1) Notwithstanding that a judgment or order requiring a person to do an act specifies a time within which the act is to be done, the Court shall, have power to make an order requiring the act to be done within another time, being such time after service of that order, or such other time, as may be specified therein.

(2) Where, a judgment or order requiring a person to do an act does not specify a time within which the act is to be done, the Court shall have power subsequently to make an order requiring the act to be done within such time after service of that order, or such other time, as may be specified therein.

(3) An application for an order under this rule must be made in accordance with CPR Part 23 and the application notice must be served on the person required to do the act in question.

Service of copy of judgment, etc., prerequisite to enforcement under r.5 E+W

Rule 7.—(1) In this rule references to an order shall be construed as including references to a judgment.

(2) Subject to paragraphs (6) and (7) of this rule, an order shall not be enforced under rule 5 unless—

- (a) a copy of the order has been served personally on the person required to do or abstain from doing the act in question; and
- (b) in the case of an order requiring a person to do an act, the copy has been so served before the expiration of the time within which he was required to do the act.

(3) Subject as aforesaid, an order requiring a body corporate to do or abstain from doing an act shall not be enforced as mentioned in rule 5 (1)(b)(ii) or (iii) unless—

- (a) a copy of the order has also been served personally on the officer against whose property permission is sought to issue a writ of sequestration or against whom an order of committal is sought; and
- (b) in the case of an order requiring the body corporate to do an act, the copy has been so served before the expiration of the time within which the body was required to do the act.

(4) There must be prominently displayed on the front of the copy of an order served under this rule a warning to the person on whom the copy is served that disobedience to the order would be a

(3) 1869 c. 62; 1878 c. 54.

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Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

contempt of court punishable by imprisonment, or (in the case of an order requiring a body corporate to do or abstain from doing an act) punishable by sequestration of the assets of the body corporate and by imprisonment of any individual responsible.

(5) With the copy of an order required to be served under this rule, being an order requiring a person to do an act, there must also be served a copy of any order or agreement under CPR rule 2.11 extending or abridging the time for doing the act and, where the first—mentioned order was made under rule 5 (3) or 6 of this Order, a copy of the previous order requiring the act to be done.

(6) An order requiring a person to abstain from doing an act may be enforced under rule 5 notwithstanding that service of a copy of the order has not been effected in accordance with this rule if the Court is satisfied that pending such service, the person against whom or against whose property is sought to enforce the order has had notice thereof either—

- (a) by being present when the order was made; or
- (b) by being notified of the terms of the order, whether by telephone, telegram or otherwise.

(7) The Court may dispense with service of a copy of an order under this rule if it thinks it just to do so.

Court may order act to be done at expense of disobedient party E+W

Rule 8 If ^{F20}... a mandatory order, an injunction or a judgment or order for the specific performance of a contract is not complied with, then, without prejudice to its powers under section 39 of the Act and its powers to punish the disobedient party for contempt, the Court may direct that the act required to be done may, so far as practicable, be done by the party by whom the order or judgment was obtained or some other person appointed by the Court, at the cost of the disobedient party, and upon the act being done the expenses incurred may be ascertained in such manner as the Court may direct and execution may issue against the disobedient party for the amount so ascertained and for costs.

Textual Amendments

F20 Words in [Sch. 1 RSC Order 45 rule 8](#) omitted (1.5.2004) by virtue of [The Civil Procedure \(Amendment No. 5\) Rules 2003 \(S.I. 2003/3361\)](#), [rules 1\(d\)](#), [22](#)

Execution by or against person not being a party E+W

^{F21}**Rule 9**

Textual Amendments

F21 [Sch. 1 RSC Order 45 rule 9](#) revoked (25.3.2002) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), [rule 1\(c\)](#), [Sch. 5](#) (with savings in [rule 24](#) and [S.I. 2001/4015](#), [rules 1\(c\)](#), [43\(2\)](#))

Conditional judgment: waiver E+W

^{F22}**Rule 10**

*Status: Point in time view as at 01/10/2009.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)*

Textual Amendments
F22 Sch. 1 RSC Order 45 rule 10 revoked (25.3.2002) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), rule 1(c), [Sch. 5](#) (with rule 24) (with savings in rule 24 and S.I. 2001/4015, rules 1(c), [43\(2\)](#))

Matters occurring after judgment: stay of execution, etc. E+W

Rule 11 Without prejudice to Order 47, rule 1, a party against whom a judgment has been given or an order made may apply to the Court for a stay of execution of the judgment or order or other relief on the ground of matters which have occurred since the date of the judgment or order, and the Court may by order grant such relief, and on such terms, as it thinks just.

Forms of writs E+W

Rule 12.—(1) A writ of fieri facias must be in such of the Forms Nos. 53 to 63 in the relevant Practice Direction as is appropriate in the particular case.

(2) A writ of delivery must be in Form No. 64 or 65 in the relevant Practice Direction, whichever is appropriate.

(3) A writ of possession must be in Form No. 66 or 66A in the relevant Practice Direction, whichever is appropriate.

(4) A writ of sequestration must be in Form No. 67 in the relevant Practice Direction.

Enforcement of judgments and orders for recovery of money, etc. E+W

^{F23}**Rule 13**

Textual Amendments
F23 Sch. 1 RSC Order 45 rule 13 revoked (25.3.2002) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), rule 1(c), [Sch. 5](#) (with rule 24) (with savings in rule 24 and S.I. 2001/4015, rules 1(c), [43\(2\)](#))

Enforcement of decisions of Value Added Tax Tribunals E+W

^{F24}**Rule 14**

Textual Amendments
F24 Sch. 1 RSC Order 45 rule 14 revoked (25.3.2002) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), rule 1(c), [Sch. 5](#) (with savings in rule 24 and S.I. 2001/4015, rules 1(c), [43\(2\)](#))

RSC ORDER 46 **E+W**

WRITS OF EXECUTION: GENERAL

Modifications etc. (not altering text)

- C3** Sch. 1 RSC Order 46 applied (with modifications) (1.10.2007) by [The Court of Protection Rules 2007 \(S.I. 2007/1744\)](#), rules 1, **184(b)**

Definition **E+W**

Rule 1 In this Order, unless the context otherwise requires, “writ of execution” includes a writ of fieri facias, a writ of possession, a writ of delivery, a writ of sequestration and any further writ in aid of any of the aforementioned writs.

When permission to issue any writ of execution is necessary **E+W**

Rule 2.—(1) A writ of execution to enforce a judgment or order may not issue without the permission of the Court in the following cases, that is to say:—

- (a) where six years or more have elapsed since the date of the judgment or order;
- (b) where any change has taken place, whether by death or otherwise, in the parties entitled or liable to execution under the judgment or order;
- (c) where the judgment or order is against the assets of a deceased person coming to the hands of his executors or administrators after the date of the judgment or order, and it is sought to issue execution against such assets;
- (d) where under the judgment or order any person is entitled to a remedy subject to the fulfilment of any condition which it is alleged has been fulfilled;
- (e) where any goods sought to be seized under a writ of execution are in the hands of a receiver appointed by the Court or a sequestrator.

(2) Paragraph (1) is without prejudice to section 2 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951(4), or any other enactment or rule by virtue of which a person is required to obtain the permission of the Court for the issue of a writ of execution or to proceed to execution on or otherwise to the enforcement of a judgment or order.

(3) Where the Court grants permission, whether under this rule or otherwise, for the issue of a writ of execution and the writ is not issued within one year after the date of the order granting such permission, the order shall cease to have effect, without prejudice, however, to the making of a fresh order.

Permission required for issue of writ in aid of other writ **E+W**

Rule 3 A writ of execution in aid of any other writ of execution shall not issue without the permission of the Court.

Application for permission to issue writ **E+W**

Rule 4.—(1) An application for permission to issue a writ of execution may be made in accordance with CPR Part 23 but the application notice need not be served on the respondent unless the Court directs.

(4) 1951 c. 65.

Status: Point in time view as at 01/10/2009.

*Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)*

- (2) Such an application must be supported by a witness statement or affidavit—
- (a) identifying the judgment or order to which the application relates and, if the judgment or order is for the payment of money, stating the amount originally due thereunder and the amount due thereunder at the date the application notice is filed;
 - (b) stating, where the case falls within rule 2 (1)(a) the reasons for the delay in enforcing the judgment or order;
 - (c) stating where the case falls within rule 2 (1)(b) the change which has taken place in the parties entitled or liable to execution since the date of the judgment or order;
 - (d) stating, where the case falls within rule 2 (1)(c) or (d) that a demand to satisfy the judgment or order was made on the person liable to satisfy it and that he has refused or failed to do so;
 - (e) giving such other information as is necessary to satisfy the Court that the applicant is entitled to proceed to execution on the judgment or order in question and that the person against whom it is sought to issue execution is liable to execution on it.
- (3) The Court hearing such application may grant permission in accordance with the application or may order that any issue or question, a decision on which is necessary to determine the rights of the parties, be tried in any manner in which any question of fact or law arising in proceedings may be tried and, in either case, may impose such terms as to costs or otherwise as it thinks just.

Application for permission to issue writ of sequestration E+W

Rule 5.—(1) Notwithstanding anything in rules 2 and 4, an application for permission to issue a writ of sequestration must be made in accordance with CPR Part 23 and be heard by a Judge.

(2) Subject to paragraph (3) the application notice, stating the grounds of the application and accompanied by a copy of the witness statement or affidavit in support of the application, must be served personally on the person against whose property it is sought to issue the writ.

(3) The Court may dispense with service of the application notice under this rule if it thinks it just to do so.

(4) The judge hearing an application for permission to issue a writ of sequestration may sit in private in any case in which, if the application were for an order of committal, he would be entitled to do so by virtue of Order 52, rule 6 but, except in such a case, the application shall be heard in public.

Issue of writ of execution E+W

Rule 6.—(1) Issue of a writ of execution takes place on its being sealed by a court officer of the appropriate office.

(2) Before such a writ is issued a praecipe for its issue must be filed.

(3) The praecipe must be signed by or on behalf of the solicitor of the person entitled to execution or, if that person is acting in person, by him.

(4) No such writ shall be sealed unless at the time of the tender thereof for sealing—

(a) the person tendering it produces—

- (i) the judgment or order on which the writ is to issue, or an office copy thereof;
- (ii) where the writ may not issue without the permission of the Court, the order granting such permission or evidence of the granting of it;
- (iii) where judgment on failure to acknowledge service has been entered against a State, as defined in section 14 of the State Immunity Act 1978(5), evidence that the State

(5) 1978 c. 33.

has been served in accordance with CPR rule 40.10 and that the judgment has taken effect; and

- (b) the court officer authorised to seal it is satisfied that the period, if any, specified in the judgment or order for the payment of any money or the doing of any other act thereunder has expired.
- (5) Every writ of execution shall bear the date of the day on which it is issued.
- (6) In this rule “the appropriate office” means—
 - (a) where the proceedings in which execution is to issue are in a District Registry, that Registry;
 - (b) where the proceedings are in the Principal Registry of the Family Division, that Registry;
 - (c) where the proceedings are Admiralty proceedings or commercial proceedings which are not in a District Registry, the Admiralty and Commercial Registry;
 - (ca) where the proceedings are in the Chancery Division, Chancery Chambers;
 - (d) in any other case, the Central Office of the [^{F25}Senior Courts].

Textual Amendments

F25 Words in Sch. 1 RSC Order 46 rule 6(6)(d) substituted (1.10.2009) by [The Civil Procedure \(Amendment\) Rules 2009 \(S.I. 2009/2092\)](#), rules 1(2), 19

Duration and renewal of writ of execution **E+W**

Rule 8.—(1) For the purpose of execution, a writ of execution is valid in the first instance for 12 months beginning with the date of its issue.

(2) Where a writ has not been wholly executed the Court may by order extend the validity of the writ from time to time for a period of 12 months at any one time beginning with the day on which the order is made, if an application for extension is made to the Court before the day next following that on which the writ would otherwise expire or such later day, if any, as the Court may allow.

(3) Before a writ the validity of which had been extended under paragraph (2) is executed either the writ must be sealed with the seal of the office out of which it was issued showing the date on which the order extending its validity was made or the applicant for the order must serve a notice (in Form No. 71 in the relevant Practice Direction) sealed as aforesaid, on the sheriff to whom the writ is directed [^{F26}or the relevant enforcement officer] informing him of the making of the order and the date thereof.

(4) The priority of a writ, the validity of which has been extended under this rule, shall be determined by reference to the date on which it was originally delivered to the sheriff [^{F27}or relevant enforcement officer].

(5) The production of a writ of execution, or of such a notice as is mentioned in paragraph (3) purporting in either case to be sealed as mentioned in that paragraph, shall be evidence that the validity of that writ, or, as the case may be, of the writ referred to in that notice, has been extended under paragraph (2).

(6) If, during the validity of a writ of execution, an interpleader summons is issued in relation to an execution under that writ, the validity of the writ shall be extended until the expiry of 12 months from the conclusion of the interpleader proceedings.

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

- F26** Words in Sch. 1 RSC Order 46 rule 8(3) inserted (1.4.2004) by [The Civil Procedure \(Amendment No. 5\) Rules 2003 \(S.I. 2003/3361\)](#), rules 1(c), **23(a)**
- F27** Words in Sch. 1 RSC Order 46 rule 8(4) inserted (1.4.2004) by [The Civil Procedure \(Amendment No. 5\) Rules 2003 \(S.I. 2003/3361\)](#), rules 1(c), **23(b)**

Return to writ of execution **E+W**

Rule 9.—(1) Any party at whose instance or against whom a writ of execution was issued may serve a notice on the sheriff to whom the writ was directed [^{F28}or the relevant enforcement officer] requiring him, within such time as may be specified in the notice, to indorse on the writ a statement of the manner in which he has executed it and to send to that party a copy of the statement.

(2) If a sheriff [^{F29}or enforcement officer] on whom such a notice is served fails to comply with it the party by whom it was served may apply to the Court for an order directing the sheriff [^{F29}or enforcement officer] to comply with the notice.

Textual Amendments

- F28** Words in Sch. 1 RSC Order 46 rule 9(1) inserted (1.4.2004) by [The Civil Procedure \(Amendment No. 5\) Rules 2003 \(S.I. 2003/3361\)](#), rules 1(c), **24(a)**
- F29** Words in Sch. 1 RSC Order 46 rule 9(2) inserted (1.4.2004) by [The Civil Procedure \(Amendment No. 5\) Rules 2003 \(S.I. 2003/3361\)](#), rules 1(c), **24(b)**

RSC ORDER 47 **E+W**

WRITS OF FIERI FACIAS

Modifications etc. (not altering text)

- C4** Sch. 1 RSC Order 47 applied (with modifications) (1.10.2007) by [The Court of Protection Rules 2007 \(S.I. 2007/1744\)](#), rules 1, **184(b)**

Power to stay execution by writ of fieri facias **E+W**

Rule 1.—(1) Where a judgment is given or an order made for the payment by any person of money, and the Court is satisfied, on an application made at the time of the judgment or order, or at any time thereafter, by the judgment debtor or other party liable to execution—

- (a) that there are special circumstances which render it inexpedient to enforce the judgment or order; or
- (b) that the applicant is unable from any cause to pay the money,

then, notwithstanding anything in rule 2 or 3, the Court may by order stay the execution of the judgment or order by writ of fieri facias either absolutely or for such period and subject to such conditions as the Court thinks fit.

(2) An application under this rule, if not made at the time the judgment is given or order made, must be made in accordance with CPR Part 23 and may be so made notwithstanding that the party

liable to execution did not acknowledge service of the claim form or serve a defence or take any previous part in the proceedings.

(3) The grounds on which an application under this rule is made must be set out in the application notice and be supported by a witness statement or affidavit made by or on behalf of the applicant substantiating the said grounds and, in particular, where such application is made on the grounds of the applicant's inability to pay, disclosing his income, the nature and value of any property of his and the amount of any other liabilities of his.

(4) The application notice and a copy of the supporting witness statement or affidavit must, not less than 4 clear days before the hearing, be served on the party entitled to enforce the judgment or order.

(5) An order staying execution under this rule may be varied or revoked by a subsequent order.

Two or more writs of fieri facias **E+W**

^{F30}**Rule 2**

Textual Amendments

F30 Sch. 1 RSC Order 47 rule 2 revoked (1.4.2004) by [The Civil Procedure \(Amendment No. 5\) Rules 2003 \(S.I. 2003/3361\)](#), rules 1(c), **25**

Separate writs to enforce payment of costs, etc. **E+W**

Rule 3.—(1) Where only the payment of money, together with costs to be assessed in accordance with CPR Part 47 (detailed costs assessment), is adjudged or ordered, then, if when the money becomes payable under the judgment or order the costs have not been assessed, the party entitled to enforce that judgment or order may issue a writ of fieri facias to enforce payment of the sum (other than for costs) adjudged or ordered and, not less than 8 days after the issue of that writ, he may issue a second writ to enforce payment of the assessed costs.

(2) A party entitled to enforce a judgment or order for the delivery of possession of any property (other than money) may, if he so elects, issue a separate writ of fieri facias to enforce payment of any damages or costs awarded to him by that judgment or order.

No expenses of execution in certain cases **E+W**

Rule 4 Where a judgment or order is for less than £600 and does not entitle the claimant to costs against the person against whom the writ of fieri facias to enforce the judgment or order is issued, the writ may not authorise the sheriff [^{F31}or enforcement officer] to whom it is directed to levy any fees, poundage or other costs of execution.

Textual Amendments

F31 Words in Sch. 1 RSC Order 47 rule 4 inserted (1.4.2004) by [The Civil Procedure \(Amendment No. 5\) Rules 2003 \(S.I. 2003/3361\)](#), rules 1(c), **26**

Writ of fieri facias de bonis ecclesiasticis, etc. **E+W**

Rule 5.—(1) Where it appears upon the return of any writ of fieri facias that the person against whom the writ was issued has no goods or chattels in the county of the sheriffs to whom the writ was directed [^{F32}or the district of the relevant enforcement officer] but that he is the incumbent of

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a benefice named in the return, then, after the writ and return have been filed, the party by whom the writ of fieri facias was issued may issue a writ of fieri facias de bonis ecclesiasticis or a writ of sequestrari de bonis ecclesiasticis directed to the bishop of the diocese within which that benefice is.

(2) Any such writ must be delivered to the bishop to be executed by him.

(3) Only such fees for the execution of any such writ shall be taken by or allowed to the bishop or any diocesan officer as are for the time being authorised by or under any enactment, including any measure of the General Synod.

Textual Amendments

F32 Words in [Sch. 1 RSC Order 47 rule 5\(1\)](#) inserted (1.4.2004) by [The Civil Procedure \(Amendment No. 5\) Rules 2003 \(S.I. 2003/3361\)](#), [rules 1\(c\)](#), [27](#)

Order for sale otherwise than by auction **E+W**

Rule 6.—^{F33}(1) An order of the court under paragraph 10 of Schedule 7 to the Courts Act 2003 that a sale of goods seized under an execution may be made otherwise than by public auction may be made on the application of—

- (a) the person at whose instance the writ of execution under which the sale is to be made was issued;
- (b) the person against whom that writ was issued (in this rule referred to as “the judgment debtor”);
- (c) if the writ was directed to a sheriff, that sheriff; and
- (d) if the writ was directed to one or more enforcement officers, the relevant enforcement officer.]

(2) Such an application must be made in accordance with CPR Part 23 and the application notice must contain a short statement of the grounds of the application.

^{F34}(3) Where the applicant for an order under this rule is not the sheriff or enforcement officer, the sheriff or enforcement officer must, on the demand of the applicant, send to the applicant a list stating—

- (a) whether he has notice of the issue of another writ or writs of execution against the goods of the judgment debtor; and
- (b) so far as is known to him, the name and address of every creditor who has obtained the issue of another such writ of execution,

and where the sheriff or enforcement officer is the applicant, he must prepare such a list.]

(4) Not less than 4 clear days before the hearing the applicant must serve the application notice on each of the other persons by whom the application might have been made and on every person named in ^{F35}the list under paragraph (3)].

^{F36}(5) Service of the application notice on a person named in the list under paragraph (3) is notice to him for the purpose of paragraph 10(3) of Schedule 7 to the Courts Act 2003.

(Paragraph 10(3) provides that if the person who seized the goods has notice of another execution or other executions, the court must not consider an application for leave to sell privately until the notice prescribed by Civil Procedure Rules has been given to the other execution creditor or creditors)]

(6) The applicant must produce ^{F37}the list under paragraph (3)] to the Court on the hearing of the application.

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(7) Every person on whom the application notice was served may attend and be heard on the hearing of the application.

Textual Amendments

- F33** Sch. 1 RSC Order 47 rule 6(1) substituted (1.4.2004) by [The Civil Procedure \(Amendment No. 5\) Rules 2003 \(S.I. 2003/3361\)](#), rules 1(c), **28(a)**
- F34** Sch. 1 RSC Order 47 rule 6(3) substituted (1.4.2004) by [The Civil Procedure \(Amendment No. 5\) Rules 2003 \(S.I. 2003/3361\)](#), rules 1(c), **28(b)**
- F35** Words in Sch. 1 RSC Order 47 rule 6(4) substituted (1.4.2004) by [The Civil Procedure \(Amendment No. 5\) Rules 2003 \(S.I. 2003/3361\)](#), rules 1(c), **28(c)**
- F36** Sch. 1 RSC Order 47 rule 6(5) substituted (1.4.2004) by [The Civil Procedure \(Amendment No. 5\) Rules 2003 \(S.I. 2003/3361\)](#), rules 1(c), **28(d)**
- F37** Words in Sch. 1 RSC Order 47 rule 6(6) substituted (1.4.2004) by [The Civil Procedure \(Amendment No. 5\) Rules 2003 \(S.I. 2003/3361\)](#), rules 1(c), **28(e)**

RSC ORDER 48 E+W

EXAMINATION OF JUDGMENT DEBTOR, ETC.

Order for examination of judgment debtor E+W

^{F38}**Rule 1**

Textual Amendments

- F38** Sch. 1 RSC Order 48 revoked (25.3.2002) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), rule 1(c), **Sch. 5** (with savings in rule 24 and S.I. 2001/4015, rules 1(c), **43(2)**)

Examination of party liable to satisfy other judgment E+W

^{F38}**Rule 2**

Textual Amendments

- F38** Sch. 1 RSC Order 48 revoked (25.3.2002) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), rule 1(c), **Sch. 5** (with savings in rule 24 and S.I. 2001/4015, rules 1(c), **43(2)**)

Examiner to make record of debtor’s statement E+W

^{F38}**Rule 3**

Textual Amendments

- F38** Sch. 1 RSC Order 48 revoked (25.3.2002) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), rule 1(c), **Sch. 5** (with savings in rule 24 and S.I. 2001/4015, rules 1(c), **43(2)**)

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The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

RSC ORDER 49 **E+W**
GARNISHEE PROCEEDINGS

Attachment of debt due to judgment debtor **E+W**

^{F39}Rule 1

Textual Amendments

F39 Sch. 1 RSC Order 49 revoked (25.3.2002) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), rule 1(c), **Sch. 5** (with savings in rule 24 and S.I. 2001/4015, rules 1(c), **43(2)**)

Application for order **E+W**

^{F39}Rule 2

Textual Amendments

F39 Sch. 1 RSC Order 49 revoked (25.3.2002) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), rule 1(c), **Sch. 5** (with savings in rule 24 and S.I. 2001/4015, rules 1(c), **43(2)**)

Service and effect of order to show cause **E+W**

^{F39}Rule 3

Textual Amendments

F39 Sch. 1 RSC Order 49 revoked (25.3.2002) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), rule 1(c), **Sch. 5** (with savings in rule 24 and S.I. 2001/4015, rules 1(c), **43(2)**)

No appearance or dispute of liability by garnishee **E+W**

^{F39}Rule 4

Textual Amendments

F39 Sch. 1 RSC Order 49 revoked (25.3.2002) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), rule 1(c), **Sch. 5** (with savings in rule 24 and S.I. 2001/4015, rules 1(c), **43(2)**)

Dispute of liability by garnishee **E+W**

^{F39}Rule 5

Textual Amendments

F39 Sch. 1 RSC Order 49 revoked (25.3.2002) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), rule 1(c), **Sch. 5** (with savings in rule 24 and S.I. 2001/4015, rules 1(c), **43(2)**)

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Claims of third persons **E+W**

^{F39}**Rule 6**

Textual Amendments

F39 Sch. 1 RSC Order 49 revoked (25.3.2002) by The Civil Procedure (Amendment No. 4) Rules 2001 (S.I. 2001/2792), rule 1(c), **Sch. 5** (with savings in rule 24 and S.I. 2001/4015, rules 1(c), **43(2)**)

Discharge of garnishee **E+W**

^{F39}**Rule 8**

Textual Amendments

F39 Sch. 1 RSC Order 49 revoked (25.3.2002) by The Civil Procedure (Amendment No. 4) Rules 2001 (S.I. 2001/2792), rule 1(c), **Sch. 5** (with savings in rule 24 and S.I. 2001/4015, rules 1(c), **43(2)**)

Money in Court **E+W**

^{F39}**Rule 9**

Textual Amendments

F39 Sch. 1 RSC Order 49 revoked (25.3.2002) by The Civil Procedure (Amendment No. 4) Rules 2001 (S.I. 2001/2792), rule 1(c), **Sch. 5** (with savings in rule 24 and S.I. 2001/4015, rules 1(c), **43(2)**)

Costs **E+W**

^{F39}**Rule 10**

Textual Amendments

F39 Sch. 1 RSC Order 49 revoked (25.3.2002) by The Civil Procedure (Amendment No. 4) Rules 2001 (S.I. 2001/2792), rule 1(c), **Sch. 5** (with savings in rule 24 and S.I. 2001/4015, rules 1(c), **43(2)**)

RSC ORDER 50 **E+W**

CHARGING ORDERS, STOP ORDERS, ETC.

Order imposing a charge on a beneficial interest **E+W**

^{F40}**Rule 1**

Textual Amendments

F40 Sch. 1 RSC Order 50 revoked (25.3.2002) by The Civil Procedure (Amendment No. 4) Rules 2001 (S.I. 2001/2792), rule 1(c), **Sch. 5** (with savings in rule 24 and S.I. 2001/4015, rules 1(c), **43(2)**)

Status: Point in time view as at 01/10/2009.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Service of notice of order to show cause **E+W**

^{F40}**Rule 2**

Textual Amendments

F40 Sch. 1 RSC Order 50 revoked (25.3.2002) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), rule 1(c), **Sch. 5** (with savings in [rule 24](#) and [S.I. 2001/4015](#), rules 1(c), **43(2)**)

Order made on further considerations **E+W**

^{F40}**Rule 3**

Textual Amendments

F40 Sch. 1 RSC Order 50 revoked (25.3.2002) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), rule 1(c), **Sch. 5** (with savings in [rule 24](#) and [S.I. 2001/4015](#), rules 1(c), **43(2)**)

Order imposing a charge on an interest held by a trustee **E+W**

^{F40}**Rule 4**

Textual Amendments

F40 Sch. 1 RSC Order 50 revoked (25.3.2002) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), rule 1(c), **Sch. 5** (with savings in [rule 24](#) and [S.I. 2001/4015](#), rules 1(c), **43(2)**)

Effect of order in relation to securities out of Court **E+W**

^{F40}**Rule 5**

Textual Amendments

F40 Sch. 1 RSC Order 50 revoked (25.3.2002) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), rule 1(c), **Sch. 5** (with savings in [rule 24](#) and [S.I. 2001/4015](#), rules 1(c), **43(2)**)

Effect of order in relation to funds in Court **E+W**

^{F40}**Rule 6**

Textual Amendments

F40 Sch. 1 RSC Order 50 revoked (25.3.2002) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), rule 1(c), **Sch. 5** (with savings in [rule 24](#) and [S.I. 2001/4015](#), rules 1(c), **43(2)**)

Discharge, etc., of charging order **E+W**

^{F40}**Rule 7**

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

F40 Sch. 1 RSC Order 50 revoked (25.3.2002) by The Civil Procedure (Amendment No. 4) Rules 2001 (S.I. 2001/2792), rule 1(c), Sch. 5 (with savings in rule 24 and S.I. 2001/4015, rules 1(c), 43(2))

Jurisdiction of Master, etc., to grant injunction **E+W**

F40 **Rule 9**

Textual Amendments

F40 Sch. 1 RSC Order 50 revoked (25.3.2002) by The Civil Procedure (Amendment No. 4) Rules 2001 (S.I. 2001/2792), rule 1(c), Sch. 5 (with savings in rule 24 and S.I. 2001/4015, rules 1(c), 43(2))

Enforcement of charging order by sale **E+W**

F40 **Rule 9A**

Textual Amendments

F40 Sch. 1 RSC Order 50 revoked (25.3.2002) by The Civil Procedure (Amendment No. 4) Rules 2001 (S.I. 2001/2792), rule 1(c), Sch. 5 (with savings in rule 24 and S.I. 2001/4015, rules 1(c), 43(2))

Funds in Court: stop order **E+W**

F40 **Rule 10**

Textual Amendments

F40 Sch. 1 RSC Order 50 revoked (25.3.2002) by The Civil Procedure (Amendment No. 4) Rules 2001 (S.I. 2001/2792), rule 1(c), Sch. 5 (with savings in rule 24 and S.I. 2001/4015, rules 1(c), 43(2))

Securities not in Court: stop notice **E+W**

F40 **Rule 11**

Textual Amendments

F40 Sch. 1 RSC Order 50 revoked (25.3.2002) by The Civil Procedure (Amendment No. 4) Rules 2001 (S.I. 2001/2792), rule 1(c), Sch. 5 (with savings in rule 24 and S.I. 2001/4015, rules 1(c), 43(2))

Effect of stop notice **E+W**

F40 **Rule 12**

Status: Point in time view as at 01/10/2009.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

F40 Sch. 1 RSC Order 50 revoked (25.3.2002) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), rule 1(c), **Sch. 5** (with savings in [rule 24](#) and [S.I. 2001/4015](#), rules 1(c), **43(2)**)

Amendment of stop notice **E+W**

^{F40}**Rule 13**

Textual Amendments

F40 Sch. 1 RSC Order 50 revoked (25.3.2002) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), rule 1(c), **Sch. 5** (with savings in [rule 24](#) and [S.I. 2001/4015](#), rules 1(c), **43(2)**)

Withdrawal etc. of stop notice **E+W**

^{F40}**Rule 14**

Textual Amendments

F40 Sch. 1 RSC Order 50 revoked (25.3.2002) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), rule 1(c), **Sch. 5** (with savings in [rule 24](#) and [S.I. 2001/4015](#), rules 1(c), **43(2)**)

Order prohibiting transfer, etc. of securities **E+W**

^{F40}**Rule 15**

Textual Amendments

F40 Sch. 1 RSC Order 50 revoked (25.3.2002) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), rule 1(c), **Sch. 5** (with savings in [rule 24](#) and [S.I. 2001/4015](#), rules 1(c), **43(2)**)

^{F41}**RSC ORDER 51** **E+W**

RECEIVERS: EQUITABLE EXECUTION

Textual Amendments

F41 Sch. 1 RSC Order 51 revoked (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rule 1(b), **Sch. 10**

Order to apply to High Court and County Courts **E+W**

^{F41}**Rule A1.**

Appointment of receiver by way of equitable execution **E+W**

^{F41}**Rule 1**

Masters etc. may appoint receiver **E+W**

^{F41}**Rule 2**

Application of rules as to appointment of receiver, etc. **E+W**

^{F41}**Rule 3**

RSC ORDER 52 **E+W**

COMMITTAL

Committal for contempt of court **E+W**

Rule 1.—(1) The power of the High Court or Court of Appeal to punish for contempt of court may be exercised by an order of committal.

(2) Where contempt of court—

(a) is committed in connection with—

(i) any proceedings before a Divisional Court of the Queen’s Bench Division; or

(ii) criminal proceedings, except where the contempt is committed in the face of the court or consists of disobedience to an order of the court or a breach of an undertaking to the court; or

(iii) proceedings in an inferior court; or

(b) is committed otherwise than in connection with any proceedings, then, subject to paragraph (4), an order of committal may be made only by a Divisional Court of the Queen’s Bench Division.

This paragraph shall not apply in relation to contempt of the Court of Appeal.

(3) Where contempt of court is committed in connection with any proceedings in the High Court, then, subject to paragraph (2), an order of committal may be made by a single judge of the Queen’s Bench Division except where the proceedings were assigned or subsequently transferred to some other Division, in which case the order may be made only by a single judge of that other Division.

The reference in this paragraph to a single judge of the Queen’s Bench Division shall, in relation to proceedings in any court the judge or judges of which are, when exercising the jurisdiction of that court, deemed by virtue of any enactment to constitute a court of the High Court, be construed as a reference to a judge of that court.

(4) Where by virtue of any enactment the High Court has power to punish or take steps for the punishment of any person charged with having done anything in relation to a court, tribunal or person which would, if it had been done in relation to the High Court, have been a contempt of that Court, [^{F42}an order of committal may be made—

(a) on an application under section 88 of the Charities Act 1993, by a single judge of the Chancery Division; and

(b) in any other case, by a single judge of the Queen’s Bench Division]

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

F42 Words in Sch. 1 RSC Order 52 rule 1(4) substituted (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rules 1(b), **30**

Application to Divisional Court **E+W**

Rule 2.—(1) No application to a Divisional Court for an order of committal against any person may be made unless permission to make such an application has been granted in accordance with this rule.

(2) An application for such permission must be made without notice to a Divisional Court, except in vacation when it may be made to a judge in chambers and must be supported by a statement setting out the name and description of the applicant, the name, description and address of the person sought to be committed and the grounds on which his committal is sought, and by an affidavit, to be filed before the application is made, verifying the facts relied on.

(3) The applicant must give notice of the application for permission not later than the preceding day to the Crown Office and must at the same time lodge in that office copies of the statement and affidavit.

(4) Where an application for permission under this rule is refused by a judge in chambers, the applicant may make a fresh application for such permission to a Divisional Court.

(5) An application made to a Divisional Court by virtue of paragraph (4) must be made within 8 days after the judge's refusal to give permission or, if a Divisional Court does not sit within that period, on the first day on which it sits thereafter.

Application for order after leave to apply granted **E+W**

Rule 3.—(1) When permission has been granted under rule 2 to apply for an order of committal, the application for the order must be made to a Divisional Court and, unless the court or judge granting permission has otherwise directed, there must be at least 14 clear days between the service of the claim form and the day named therein for the hearing.

(2) Unless within 14 days after such permission was granted, the claim form is issued the permission shall lapse.

(3) Subject to paragraph 4, the claim form, accompanied by a copy of the statement and affidavit in support of the application for permission, must be served personally on the person sought to be committed.

(4) Without prejudice to the powers of the court or judge under Part 6 of the CPR, the court or judge may dispense with service under this rule if it or he thinks it just to do so.

Application to Court other than Divisional Court **E+W**

Rule 4.—(1) Where an application for an order of committal may be made to a court other than a Divisional Court, the application must be made by claim form or application notice and be supported by an affidavit.

(2) Subject to paragraph (3) the claim form or application notice, stating the grounds of the application and accompanied by a copy of the affidavit in support of the application, must be served personally on the person sought to be committed.

(3) Without prejudice to its powers under Part 6 of the CPR, the Court may dispense with service under this rule if it thinks it just to do so.

(4) This rule does not apply to committal applications which under rules 1(2) and 3(1) should be made to a Divisional Court but which, in vacation, have been properly made to a single judge in accordance with Order 64, rule 4.

Saving for power to commit without application for purpose E+W

Rule 5 Nothing in the foregoing provisions of this Order shall be taken as affecting the power of the High Court or Court of Appeal to make an order of committal of its own initiative against a person guilty of contempt of court.

Provisions as to hearing E+W

Rule 6.—(1) Subject to paragraph (2), the Court hearing an application for an order of committal may sit in private in the following cases, that is to say—

- (a) where the application arises out of proceedings relating to the wardship or adoption of an infant or wholly or mainly to the guardianship, custody, maintenance or upbringing of an infant, or rights of access to an infant;
- (b) where the application arises out of proceedings relating to a person suffering or appearing to be suffering from mental disorder within the meaning of the Mental Health Act 1983(6);
- (c) where the application arises out of proceedings in which a secret process, discovery or invention was in issue;
- (d) where it appears to the Court that in the interests of the administration of justice or for reasons of national security the application should be heard in private;

but, except as aforesaid, the application shall be heard in [F43 public].

(2) If the Court hearing an application in private by virtue of paragraph (1) decides to make an order of committal against the person sought to be committed, it shall in [F43 public] state—

- (a) the name of that person,
- (b) in general terms the nature of the contempt of Court in respect of which the order of committal is being made, and
- (c) the length of the period for which he is being committed.

(3) Except with the permission of the Court hearing an application for an order of committal, no grounds shall be relied upon at the hearing except the grounds set out in the statement under rule 2 or, as the case may be, in the claim form or application notice under rule 4.

(4) If on the hearing of the application the person sought to be committed expresses a wish to give oral evidence on his own behalf, he shall be entitled to do so.

Textual Amendments

F43 Word in [Sch. 1 RSC Order 52 rule 6](#) substituted (26.4.1999) by [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), [rules 1, 32](#)

Power to suspend execution of committal order E+W

Rule 7.—(1) The Court by whom an order of committal is made may by order direct that the execution of the order of committal shall be suspended for such period or on such terms or conditions as it may specify.

(6) 1983 c. 20.

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

(2) Where execution of an order of committal is suspended by an order under paragraph (1), the applicant for the order of committal must, unless the Court otherwise directs, serve on the person against whom it was made a notice informing him of the making and terms of the order under that paragraph.

[^{F44}Warrant for arrest E+W]

Rule 7A. A warrant for the arrest of a person against whom an order of committal has been made shall not, without further order of the court, be enforced more than 2 years after the date on which the warrant is issued.]

Textual Amendments

F44 Sch. 1 RSC Order 52 rule 7A inserted (1.4.2004) by [The Civil Procedure \(Amendment No. 5\) Rules 2003 \(S.I. 2003/3361\)](#), rules 1(c), **29**

Discharge of person committed E+W

Rule 8.—(1) The Court may, on the application of any person committed to prison for any contempt of Court, discharge him.

(2) Where a person has been committed for failing to comply with a judgment or order requiring him to deliver any thing to some other person or to deposit it in Court or elsewhere, and a writ of sequestration has also been issued to enforce that judgment or order, then, if the thing is in the custody or power of the person committed, the commissioners appointed by the writ of sequestration may take possession of it as if it were the property of that person and, without prejudice to the generality of paragraph (1), the Court may discharge the person committed and may give such directions for dealing with the thing taken by the commissioners as it thinks fit.

(RSC Order 46, rule 5 contains rules relating to writs of sequestration)

Saving for other powers E+W

Rule 9 Nothing in the foregoing provisions of this Order shall be taken as affecting the power of the Court to make an order requiring a person guilty of contempt of court, or a person punishable by virtue of any enactment in like manner as if he had been guilty of contempt of the High Court, to pay a fine or to give security for his good behaviour, and those provisions, so far as applicable, and with the necessary modifications, shall apply in relation to an application for such an order as they apply in relation to an application for an order of committal.

^{F45}RSC ORDER 53 APPLICATIONS FOR JUDICIAL REVIEW E+W

Textual Amendments

F45 Sch. 1 RSC Order 53 revoked (2.10.2000) by [The Civil Procedure \(Amendment No. 4\) Rules 2000 \(S.I. 2000/2092\)](#), rules 1, **23** (with rule 30)

Cases appropriate for application for judicial review E+W

Rule 1 ^{F45}

Joinder of claims for relief **E+W**

Rule 2 ^{F45}

Grant of leave to apply for judicial review **E+W**

Rule 3 ^{F45}

Delay in applying for relief **E+W**

Rule 4 ^{F45}

Mode of applying for judicial review **E+W**

Rule 5 ^{F45}

Statements and evidence **E+W**

Rule 6 ^{F45}

Claim for damages **E+W**

Rule 7 ^{F45}

Application for disclosure, further information, cross—examination, etc. **E+W**

Rule 8 ^{F45}

Hearing of application for judicial review **E+W**

Rule 9 ^{F45}

Saving for person acting in obedience to mandamus **E+W**

Rule 10 ^{F45}

Proceedings for disqualification of member of local authority **E+W**

Rule 11 ^{F45}

Consolidation of applications **E+W**

Rule 12 ^{F45}

Appeal from Judge’s order **E+W**

Rule 13 ^{F45}

Meaning of “Court” **E+W**

Rule 14 ^{F45}

Status: Point in time view as at 01/10/2009.

*Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)*

RSC ORDER 54 **E+W**

APPLICATIONS FOR WRIT OF HABEAS CORPUS

Application for writ of habeas corpus ad subjiciendum **E+W**

Rule 1.—(1) Subject to rule 11, an application for a writ of habeas corpus ad subjiciendum shall be made to a judge in Court, except that—

- (a) it shall be made to a Divisional Court of the Queen’s Bench Division if the Court so directs;
- (b) it may be made to a judge otherwise than in court at any time when no judge is sitting in court; and
- (c) any application on behalf of a child must be made in the first instance to a judge otherwise than in court.

(2) An application for such writ may be made without notice being served on any other party and, subject to paragraph (3) must be supported by a witness statement or affidavit by the person restrained showing that it is made at his instance and setting out the nature of the restraint.

(3) Where the person restrained is unable for any reason to make the witness statement or affidavit required by paragraph (2) the witness statement or affidavit may be made by some other person on his behalf and that witness statement or affidavit must state that the person restrained is unable to make the witness statement or affidavit himself and for what reason.

Power of Court to whom application made without notice being served on any other party **E+W**

Rule 2.—(1) The Court or judge to whom an application under rule 1 is made without notice being served on any other party may make an order forthwith for the writ to issue, or may—

- (a) where the application is made to a judge otherwise than in court, direct the issue of a claim form seeking the writ, or that an application therefor be made by claim form to a Divisional Court or to a judge in court;
- (b) where the application is made to a judge in court, adjourn the application so that notice thereof may be given, or direct that an application be made by claim form to a Divisional Court;
- (c) where the application is made to a Divisional Court, adjourn the application so that notice thereof may be given.

(2) The claim form must be served on the person against whom the issue of the writ is sought and on such other persons as the Court or judge may direct, and, unless the Court or judge otherwise directs, there must be at least 8 clear days between the service of the claim form and the date named therein for the hearing of the application.

Copies of witness statement or affidavits to be supplied **E+W**

Rule 3 Every party to an application under rule 1 must supply to every other party on demand and on payment of the proper charges copies of the witness statement or affidavits which he proposes to use at the hearing of the application.

Power to order release of person restrained **E+W**

Rule 4.—(1) Without prejudice to rule 2 (1), the Court or judge hearing an application for a writ of habeas corpus ad subjiciendum may in its or his discretion order that the person restrained be

released, and such order shall be a sufficient warrant to any governor of a prison, constable or other person for the release of the person under restraint.

(2) Where such an application in criminal proceedings is heard by a judge and the judge does not order the release of the person restrained, he shall direct that the application be made by claim form to a Divisional Court of the Queen's Bench Division.

Directions as to return to writ E+W

Rule 5 Where a writ of habeas corpus ad subjiciendum is ordered to issue, the Court or judge by whom the order is made shall give directions as to the Court or judge before whom, and the date on which, the writ is returnable.

Service of writ and notice E+W

Rule 6.—(1) Subject to paragraphs (2) and (3), a writ of habeas corpus ad subjiciendum must be served personally on the person to whom it is directed.

(2) If it is not possible to serve such writ personally, or if it is directed to a governor of a prison or other public official, it must be served by leaving it with a servant or agent of the person to whom the writ is directed at the place where the person restrained is confined or restrained.

(3) If the writ is directed to more than one person, the writ must be served in manner provided by this rule on the person first named in the writ, and copies must be served on each of the other persons in the same manner as the writ.

(4) There must be served with the writ a notice (in Form No. 90 in the relevant Practice Direction) stating the Court or judge before whom and the date on which the person restrained is to be brought and that in default of obedience proceedings for committal of the party disobeying will be taken.

Return to the writ E+W

Rule 7.—(1) The return to a writ of habeas corpus ad subjiciendum must be indorsed on or annexed to the writ and must state all the causes of the detainer of the person restrained.

(2) The return may be amended, or another return substituted therefor, by permission of the Court or judge before whom the writ is returnable.

Procedure at hearing of writ E+W

Rule 8 When a return to a writ of habeas corpus ad subjiciendum is made, the return shall first be read, and motion then made for discharging or remanding the person restrained or amending or quashing the return, and where that person is brought up in accordance with the writ, his counsel shall be heard first, then the counsel for the Crown, and then one counsel for the person restrained in reply.

Bringing up prisoner to give evidence, etc. E+W

Rule 9.—(1) An application for a writ of habeas corpus ad testificandum or of habeas corpus ad respondendum must be made on witness statement or affidavit to a Judge^{F46}....

(2) An application for an order to bring up a prisoner, otherwise than by writ of habeas corpus, to give evidence in any proceedings, civil or criminal, before any Court, tribunal or justice, must be made on witness statement or affidavit to a Judge^{F47}....

*Status: Point in time view as at 01/10/2009.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)*

Textual Amendments
F46 Words in Sch. 1 RSC Order 11 52 rule 9(1) omitted (26.4.1999) by virtue of The Civil Procedure (Amendment) Rules 1999 (S.I. 1999/1008), rules 1, 62(a)
F47 Words in Sch. 1 RSC Order 11 52 rule 9(2) omitted (26.4.1999) by virtue of The Civil Procedure (Amendment) Rules 1999 (S.I. 1999/1008), rules 1, 62(a)

Form of writ E+W

Rule 10 A writ of habeas corpus must be in Form No. 89, 91 or 92 in the relevant Practice Direction, whichever is appropriate.

Applications relative to the custody, etc., of child E+W

Rule 11 An application by a parent or guardian of a child for a writ of habeas corpus ad subjiciendum relative to the custody, care or control of the child must be made in the Family Division, and this Order shall accordingly apply to such applications with the appropriate modifications.

RSC ORDER 55 E+W
APPEALS TO HIGH COURT FROM COURT,
TRIBUNAL OR PERSON: GENERAL

Application E+W

^{F48}Rule 1

Textual Amendments
F48 Sch. 1 RSC Order 55 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), Sch. 8 (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Court to hear appeal E+W

^{F48}Rule 2.

Textual Amendments
F48 Sch. 1 RSC Order 55 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), Sch. 8 (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Bringing of appeal E+W

^{F48}Rule 3

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

F48 Sch. 1 RSC Order 55 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Service of notice of appeal and entry of appeal **E+W**

F48 **Rule 4**

Textual Amendments

F48 Sch. 1 RSC Order 55 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Date of hearing of appeal **E+W**

F48 **Rule 5**

Textual Amendments

F48 Sch. 1 RSC Order 55 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Amendment of grounds of appeal, etc. **E+W**

F48 **Rule 6**

Textual Amendments

F48 Sch. 1 RSC Order 55 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Interlocutory applications **E+W**

F48 **Rule 6A**

Textual Amendments

F48 Sch. 1 RSC Order 55 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Powers of Court hearing appeal **E+W**

F48 **Rule 7**

Status: Point in time view as at 01/10/2009.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

F48 Sch. 1 RSC Order 55 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Right of Minister, etc., to appear and be heard **E+W**

^{F48}**Rule 8**

Textual Amendments

F48 Sch. 1 RSC Order 55 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

RSC ORDER 56 **E+W**

APPEALS, ETC., TO HIGH COURT BY CASE STATED: GENERAL

Appeals from the Crown Court by case stated **E+W**

^{F49}**Rule 1**

Textual Amendments

F49 Sch. 1 RSC Order 56 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Notice of entry of appeal **E+W**

^{F49}**Rule 4**

Textual Amendments

F49 Sch. 1 RSC Order 56 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Appeals relating to affiliation proceedings and care proceedings **E+W**

^{F49}**Rule 4A**

Textual Amendments

F49 Sch. 1 RSC Order 56 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Appeal from Magistrates' Court by case stated **E+W**

^{F49}**Rule 5**

Textual Amendments

F49 Sch. 1 RSC Order 56 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Case stated by Magistrates' Court: filing case, etc. **E+W**

^{F49}**Rule 6**

Textual Amendments

F49 Sch. 1 RSC Order 56 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Case stated by Ministers, tribunal, etc. **E+W**

^{F49}**Rule 7**

Textual Amendments

F49 Sch. 1 RSC Order 56 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Application for order to state a case **E+W**

^{F49}**Rule 8**

Textual Amendments

F49 Sch. 1 RSC Order 56 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Signing and service of case **E+W**

^{F49}**Rule 9**

Textual Amendments

F49 Sch. 1 RSC Order 56 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Proceedings for determination of case **E+W**

^{F49}**Rule 10**

Status: Point in time view as at 01/10/2009.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

F49 Sch. 1 RSC Order 56 revoked (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rule 1(b), **Sch. 8** (with [rule 39\(b\)](#)) (as amended by S.I. 2000/940, rules 1, 2)

Amendment of case **E+W**

^{F49}**Rule 11**

Textual Amendments

F49 Sch. 1 RSC Order 56 revoked (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rule 1(b), **Sch. 8** (with [rule 39\(b\)](#)) (as amended by S.I. 2000/940, rules 1, 2)

Right of Minister to appear and be heard **E+W**

^{F49}**Rule 12**

Textual Amendments

F49 Sch. 1 RSC Order 56 revoked (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rule 1(b), **Sch. 8** (with [rule 39\(b\)](#)) (as amended by S.I. 2000/940, rules 1, 2)

Extradition **E+W**

^{F49}**Rule 12A**

Textual Amendments

F49 Sch. 1 RSC Order 56 revoked (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rule 1(b), **Sch. 8** (with [rule 39\(b\)](#)) (as amended by S.I. 2000/940, rules 1, 2)

Interlocutory applications **E+W**

^{F49}**Rule 13**

Textual Amendments

F49 Sch. 1 RSC Order 56 revoked (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rule 1(b), **Sch. 8** (with [rule 39\(b\)](#)) (as amended by S.I. 2000/940, rules 1, 2)

^{F50}RSC ORDER 57 DIVISIONAL COURT PROCEEDINGS, ETC.: SUPPLEMENTARY PROVISIONS **E+W**

Textual Amendments

F50 Sch. 1 RSC Order 57 revoked (2.10.2000) by [The Civil Procedure \(Amendment No. 4\) Rules 2000 \(S.I. 2000/2092\)](#), rules 1, 24

Application **E+W**

Rule 1 ^{F50}

Entry of claims **E+W**

Rule 2 ^{F50}

Issue, etc., of claim form **E+W**

Rule 3 ^{F50}

Filing of witness statement or affidavits and drawing up of orders **E+W**

Rule 4 ^{F50}

Issue of writs **E+W**

Rule 5 ^{F50}

Custody of records **E+W**

Rule 6 ^{F50}

RSC ORDER 58 **E+W**

APPEALS FROM MASTERS, REGISTRARS, REFEREES AND JUDGES

Appeals from certain decisions of Masters, etc. to Judge sitting in private **E+W**

^{F51}**Rule 1**

Textual Amendments

F51 Sch. 1 RSC Order 58 revoked (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rule 1(b), [Sch. 8](#) (with rule 39(b)) (as amended by [S.I. 2000/940](#), rules 1, 2)

Appeals from certain decisions of Masters, etc., to Court of Appeal **E+W**

^{F51}**Rule 2**

Status: Point in time view as at 01/10/2009.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

F51 Sch. 1 RSC Order 58 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Appeals from District Judges **E+W**

F51 **Rule 3**

Textual Amendments

F51 Sch. 1 RSC Order 58 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Appeals from Judge of the Technology and Construction Court **E+W**

F51 **Rule 4**

Textual Amendments

F51 Sch. 1 RSC Order 58 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

RSC ORDER 59 **E+W**

APPEALS TO THE COURT OF APPEAL

Application of Order to appeals **E+W**

F52 **Rule 1**

Textual Amendments

F52 Sch. 1 RSC Order 59 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Classes of case where permission to appeal is required **E+W**

F52 **Rule 1B**

Textual Amendments

F52 Sch. 1 RSC Order 59 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Application of Order to applications for new trial **E+W**

^{F52}Rule 2

Textual Amendments

F52 Sch. 1 RSC Order 59 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Interpretation **E+W**

^{F52}Rule 2A

Textual Amendments

F52 Sch. 1 RSC Order 59 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

General Provisions as to Appeals **E+W**

Who may exercise the powers of the Court of Appeal **E+W**

^{F52}Rule 2B

Textual Amendments

F52 Sch. 1 RSC Order 59 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Variation of time **E+W**

^{F52}Rule 2C

Textual Amendments

F52 Sch. 1 RSC Order 59 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Notice of appeal **E+W**

^{F52}Rule 3

Textual Amendments

F52 Sch. 1 RSC Order 59 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Status: Point in time view as at 01/10/2009.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Time for appealing **E+W**

^{F52}**Rule 4**

.....
Textual Amendments
F52 Sch. 1 RSC Order 59 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Setting down appeal **E+W**

^{F52}**Rule 5**

.....
Textual Amendments
F52 Sch. 1 RSC Order 59 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Respondent’s notice **E+W**

^{F52}**Rule 6**

.....
Textual Amendments
F52 Sch. 1 RSC Order 59 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Amendment of notice of appeal and respondent’s notice **E+W**

^{F52}**Rule 7**

.....
Textual Amendments
F52 Sch. 1 RSC Order 59 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Directions of the Court as to service **E+W**

^{F52}**Rule 8**

.....
Textual Amendments
F52 Sch. 1 RSC Order 59 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Documents to be filed by appellant **E+W**

^{F52}**Rule 9**

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

F52 Sch. 1 RSC Order 59 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

General powers of the Court **E+W**

F52 **Rule 10**

Textual Amendments

F52 Sch. 1 RSC Order 59 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Powers of the Court as to new trials **E+W**

F52 **Rule 11**

Textual Amendments

F52 Sch. 1 RSC Order 59 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Evidence on appeal **E+W**

F52 **Rule 12**

Textual Amendments

F52 Sch. 1 RSC Order 59 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Non—disclosure of payment into Court **E+W**

F52 **Rule 12A**

Textual Amendments

F52 Sch. 1 RSC Order 59 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Stay of execution, etc. **E+W**

F52 **Rule 13**

Status: Point in time view as at 01/10/2009.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

F52 Sch. 1 RSC Order 59 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Applications to Court of Appeal **E+W**

F52 **Rule 14**

Textual Amendments

F52 Sch. 1 RSC Order 59 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Extension of time **E+W**

F52 **Rule 15**

Textual Amendments

F52 Sch. 1 RSC Order 59 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Special Provisions as to Particular Appeals **E+W**

Appeal against decree nisi **E+W**

F52 **Rule 16**

Textual Amendments

F52 Sch. 1 RSC Order 59 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Appeal against order for revocation of patent **E+W**

F52 **Rule 17**

Textual Amendments

F52 Sch. 1 RSC Order 59 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Appeal from Patents Court on appeal from Comptroller **E+W**

F52 **Rule 18**

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

F52 Sch. 1 RSC Order 59 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Appeal from county court **E+W**

F52 **Rule 19**

Textual Amendments

F52 Sch. 1 RSC Order 59 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Appeals in cases of contempt of court **E+W**

F52 **Rule 20**

Textual Amendments

F52 Sch. 1 RSC Order 59 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Appeals from Social Security Commissioners **E+W**

F52 **Rule 21**

Textual Amendments

F52 Sch. 1 RSC Order 59 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Appeals from Value Added Tax Tribunals **E+W**

F52 **Rule 22**

Textual Amendments

F52 Sch. 1 RSC Order 59 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Dismissal of patient's appeal by consent **E+W**

F52 **Rule 23**

Status: Point in time view as at 01/10/2009.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

F52 Sch. 1 RSC Order 59 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Appeals from Immigration Appeals Tribunal **E+W**

^{F52}**Rule 24**

Textual Amendments

F52 Sch. 1 RSC Order 59 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Appeals from Special Commissioners **E+W**

^{F52}**Rule 25**

Textual Amendments

F52 Sch. 1 RSC Order 59 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

RSC ORDER 60 **E+W**

**APPEALS TO COURT OF APPEAL FROM
THE RESTRICTIVE PRACTICES COURT**

Appeal to be brought by notice of appeal **E+W**

^{F53}**Rule 1**

Textual Amendments

F53 Sch. 1 RSC Order 60 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Service of notice of appeal **E+W**

^{F53}**Rule 2**

Textual Amendments

F53 Sch. 1 RSC Order 60 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Entry, etc. of appeal **E+W**

^{F53}**Rule 3**

Textual Amendments

F53 Sch. 1 RSC Order 60 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Powers of Court of Appeal **E+W**

^{F53}**Rule 4**

Textual Amendments

F53 Sch. 1 RSC Order 60 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

RSC ORDER 61 **E+W**

APPEALS FROM TRIBUNALS TO COURT OF APPEAL BY CASE STATED

Statement of case by Lands Tribunal **E+W**

^{F54}**Rule 1**

Textual Amendments

F54 Sch. 1 RSC Order 61 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Statement of case by other tribunals **E+W**

^{F54}**Rule 2**

Textual Amendments

F54 Sch. 1 RSC Order 61 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Proceedings on case stated **E+W**

^{F54}**Rule 3**

Textual Amendments

F54 Sch. 1 RSC Order 61 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Status: Point in time view as at 01/10/2009.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

F55 RSC ORDER 62 E+W

COSTS

Textual Amendments
F55 Sch. 1 RSC Order 62 revoked (1.4.2005) by [The Civil Procedure \(Amendment No. 4\) Rules 2004 \(S.I. 2004/3419\)](#), rules 1, **17(a)**

APPENDIX 3

Fixed Costs

F55 ...

Part II

Costs on judgment without trial for possession of land E+W

F55 1

F55 2.

Part III

Miscellaneous

F55 ...

RSC ORDER 64 E+W

SITTINGS, VACATIONS AND OFFICE HOURS

Divisional Court business during vacation E+W

Rule 4 Proceedings which require to be immediately or promptly heard and which by virtue of the following provisions must be brought in a Divisional Court may, in vacation, be brought before a single judge:

(a) Order 52, rules 1 (2) and 3 (1);

F56(b)

F57(c)

F57(d)

Textual Amendments
F56 Sch. 1 RSC Order 64 rule 4(b) revoked (2.10.2000) by [The Civil Procedure \(Amendment No. 4\) Rules 2000 \(S.I. 2000/2092\)](#), rules 1, **25**
F57 Sch. 1 RSC Order 64 rule 4(c)(d) revoked (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

F58 RSC ORDER 51 E+W

RECEIVERS: EQUITABLE EXECUTION

Textual Amendments

F58 Sch. 1 RSC Order 69 revoked (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rule 1(b), **Sch. 10**

Order to apply to High Court and County Courts E+W

F58 Rule A1

Appointment of receiver by way of equitable execution E+W

F58 Rule 1

Masters etc. may appoint receiver E+W

F58 Rule 2

Application of rules as to appointment of receiver, etc. E+W

F58 Rule 3

F59 RSC ORDER 70 E+W

Application of rules as to appointment of receiver, etc.

Textual Amendments

F59 Sch. 1 RSC Order 70 revoked (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rule 1(b), **Sch. 10**

Interpretation and exercise of jurisdiction E+W

F59 Rule 1

Application for order E+W

F59 Rule 2

Application by Treasury Solicitor in certain cases E+W

F59 Rule 3.

Person to take and manner of taking examination E+W

F59 Rule 4

*Status: Point in time view as at 01/10/2009.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)*

Dealing with deposition **E+W**

^{F59}**Rule 5**

Claim to privilege **E+W**

^{F59}**Rule 6**

^{F60}**RSC ORDER 71** **E+W**

**RECIPROCAL ENFORCEMENT OF JUDGMENTS AND ENFORCEMENT OF
EUROPEAN COMMUNITY JUDGMENTS AND RECOMMENDATIONS ETC.
UNDER THE MERCHANT SHIPPING (LINER CONFERENCES) ACT 1982**

Textual Amendments

F60 Sch. 1 RSC Order 71 revoked (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rule 1(b), **Sch. 10**

***I. Reciprocal Enforcement: the Administration of Justice Act 1920(2)
and the Foreign Judgments (Reciprocal Enforcement) Act 1933***

Powers under relevant Acts exercisable by judge or master **E+W**

^{F60}**Rule 1**

Application for registration **E+W**

^{F60}**Rule 2**

Evidence in support of application **E+W**

^{F60}**Rule 3**

Security for costs **E+W**

^{F60}**Rule 4**

Order for registration **E+W**

^{F60}**Rule 5**

Register of judgments **E+W**

^{F60}**Rule 6**

Notice of registration **E+W**

^{F60}**Rule 7**

Application to set aside registration **E+W**

^{F60}Rule 9

Issue of execution **E+W**

^{F60}Rule 10

Determination of certain questions **E+W**

^{F60}Rule 11

Rules to have effect subject to Orders in Council **E+W**

^{F60}Rule 12

Certified copy of High Court judgment **E+W**

^{F60}Rule 13

II. Enforcement of European Community Judgments

Interpretation **E+W**

^{F60}Rule 15

Functions under Order in Council exercisable by judge or master **E+W**

^{F60}Rule 16

Application for registration of Community judgment, etc. **E+W**

^{F60}Rule 17

Evidence in support of application **E+W**

^{F60}Rule 18

Register of judgments and orders **E+W**

^{F60}Rule 19

Notice of registration **E+W**

^{F60}Rule 20

Issue of execution **E+W**

^{F60}Rule 21

Application to vary or cancel registration **E+W**

^{F60}Rule 22

Status: Point in time view as at 01/10/2009.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Application for registration of suspension order **E+W**

^{F60}Rule 23

Application for enforcement of Euratom inspection order **E+W**

^{F60}Rule 24

III. Reciprocal Enforcement: the Civil Jurisdiction and Judgments Act 1982

Interpretation **E+W**

^{F60}Rule 25

Assignment of business and exercise of powers **E+W**

^{F60}Rule 26

Application for registration **E+W**

^{F60}Rule 27

Evidence in support of application **E+W**

^{F60}Rule 28

Security for costs **E+W**

^{F60}Rule 29

Order for registration **E+W**

^{F60}Rule 30

Register of judgments registered under s.4 of the Act of 1982 **E+W**

^{F60}Rule 31

Notice of registration **E+W**

^{F60}Rule 32

Appeals **E+W**

^{F60}Rule 33

Issue of execution **E+W**

^{F60}Rule 34

Application for recognition **E+W**

^{F60}Rule 35

Enforcement of High Court judgments in other Contracting States **E+W**

^{F60}Rule 36

Enforcement of United Kingdom judgments in other parts of the United Kingdom: money provisions **E+W**

^{F60}Rule 37

Enforcement of United Kingdom judgments in other parts of the United Kingdom: non-money provisions **E+W**

^{F60}Rule 38

Register of United Kingdom judgments **E+W**

^{F60}Rule 39

Authentic Instruments and Court Settlements **E+W**

^{F60}Rule 39A

*IV. Enforcement of Recommendations etc. Under the
Merchant Shipping (Liner Conferences) Act 1982*

Exercise of powers **E+W**

^{F60}Rule 40

Application for registration **E+W**

^{F60}Rule 41

Evidence in support of application **E+W**

^{F60}Rule 42

Order for registration **E+W**

^{F60}Rule 43

Register of recommendations etc. **E+W**

^{F60}Rule 44

*V. RECIPROCAL ENFORCEMENT: COUNCIL REGULATION (EC) NO. 44/2001
OF 22ND DECEMBER 2000 ON JURISDICTION AND THE RECOGNITION AND
ENFORCEMENT OF JUDGMENTS IN CIVIL AND COMMERCIAL MATTERS*

Interpretation **E+W**

^{F60}Rule 45.

*Status: Point in time view as at 01/10/2009.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)*

Assignment of business and exercise of powers **E+W**

^{F60}Rule 46.

Application for registration **E+W**

^{F60}Rule 47.

Evidence in support of application **E+W**

^{F60}Rule 48.

Order for registration **E+W**

^{F60}Rule 49.

Register of judgments registered under the Judgments Regulation **E+W**

^{F60}Rule 50.

Notice of registration **E+W**

^{F60}Rule 51.

Appeals **E+W**

^{F60}Rule 52.

Enforcement **E+W**

^{F60}Rule 53.

Application for recognition **E+W**

^{F60}Rule 54.

Enforcement of High Court Judgments in other Regulation States **E+W**

^{F60}Rule 55.

Register of certificates **E+W**

^{F60}Rule 56.

Authentic instruments and court settlements **E+W**

^{F60}Rule 57.

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

RSC ORDER 74 **E+W**

APPLICATIONS AND APPEALS UNDER THE MERCHANT SHIPPING ACT 1995

Assignment of proceedings **E+W**

^{F61}Rule 1

Textual Amendments

F61 Sch. 1 RSC Order 74 revoked (25.3.2002) by [The Civil Procedure \(Amendment No. 5\) Rules 2001 \(S.I. 2001/4015\)](#), rules 1(c), **36**

Appeals and re-hearings **E+W**

^{F61}Rule 2

Textual Amendments

F61 Sch. 1 RSC Order 74 revoked (25.3.2002) by [The Civil Procedure \(Amendment No. 5\) Rules 2001 \(S.I. 2001/4015\)](#), rules 1(c), **36**

RSC ORDER 77 **E+W**

PROCEEDINGS BY AND AGAINST THE CROWN

Application and interpretation **E+W**

^{F62}Rule 1

Textual Amendments

F62 Sch. 1 RSC Order 77 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(a)**

Transfer of proceedings **E+W**

^{F62}Rule 2

Textual Amendments

F62 Sch. 1 RSC Order 77 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(a)**

Particulars to be included in claim form **E+W**

^{F62}Rule 3

Status: Point in time view as at 01/10/2009.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

F62 Sch. 1 RSC Order 77 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(a)**

Service on the Crown **E+W**

^{F62}**Rule 4**

Textual Amendments

F62 Sch. 1 RSC Order 77 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(a)**

Counterclaim and set-off **E+W**

^{F62}**Rule 6**

Textual Amendments

F62 Sch. 1 RSC Order 77 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(a)**

Summary judgment **E+W**

^{F62}**Rule 7**

Textual Amendments

F62 Sch. 1 RSC Order 77 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(a)**

Summary applications to the Court in certain revenue matters **E+W**

^{F62}**Rule 8**

Textual Amendments

F62 Sch. 1 RSC Order 77 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(a)**

Joinder of [^{F63}Commissioners for HM Revenue and Customs] **E+W**

^{F62}**Rule 8A**

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

- F62** Sch. 1 RSC Order 77 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(a)**
- F63** Words in RSC Order 77 rule 8A substituted (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **53**

Judgment in default **E+W**

^{F62}**Rule 9**

Textual Amendments

- F62** Sch. 1 RSC Order 77 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(a)**

Third party notices **E+W**

^{F62}**Rule 10**

Textual Amendments

- F62** Sch. 1 RSC Order 77 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(a)**

Interpleader: application for order against Crown **E+W**

^{F62}**Rule 11**

Textual Amendments

- F62** Sch. 1 RSC Order 77 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(a)**

Disclosure and further information **E+W**

^{F62}**Rule 12**

Textual Amendments

- F62** Sch. 1 RSC Order 77 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(a)**

Place of trial **E+W**

^{F62}**Rule 13**

Status: Point in time view as at 01/10/2009.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

F62 Sch. 1 RSC Order 77 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(a)**

Evidence **E+W**

^{F62}**Rule 14**

Textual Amendments

F62 Sch. 1 RSC Order 77 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(a)**

Execution and satisfaction of orders **E+W**

^{F62}**Rule 15**

Textual Amendments

F62 Sch. 1 RSC Order 77 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(a)**

Attachment of debts, etc. **E+W**

^{F62}**Rule 16**

Textual Amendments

F62 Sch. 1 RSC Order 77 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(a)**

Proceedings relating to postal packets **E+W**

^{F62}**Rule 17**

Textual Amendments

F62 Sch. 1 RSC Order 77 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(a)**

Applications under ss.17 and 29 of Crown Proceedings Act **E+W**

^{F62}**Rule 18**

Textual Amendments

F62 Sch. 1 RSC Order 77 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(a)**

RSC ORDER 79 **E+W**
CRIMINAL PROCEEDINGS

Estreat of recognizances **E+W**

Rule 8.—(1) No recognizance acknowledged in or removed into the Queen’s Bench Division shall be estreated without the order of a judge.

(2) Every application to estreat a recognizance in the Queen’s Bench Division must be made by claim form and will be heard by a judge ^{F64}...and must be supported by a witness statement or affidavit showing in what manner the breach has been committed and proving that the claim form was duly served.

(2A) When it issues the claim form the court will fix a date for the hearing of the application.

(3) A claim form under this rule must be served at least 2 clear days before the day named therein for the hearing.

(4) On the hearing of the application the judge may, and if requested by any party shall, direct any issue of fact in dispute to be tried by a jury.

(5) If it appears to the judge that a default has been made in performing the conditions of the recognizance, the judge may order the recognizance to be estreated.

Textual Amendments

F64 Words in Sch. 1 RSC Order 79 rule 8(2) omitted (26.4.1999) by virtue of [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, **62(f)**

Bail **E+W**

Rule 9.—(1) Subject to the provisions of this rule, every application to the High Court in respect of bail in any criminal proceeding—

(a) where the defendant is in custody, must be made by claim form to a judge ^{F65}... to show cause why the defendant should not be granted bail;

(b) where the defendant has been admitted to bail, must be made by claim form to a judge ^{F65}... to show cause why the variation in the arrangements for bail proposed by the applicant should not be made.

(2) Subject to paragraph (5), the claim form (in Form No. 97 or 97A in the relevant practice direction) must, at least 24 hours before the day named therein for the hearing, be served—

(a) where the application was made by the defendant, on the prosecutor and on the Director of Public Prosecutions, if the prosecution is being carried on by him;

Status: Point in time view as at 01/10/2009.

*Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)*

- (b) where the application was made by the prosecutor or a constable under section 3 (8) of the Bail Act 1976⁽⁷⁾, on the defendant.
- (3) Subject to paragraph (5), every application must be supported by witness statement or affidavit.
- (4) Where a defendant in custody who desires to apply for bail is unable through lack of means to instruct a solicitor, he may give notice in writing to the [^{F66}court] stating his desire to apply for bail and requesting that the official solicitor shall act for him in the application, and the [^{F67}court may] assign the official solicitor to act for the applicant accordingly.
- (5) Where the official solicitor has been so assigned the [^{F68}court may] dispense with the requirements of paragraphs (1) to (3) and deal with the application in a summary manner.
- (6) Where the [^{F69}court] grants the defendant bail, the order must be in Form No. 98 in the relevant Practice Direction and a copy of the order shall be transmitted forthwith—
- (a) where the proceedings in respect of the defendant have been transferred to the Crown Court for trial or where the defendant has been committed to the Crown Court to be sentenced or otherwise dealt with, to the appropriate officer of the Crown Court;
- (b) in any other case, to the [^{F70}[^{F71}designated officer] for] the court which committed the defendant.
- (6A) The recognizance of any surety required as a condition of bail granted as aforesaid may, where the defendant is in a prison or other place of detention, be entered into before the governor or keeper of the prison or place as well as before the persons specified in section 8 (4) of the Bail Act 1976.
- (6B) Where under section 3 (5) or (6) of the Bail Act 1976⁽⁸⁾[^{F72}the court] imposes a requirement to be complied with before a person's release on bail, [^{F73}it] may give directions as to the manner in which and the person or persons before whom the requirement may be complied with.
- (7) A person who in pursuance of an order for the grant of bail made by [^{F74}the court] under this rule proposes to enter into a recognizance or give security must, unless [^{F75}the court] otherwise directs, give notice (in Form No. 100 in the relevant Practice Direction) to the prosecutor at least 24 hours before he enters into the recognizance or complies with the requirements as aforesaid.
- (8) Where in pursuance of such an order as aforesaid a recognizance is entered into or requirement complied with before any person, it shall be the duty of that person to cause the recognizance or, as the case may be, a statement of the requirement complied with to be transmitted forthwith—
- (a) where the proceedings in respect of the defendant have been transferred to the Crown Court for trial or where the defendant has been committed to the Crown Court to be sentenced or otherwise dealt with, to the appropriate officer of the Crown Court;
- (b) in any other case, to the [^{F76}[^{F77}designated officer] for] the court which committed the defendant
- and a copy of such recognizance or statement shall at the same time be sent to the governor or keeper of the prison or other place of detention in which the defendant is detained, unless the recognizance was entered into or the requirement complied with before such governor or keeper.
- (10) An order ^{F78}... varying the arrangements under which the defendant has been granted bail shall be in Form 98A in the relevant practice direction and a copy of the order shall be transmitted forthwith—

(7) 1976 c. 63; section 3(8) was amended by the Criminal Law Act 1977 (c. 45), section 65(4), schedule 12.

(8) 1976 c. 63; section 3(6) was amended by the Criminal Justice and Public Order Act 1994 (c. 33), sections 27(2), 168(3), schedule 11.

- (a) where the proceedings in respect of the defendant have been transferred to the Crown Court for trial or where the defendant has been committed to the Crown Court to be sentenced or otherwise dealt with, to the appropriate officer of the Crown Court;
- (b) in any other case, to the [^{F79}[^{F80}designated officer] for] the court which committed the defendant.

(11) Where in pursuance of an order of [^{F81}the High Court or the Crown Court] a person is released on bail in any criminal proceeding pending the determination of an appeal to the High Court or [^{F82}the Supreme Court] or an application for [^{F83}a quashing order], then, upon the abandonment of the appeal or application, or upon the decision of the High Court or [^{F82}the Supreme Court] being given, any justice (being a justice acting for the same petty sessions area as the magistrates' court by which that person was convicted or sentenced) may issue process for enforcing the decision in respect of which such appeal or application was brought or, as the case may be, the decision of the High Court or [^{F82}the Supreme Court].

(12) If an applicant to the High Court in any criminal proceedings is refused bail ^{F84}..., the applicant shall not be entitled to make a fresh application for bail to any other judge or to a Divisional Court.

(13) The record required by section 5 of the Bail Act 1976(9) to be made by the High Court shall be made by including in the file relating to the case in question a copy of the relevant order of the Court and shall contain the particulars set out in Form No. 98 or 98A in the relevant Practice Direction, whichever is appropriate, except that in the case of a decision to withhold bail the record shall be made by inserting a statement of the decision on the Court's copy of the relevant claim form and including it in the file relating to the case in question.

(14) In the case of a person whose return or surrender is sought under the Extradition Act 1989(10), this rule shall apply as if references to the defendant were references to that person and references to the prosecutor were references to the State seeking the return or surrender of that person.

Textual Amendments

- F65** Words in Sch. 1 RSC Order 79 rule 9 omitted (26.4.1999) by virtue of [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, **62(f)**
- F66** Word in Sch. 1 RSC Order 79 rule 9(4) substituted (26.4.1999) by [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, **40(a)**
- F67** Words in Sch. 1 Order 79 rule 9(4) substituted (26.4.1999) by [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, **40(b)**
- F68** Words in Sch. 1 Order 79 rule 9(5) substituted (26.4.1999) by [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, **40(b)**
- F69** Word in Sch. 1 RSC Order 79 rule 9(6) substituted (26.4.1999) by [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, **40(c)**
- F70** Words in Sch. 1 RSC Order 79 rule 9(6)(b) substituted (1.4.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rules 1(b), **22**
- F71** Words in Sch. 1 RSC Order 79 rule 9(6)(b) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) \(No. 2\) Order 2005 \(S.I. 2005/617\)](#), art. 1, **Sch. para. 175**
- F72** Words in Sch. 1 RSC Order 79 rule 9(6B) substituted (26.4.1999) by [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, **40(d)(i)**
- F73** Word in Sch. 1 RSC Order 79 rule 9(6B) substituted (26.4.1999) by [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, **40(d)(ii)**

(9) 1976 c. 63; section 5 was amended by the Criminal Justice Act 1982 (c. 48), section 60; and by the Criminal Law Act 1977 (c. 45), section 65(4), schedule 12; and by the Criminal Justice and Public Order Act 1994 (c. 33), section 27(4), schedule 3, paragraph 1.

(10) 1989 c. 33.

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

- F74** Words in Sch. 1 RSC Order 79 rule 9(7) substituted (26.4.1999) by The Civil Procedure (Amendment) Rules 1999 (S.I. 1999/1008), rules 1, **40(e)(i)**
- F75** Words in Sch. 1 RSC Order 79 rule 9(7) substituted (26.4.1999) by The Civil Procedure (Amendment) Rules 1999 (S.I. 1999/1008), rules 1, **40(e)(ii)**
- F76** Words in Sch. 1 RSC Order 79 rule 9(8)(b) substituted (1.4.2001) by The Civil Procedure (Amendment) Rules 2001 (S.I. 2001/256), rules 1(b), **22**
- F77** Words in Sch. 1 RSC Order 79 rule 9(8)(b) substituted (1.4.2005) by The Courts Act 2003 (Consequential Provisions) (No. 2) Order 2005 (S.I. 2005/617), art. 1, **Sch. para. 175**
- F78** Words in Sch. 1 RSC Order 79 rule 9(10) omitted (26.4.1999) by virtue of The Civil Procedure (Amendment) Rules 1999 (S.I. 1999/1008), rules 1, **40(f)**
- F79** Words in Sch. 1 RSC Order 79 rule 9(10)(b) substituted (1.4.2001) by The Civil Procedure (Amendment) Rules 2001 (S.I. 2001/256), rules 1(b), **22**
- F80** Words in Sch. 1 RSC Order 79 rule 9(10)(b) substituted (1.4.2005) by The Courts Act 2003 (Consequential Provisions) (No. 2) Order 2005 (S.I. 2005/617), art. 1, **Sch. para. 175**
- F81** Words in Sch. 1 RSC Order 79 rule 9(11) substituted (26.4.1999) by The Civil Procedure (Amendment) Rules 1999 (S.I. 1999/1008), rules 1, **40(g)**
- F82** Words in Sch. 1 RSC Order 79 rule 9(11) substituted (1.10.2009) by The Civil Procedure (Amendment) Rules 2009 (S.I. 2009/2092), rules 1(2), **20**
- F83** Words in Sch. 1 RSC Order 79 rule 9(11) substituted (1.5.2004) by The Civil Procedure (Amendment No. 5) Rules 2003 (S.I. 2003/3361), rules 1(d), **30**
- F84** Words in Sch. 1 RSC Order 79 rule 9(12) omitted (26.4.1999) by virtue of The Civil Procedure (Amendment) Rules 1999 (S.I. 1999/1008), rules 1, **40(h)**

Issue of witness summonses, etc. E+W

^{F85}**Rule 10**

Textual Amendments

F85 Sch. 1 RSC Order 79 rules 10, 11 omitted (26.4.1999) by virtue of The Civil Procedure (Amendment) Rules 1999 (S.I. 1999/1008), rules 1, **41**

Application for warrant to arrest witness E+W

^{F85}**Rule 11**

Textual Amendments

F85 Sch. 1 RSC Order 79 rules 10, 11 omitted (26.4.1999) by virtue of The Civil Procedure (Amendment) Rules 1999 (S.I. 1999/1008), rules 1, **41**

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

F86 RSC ORDER 81 E+W
PARTNERS

Textual Amendments

F86 Sch. 1 RSC Order 81 revoked (2.10.2006) by [The Civil Procedure \(Amendment\) Rules 2006 \(S.I. 2006/1689\)](#), rules 1, **12(a)**

Claims by and against firms within jurisdiction E+W

F86 Rule 1

Disclosure of partners' names E+W

F86 Rule 2

Acknowledgment of service in a claim against firm E+W

F86 Rule 4

Enforcing judgment or order against firm E+W

F86 Rule 5

Enforcing judgment or order in actions between partners, etc. E+W

F86 Rule 6

Attachment of debts owed by firm E+W

F86 Rule 7

Application to person carrying on business in another name E+W

F86 Rule 9

Applications for orders charging partner's interest in partnership property, etc. E+W

F86 Rule 10

F87 RSC ORDER 82 E+W
DEFAMATION CLAIMS

Textual Amendments

F87 Sch. 1 RSC Order 82 revoked (28.2.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rules 1(a), **40**

Status: Point in time view as at 01/10/2009.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Application **E+W**

Rule 1 ^{F87}

Indorsement of claim in libel claim **E+W**

Rule 2 ^{F87}

Obligation to give particulars **E+W**

Rule 3 ^{F87}

Ruling on meaning **E+W**

Rule 3A ^{F87}

Provisions as to payment into Court **E+W**

Rule 4 ^{F87}

Statement in open Court **E+W**

Rule 5 ^{F87}

Further information not allowed in certain cases **E+W**

Rule 6 ^{F87}

Fulfilment of offer of amends under s.4 of the Defamation Act 1952 **E+W**

Rule 8 ^{F87}

^{F88}**RSC ORDER 85** **E+W**

ADMINISTRATION AND SIMILAR ACTIONS

Textual Amendments

F88 [Sch. 1 RSC Order 85](#) revoked (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rule 1(b), [Sch. 10](#)

Interpretation **E+W**

^{F88}**Rule 1**

Determination of questions, etc., without administration **E+W**

^{F88}**Rule 2**

Parties **E+W**

^{F88}**Rule 3**

Judgments and orders in administration claims **E+W**

^{F88}**Rule 5**

Conduct of sale of trust property **E+W**

^{F88}**Rule 6**

^{F89}**RSC ORDER 87** **E+W**

DEBENTURE HOLDERS' CLAIMS : RECEIVER'S REGISTER

Textual Amendments

F89 [Sch. 1 RSC Order 87](#) revoked (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rule 1(b), [Sch. 10](#)

Receiver's register **E+W**

^{F89}**Rule 1**

Registration of transfers, etc. **E+W**

^{F89}**Rule 2**

Application for rectification of receiver's register **E+W**

^{F89}**Rule 3**

Receiver's register evidence of transfers, etc. **E+W**

^{F89}**Rule 4**

Proof of title of holder of bearer debenture, etc. **E+W**

^{F89}**Rule 5**

Requirements in connection with payments **E+W**

^{F89}**Rule 6**

Status: Point in time view as at 01/10/2009.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

RSC ORDER 88 **E+W**

MORTGAGE CLAIMS

Application and Interpretation **E+W**

^{F90}Rule 1

Textual Amendments

F90 Sch. 1 RSC Order 88 rules 1-5 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

Assignment of certain actions to Chancery Division **E+W**

^{F90}Rule 2

Textual Amendments

F90 Sch. 1 RSC Order 88 rules 1-5 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

Commencement of claim **E+W**

^{F90}Rule 3

Textual Amendments

F90 Sch. 1 RSC Order 88 rules 1-5 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

Claim for possession: failure by a defendant to acknowledge service **E+W**

^{F90}Rule 4

Textual Amendments

F90 Sch. 1 RSC Order 88 rules 1-5 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

Claim in Chancery Division for possession or payment: evidence **E+W**

^{F90}Rule 5

Textual Amendments

F90 Sch. 1 RSC Order 88 rules 1-5 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Claim for the enforcement of charging order by sale **E+W**

^{F91}**Rule 5A**

Textual Amendments

F91 Sch. 1 RSC Order 88 rule 5A revoked (25.3.2002) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), rule 1(c), **Sch. 5** (with savings in rule 24 and S.I. 2001/4015, rules 1(c), **43(2)**)

Foreclosure in redemption claim **E+W**

^{F92}**Rule 7**

Textual Amendments

F92 Sch. 1 RSC Order 88 rule 7 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

RSC ORDER 91 **E+W**

REVENUE PROCEEDINGS

Assignment to Chancery Division, etc. **E+W**

^{F93}**Rule 1**

Textual Amendments

F93 Sch. 1 RSC Order 91 revoked (6.10.2003) by [The Civil Procedure \(Amendment No. 4\) Rules 2003 \(S.I. 2003/2113\)](#), rules 1(c), **19(a)**

Appeal under section 222 of the Inheritance Tax Act 1984 **E+W**

^{F93}**Rule 2**

Textual Amendments

F93 Sch. 1 RSC Order 91 revoked (6.10.2003) by [The Civil Procedure \(Amendment No. 4\) Rules 2003 \(S.I. 2003/2113\)](#), rules 1(c), **19(a)**

Setting down case stated under Taxes Management Act 1970 **E+W**

^{F93}**Rule 3**

Textual Amendments

F93 Sch. 1 RSC Order 91 revoked (6.10.2003) by [The Civil Procedure \(Amendment No. 4\) Rules 2003 \(S.I. 2003/2113\)](#), rules 1(c), **19(a)**

*Status: Point in time view as at 01/10/2009.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)*

Case stated: notice to be given of certain matters **E+W**

^{F93}**Rule 4**

Textual Amendments

F93 Sch. 1 RSC Order 91 revoked (6.10.2003) by [The Civil Procedure \(Amendment No. 4\) Rules 2003 \(S.I. 2003/2113\)](#), rules 1(c), **19(a)**

Appeals under section 53 and 100C (4) of the Taxes Management Act 1970 **E+W**

^{F93}**Rule 5**

Textual Amendments

F93 Sch. 1 RSC Order 91 revoked (6.10.2003) by [The Civil Procedure \(Amendment No. 4\) Rules 2003 \(S.I. 2003/2113\)](#), rules 1(c), **19(a)**

Appeals under section 56A of the Taxes Management Act 1970, section 225 of the Inheritance Tax Act 1984 and regulation 10 of the Stamp Duty Reserve Tax Regulations 1986 **E+W**

^{F93}**Rule 5A**

Textual Amendments

F93 Sch. 1 RSC Order 91 revoked (6.10.2003) by [The Civil Procedure \(Amendment No. 4\) Rules 2003 \(S.I. 2003/2113\)](#), rules 1(c), **19(a)**

Appeals from value added tax tribunals **E+W**

^{F93}**Rule 6**

Textual Amendments

F93 Sch. 1 RSC Order 91 revoked (6.10.2003) by [The Civil Procedure \(Amendment No. 4\) Rules 2003 \(S.I. 2003/2113\)](#), rules 1(c), **19(a)**

^{F94}**RSC ORDER 92** **E+W**

LODGMET, INVESTMENT, ETC., OF FUNDS IN COURT: CHANCERY DIVISION

Textual Amendments

F94 Sch. 1 RSC Order 92 revoked (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rule 1(b), **Sch. 10**

Payment into court by life assurance company **E+W**

^{F94}**Rule 1**

Payment into court under Trustee Act 1925 **E+W**

^{F94}**Rule 2**

Payments into court under section 26, Banking Act 1987 **E+W**

^{F94}**Rule 3A**

Notice of lodgment **E+W**

^{F94}**Rule 4**

Applications with respect to funds in court **E+W**

^{F94}**Rule 5**

RSC ORDER 93 **E+W**

**APPLICATIONS AND APPEALS TO HIGH COURT
UNDER VARIOUS ACTS: CHANCERY DIVISION**

Notice of petition under section 55 of National Debt Act 1870(11) **E+W**

^{F95}**Rule1**

Textual Amendments

F95 Sch. 1 RSC Order 93 rule 1 revoked (2.10.2006) by [The Civil Procedure \(Amendment\) Rules 2006 \(S.I. 2006/1689\)](#), rules 1, **12(b)**

Application under Public Trustee Act 1906(12) **E+W**

^{F96}**Rule 2**

Textual Amendments

F96 Sch. 1 RSC Order 93 rule 2 revoked (6.4.2007) by [The Civil Procedure \(Amendment No.3\) Rules 2006 \(S.I. 2006/3435\)](#), rules 1, **15(a)**

Proceedings under Trustee Act 1925(13) **E+W**

^{F97}**Rule 4**

(11) [1870 c. 71.](#)
(12) [1906 c. 55.](#)
(13) [1925 c. 19.](#)

Status: Point in time view as at 01/10/2009.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

F97 Sch. 1 RSC Order 93 rule 4 revoked (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007 \(S.I. 2007/2204\)](#), rules 1, **20(a)**

Application under section 2(3) of Public Order Act 1936(14) E+W

^{F98}**Rule 5**

Textual Amendments

F98 Sch. 1 RSC Order 93 rule 5 revoked (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007 \(S.I. 2007/2204\)](#), rules 1, **20(a)**

Application under Variation of Trusts Act 1958(15) E+W

^{F99}**Rule 6**

Textual Amendments

F99 Sch. 1 RSC Order 93 rule 6 revoked (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rule 1(b), **Sch. 10**

Right of appeal under Law of Property Act E+W

^{F100}**Rule 9**

Textual Amendments

F100 Sch. 1 RSC Order 93 rule 9 revoked (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007 \(S.I. 2007/2204\)](#), rules 1, **20(a)**

Determination of appeal or case stated under various Acts E+W

^{F101}**Rule 10**

Textual Amendments

F101 Sch. 1 RSC Order 93 rule 10 revoked (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007 \(S.I. 2007/2204\)](#), rules 1, **20(a)**

Appeal under section 17 of Industrial Assurance Act 1923(16) E+W

^{F102}**Rule11**

(14) [1936 c. 2](#).
(15) [1958 c. 53](#).
(16) [1923 c. 8](#); section 17 was amended by the [Friendly Societies Act 1971 \(c. 66\)](#), sections 5(5), 14(2), schedule 3 and by the [Friendly Societies Act 1992 \(c. 40\)](#), section 100, schedule 19, Part I, paragraphs 1, 5 and 6.

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

F102 Sch. 1 RSC Order 93 rule 11 revoked (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Appeals, etc., affecting industrial and provident societies, etc. E+W

^{F103}**Rule12**

Textual Amendments

F103 Sch. 1 RSC Order 93 rule 12 revoked (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Application under section 19 or 27 of Leasehold Reform Act 1967(17) E+W

^{F104}**Rule 15**

Textual Amendments

F104 Sch. 1 RSC Order 93 rule 15 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

Proceedings under the Commons Registration Act 1965(18) E+W

^{F105}**Rule16**

Textual Amendments

F105 Sch. 1 RSC Order 93 rules 16-19 revoked (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007 \(S.I. 2007/2204\)](#), rules 1, **20(a)**

Proceedings under section 21 or 25 of the Law of Property Act 1969(19) E+W

^{F105}**Rule 17**

Textual Amendments

F105 Sch. 1 RSC Order 93 rules 16-19 revoked (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007 \(S.I. 2007/2204\)](#), rules 1, **20(a)**

(17) [1967 c. 88](#); section 19 was amended by the [Local Land Charges Act 1975 \(c. 76\)](#), section 17(2), schedule 1.

(18) [1965 c. 65](#).

(19) [1969 c. 59](#); section 25 was amended by the [Limitation Act 1980 \(c. 58\)](#), section 40(2), schedule 3, paragraph 9; and by the [Land Charges Act 1972 \(c. 61\)](#), section 18, schedule 5.

Status: Point in time view as at 01/10/2009.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Proceedings under section 86 of the Civil Aviation Act 1982(20) E+W

^{F105}**Rule 18**

Textual Amendments
F105 Sch. 1 RSC Order 93 rules 16-19 revoked (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007 \(S.I. 2007/2204\)](#), rules 1, **20(a)**

Proceedings under s.85 (7) of the Fair Trading Act 1973(21) and the Control of Misleading Advertisements Regulations 1988(22) E+W

^{F105}**Rule 19**

Textual Amendments
F105 Sch. 1 RSC Order 93 rules 16-19 revoked (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007 \(S.I. 2007/2204\)](#), rules 1, **20(a)**

Proceedings under section 50 of the Administration of Justice Act 1985(23) E+W

^{F106}**Rule 20**

Textual Amendments
F106 Sch. 1 RSC Order 93 rule 20 revoked (15.10.2001) by [The Civil Procedure \(Amendment No. 2\) Rules 2001 \(S.I. 2001/1388\)](#), rules 1(b), **15**

Proceedings under section 48 of the Administration of Justice Act 1985 E+W

^{F107}**Rule 21**

Textual Amendments
F107 Sch. 1 RSC Order 93 rule 21 revoked (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rule 1(b), **Sch. 10**

Proceedings under [^{F108}the Financial Services and Markets Act 2000] E+W

^{F109}**Rule 22**

(20) [1982 c. 16](#); section 86 was amended by the Merchant Shipping Act [1995 \(c. 21\)](#), section 314(2), schedule 13, paragraph 64.
(21) [1973 c. 41](#).
(22) [S.I. 1988/915](#).
(23) [1985 c. 61](#).

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

- F108** Words in Sch. 1 RSC Order 93 rule 22 heading substituted (14.1.2002) by [The Civil Procedure \(Amendment No. 5\) Rules 2001 \(S.I. 2001/4015\)](#), rules 1(a), **38(a)(i)**
- F109** Sch. 1 RSC Order 93 rule 22 revoked (6.4.2007) by [The Civil Procedure \(Amendment No.3\) Rules 2006 \(S.I. 2006/3435\)](#), rules 1, **15(a)**

Proceedings under the Banking Act 1987(24) E+W

^{F110}**Rule 23**

Textual Amendments

- F110** Sch. 1 RSC Order 93 rule 23 omitted (14.1.2002) by virtue of [The Civil Procedure \(Amendment No. 5\) Rules 2001 \(S.I. 2001/4015\)](#), rules 1(a), **38(b)**

RSC ORDER 94 E+W

**APPLICATIONS AND APPEALS TO HIGH COURT
UNDER VARIOUS ACTS: QUEEN'S BENCH DIVISION**

Jurisdiction of High Court to quash certain orders, schemes, etc. E+W

^{F111}**Rule 1**

Textual Amendments

- F111** Sch. 1 RSC Order 94 rules 1-3 revoked (6.4.2007) by [The Civil Procedure \(Amendment No.3\) Rules 2006 \(S.I. 2006/3435\)](#), rules 1, **15(b)**

Filing and service of claim form E+W

^{F111}**Rule 2**

Textual Amendments

- F111** Sch. 1 RSC Order 94 rules 1-3 revoked (6.4.2007) by [The Civil Procedure \(Amendment No.3\) Rules 2006 \(S.I. 2006/3435\)](#), rules 1, **15(b)**

Filing of witness statement or affidavits, etc. E+W

^{F111}**Rule 3**

Status: Point in time view as at 01/10/2009.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

F111 Sch. 1 RSC Order 94 rules 1-3 revoked (6.4.2007) by [The Civil Procedure \(Amendment No.3\) Rules 2006 \(S.I. 2006/3435\)](#), rules 1, **15(b)**

Rectification of register of deeds of arrangement **E+W**

^{F112}**Rule 4**

Textual Amendments

F112 Sch. 1 RSC Order 94 rule 4 revoked (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007 \(S.I. 2007/2204\)](#), rules 1, **20(b)**

Exercise of jurisdiction under Representation of the People Acts **E+W**

^{F113}**Rule 5**

Textual Amendments

F113 Sch. 1 RSC Order 94 rule 5 revoked (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007 \(S.I. 2007/2204\)](#), rules 1, **20(b)**

Appeal to High Court where Court’s decision is final **E+W**

^{F114}**Rule 6**

Textual Amendments

F114 Sch. 1 RSC Order 94 rule 6 revoked (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Reference of question of law by Agricultural Land Tribunal **E+W**

^{F115}**Rule 7**

Textual Amendments

F115 Sch. 1 RSC Order 94 rule 7 revoked (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Tribunals and Inquiries Act 1992(25): appeal from tribunal **E+W**

^{F116}**Rule 8**

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

F116 Sch. 1 RSC Order 94 rule 8 revoked (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007 \(S.I. 2007/2204\)](#), rules 1, **20(b)**

Tribunals and Inquiries Act 1992: case stated by tribunal **E+W**

F117 **Rule 9**

Textual Amendments

F117 Sch. 1 RSC Order 94 rule 9 revoked (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007 \(S.I. 2007/2204\)](#), rules 1, **20(b)**

Tribunals and Inquiries Act 1971(26): appeal from Minister of Transport **E+W**

F118 **Rule 10**

Textual Amendments

F118 Sch. 1 RSC Order 94 rule 10 revoked (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Consumer Credit Act 1974(27): appeal from Secretary of State **E+W**

F119 **Rule 10A**

Textual Amendments

F119 Sch. 1 RSC Order 94 rule 10A omitted (2.5.2000) by virtue of [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Case stated by Mental Health Review Tribunal **E+W**

F120 **Rule 11**

Textual Amendments

F120 Sch. 1 RSC Order 94 rule 11 revoked (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

(26) 1971 c. 62.
(27) 1974 c. 39.

*Status: Point in time view as at 01/10/2009.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)*

Applications for permission under section 289 (6) of the Town and Country Planning Act 1990(28) and section 65 (5) of the Planning (Listed Buildings and Conservation Areas) Act 1990(29) E+W

^{F121}**Rule 12**

Textual Amendments
F121 Sch. 1 RSC Order 94 rule 12 revoked (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007 \(S.I. 2007/2204\)](#), rules 1, **20(b)**

Proceedings under sections 289 and 290 of the Town and Country Planning Act 1990 and under section 65 of the Planning (Listed Buildings and Conservation Areas) Act 1990 E+W

^{F122}**Rule 13**

Textual Amendments
F122 Sch. 1 RSC Order 94 rule 13 revoked (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007 \(S.I. 2007/2204\)](#), rules 1, **20(b)**

Applications under section 13 Coroners Act 1988(30) E+W

^{F123}**Rule 14**

Textual Amendments
F123 Sch. 1 RSC Order 94 rule 14 revoked (6.4.2007) by [The Civil Procedure \(Amendment No.3\) Rules 2006 \(S.I. 2006/3435\)](#), rules 1, **15(b)**

Applications under section 42, Supreme Court Act 1981(31) E+W

^{F124}**Rule 15**

Textual Amendments
F124 Sch. 1 RSC Order 94 rule 15 revoked (6.4.2007) by [The Civil Procedure \(Amendment No.3\) Rules 2006 \(S.I. 2006/3435\)](#), rules 1, **15(b)**

Proceedings under the Protection from Harassment Act 1997 E+W

^{F125}**Rule 16**

(28) 1990 c. 8.
(29) 1990 c. 9.
(30) 1988 c. 13.
(31) 1981 c. 54.

Textual Amendments

F125 Sch. 1 RSC Order 94 rule 16 revoked (30.6.2004) by [The Civil Procedure \(Amendment\) Rules 2004 \(S.I. 2004/1306\)](#), rules 1(b), **21(b)**

RSC ORDER 95 **E+W**

BILLS OF SALE ACTS 1878**(32)** AND 1882**(33)** AND THE
INDUSTRIAL AND PROVIDENT SOCIETIES ACT 1967**(34)**

Rectification of register **E+W**

^{F126}**Rule 1**

Textual Amendments

F126 Sch. 1 RSC Order 95 rule 1 revoked (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007 \(S.I. 2007/2204\)](#), rules 1, **20(c)**

Entry of satisfaction **E+W**

^{F127}**Rule 2**

Textual Amendments

F127 Sch. 1 RSC Order 95 rule 2 revoked (6.4.2007) by [The Civil Procedure \(Amendment No.3\) Rules 2006 \(S.I. 2006/3435\)](#), rules 1, **15(c)**

Restraining removal on sale of goods seized **E+W**

^{F128}**Rule 3**

Textual Amendments

F128 Sch. 1 RSC Order 95 rule 3 revoked (6.4.2007) by [The Civil Procedure \(Amendment No.3\) Rules 2006 \(S.I. 2006/3435\)](#), rules 1, **15(c)**

Search of register **E+W**

^{F129}**Rule 4**

Status: Point in time view as at 01/10/2009.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

F129 Sch. 1 RSC Order 95 rules 4-6 revoked (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007 \(S.I. 2007/2204\)](#), rules 1, **20(c)**

**Application under section 1 (5) of the Industrial and Provident Societies Act 1967(35) E
+W**

F129 **Rule 5**

Textual Amendments

F129 Sch. 1 RSC Order 95 rules 4-6 revoked (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007 \(S.I. 2007/2204\)](#), rules 1, **20(c)**

Assignment of book debts E+W

F129 **Rule 6**

Textual Amendments

F129 Sch. 1 RSC Order 95 rules 4-6 revoked (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007 \(S.I. 2007/2204\)](#), rules 1, **20(c)**

F130 **RSC ORDER 96 E+W**

THE MINES (WORKING FACILITIES AND SUPPORT) ACT 1966(36), ETC.

Textual Amendments

F130 Sch. 1 RSC Order 96 revoked (6.4.2008) by [The Civil Procedure \(Amendment No.2\) Rules 2007 \(S.I. 2007/3543\)](#), rules 1(b), **12**

Assignment to Chancery Division E+W

F130 **Rule 1**

Reference by Secretary of State of certain applications E+W

F131F130 **Rule 2**

(35) 1967 c. 48.
(36)

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

F131 Sch. 1 RSC Order 96 rules 2-8 revoked (6.4.2007) by [The Civil Procedure \(Amendment No.3\) Rules 2006 \(S.I. 2006/3435\)](#), rules 1, **15(d)**

Issue of claim form **E+W**

^{F131F130}**Rule 3**

Textual Amendments

F131 Sch. 1 RSC Order 96 rules 2-8 revoked (6.4.2007) by [The Civil Procedure \(Amendment No.3\) Rules 2006 \(S.I. 2006/3435\)](#), rules 1, **15(d)**

Appointment for directions **E+W**

^{F131F130}**Rule 4**

Textual Amendments

F131 Sch. 1 RSC Order 96 rules 2-8 revoked (6.4.2007) by [The Civil Procedure \(Amendment No.3\) Rules 2006 \(S.I. 2006/3435\)](#), rules 1, **15(d)**

Objections to application **E+W**

^{F131F130}**Rule 5**

Textual Amendments

F131 Sch. 1 RSC Order 96 rules 2-8 revoked (6.4.2007) by [The Civil Procedure \(Amendment No.3\) Rules 2006 \(S.I. 2006/3435\)](#), rules 1, **15(d)**

List of objectors **E+W**

^{F131F130}**Rule 6**

Textual Amendments

F131 Sch. 1 RSC Order 96 rules 2-8 revoked (6.4.2007) by [The Civil Procedure \(Amendment No.3\) Rules 2006 \(S.I. 2006/3435\)](#), rules 1, **15(d)**

Directions on further hearing **E+W**

^{F131F130}**Rule 7**

Status: Point in time view as at 01/10/2009.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

F131 Sch. 1 RSC Order 96 rules 2-8 revoked (6.4.2007) by [The Civil Procedure \(Amendment No.3\) Rules 2006 \(S.I. 2006/3435\)](#), rules 1, **15(d)**

Other applications **E+W**

^{F131F130}**Rule 8**

Textual Amendments

F131 Sch. 1 RSC Order 96 rules 2-8 revoked (6.4.2007) by [The Civil Procedure \(Amendment No.3\) Rules 2006 \(S.I. 2006/3435\)](#), rules 1, **15(d)**

RSC ORDER 97 **E+W**

THE LANDLORD AND TENANT ACTS 1927(37), 1954(38) AND 1987(39)

Interpretation **E+W**

^{F132}**Rule 1**

Textual Amendments

F132 Sch. 1 RSC Order 97 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

Assignment of proceedings to Chancery Division, etc. **E+W**

^{F132}**Rule 2**

Textual Amendments

F132 Sch. 1 RSC Order 97 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

Issue, etc., of claim form **E+W**

^{F132}**Rule 3**

(37) [1927 c. 36](#); section 1 was amended by the Landlord and Tenant Act [1954 \(c. 56\)](#), section 47(5). Section 8 was amended by the 1954 Act, sections 45, 68(1) and schedule 7.
(38) [1954 c. 56.](#)
(39) [1987 c. 31.](#)
84

Textual Amendments

F132 Sch. 1 RSC Order 97 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), [Sch. 3](#)

Claim for compensation in respect of improvement **E+W**

F132 **Rule 4**

Textual Amendments

F132 Sch. 1 RSC Order 97 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), [Sch. 3](#)

Proceedings under Part I of Act of 1927 **E+W**

F132 **Rule 5**

Textual Amendments

F132 Sch. 1 RSC Order 97 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), [Sch. 3](#)

Application for new tenancy under section 24 of Act of 1954 **E+W**

F132 **Rule 6**

Textual Amendments

F132 Sch. 1 RSC Order 97 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), [Sch. 3](#)

Application to authorise agreement **E+W**

F132 **Rule 6A**

Textual Amendments

F132 Sch. 1 RSC Order 97 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), [Sch. 3](#)

Evidence on application under section 24 of Act of 1954 **E+W**

F132 **Rule 7**

Status: Point in time view as at 01/10/2009.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

F132 Sch. 1 RSC Order 97 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

Parties to certain proceedings **E+W**

F132 **Rule 8**

Textual Amendments

F132 Sch. 1 RSC Order 97 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

Order dismissing application under section 24 which is successfully opposed **E+W**

F132 **Rule 9**

Textual Amendments

F132 Sch. 1 RSC Order 97 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

Application to determine interim rent **E+W**

F132 **Rule 9A**

Textual Amendments

F132 Sch. 1 RSC Order 97 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

Other applications under Part II of Act of 1954 **E+W**

F132 **Rule 10**

Textual Amendments

F132 Sch. 1 RSC Order 97 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

Transfer of proceedings from county court **E+W**

F132 **Rule 11**

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

F132 Sch. 1 RSC Order 97 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), [Sch. 3](#)

Application for relief under section 16, etc., of the Act of 1954 **E+W**

F132 **Rule 12**

Textual Amendments

F132 Sch. 1 RSC Order 97 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), [Sch. 3](#)

Evidence of rateable value **E+W**

F132 **Rule 13**

Textual Amendments

F132 Sch. 1 RSC Order 97 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), [Sch. 3](#)

Application under section 19 of the Act of 1987 **E+W**

F132 **Rule 14**

Textual Amendments

F132 Sch. 1 RSC Order 97 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), [Sch. 3](#)

Application for order under section 24 of the Act of 1987 **E+W**

F132 **Rule 15**

Textual Amendments

F132 Sch. 1 RSC Order 97 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), [Sch. 3](#)

Application for acquisition order under section 29 of the Act of 1987 **E+W**

F132 **Rule 16**

Status: Point in time view as at 01/10/2009.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

F132 Sch. 1 RSC Order 97 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

Application for order under section 38 or section 40 of the Act of 1987 **E+W**

F132 **Rule 17**

Textual Amendments

F132 Sch. 1 RSC Order 97 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

Service of notices in proceedings under the Act of 1987 **E+W**

F132 **Rule 18**

Textual Amendments

F132 Sch. 1 RSC Order 97 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

Tenants' associations **E+W**

F132 **Rule 19**

Textual Amendments

F132 Sch. 1 RSC Order 97 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

RSC ORDER 98 **E+W**

LOCAL GOVERNMENT FINANCE ACT 1982(40), PART III

Interpretation **E+W**

F133 **Rule 1**

Textual Amendments

F133 Sch. 1 RSC Order 98 revoked (30.6.2004) by [The Civil Procedure \(Amendment\) Rules 2004 \(S.I. 2004/1306\)](#), rules 1(b), **21(c)**

Application by auditor for declaration **E+W**

^{F133}**Rule 2**

Textual Amendments

F133 Sch. 1 RSC Order 98 revoked (30.6.2004) by [The Civil Procedure \(Amendment\) Rules 2004 \(S.I. 2004/1306\)](#), rules 1(b), **21(c)**

Appeal against decision of auditor **E+W**

^{F133}**Rule 3**

Textual Amendments

F133 Sch. 1 RSC Order 98 revoked (30.6.2004) by [The Civil Procedure \(Amendment\) Rules 2004 \(S.I. 2004/1306\)](#), rules 1(b), **21(c)**

General provisions **E+W**

^{F133}**Rule 4**

Textual Amendments

F133 Sch. 1 RSC Order 98 revoked (30.6.2004) by [The Civil Procedure \(Amendment\) Rules 2004 \(S.I. 2004/1306\)](#), rules 1(b), **21(c)**

^{F134}**RSC ORDER 99** **E+W**

INHERITANCE (PROVISION FOR FAMILY AND DEPENDANTS) ACT 1975

Textual Amendments

F134 Sch. 1 RSC Order 99 revoked (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rule 1(b), **Sch. 10**

Order to apply to High Court and County Court **E+W**

^{F134}**Rule A1**

Interpretation **E+W**

^{F134}**Rule 1**

Assignment to Chancery or Family Division if proceedings in High Court **E+W**

^{F134}**Rule 2**

*Status: Point in time view as at 01/10/2009.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)*

Application for financial provision **E+W**

^{F134}**Rule 3**

Powers of Court as to parties **E+W**

^{F134}**Rule 4**

Witness statement or affidavit in answer **E+W**

^{F134}**Rule 5**

Separate representation **E+W**

^{F134}**Rule 6**

Endorsement of memorandum on grant **E+W**

^{F134}**Rule 7**

Disposal of proceedings in private **E+W**

^{F134}**Rule 8**

Subsequent applications in proceedings under section 1 **E+W**

^{F134}**Rule 9**

Drawing up and service of orders **E+W**

^{F134}**Rule 10**

RSC ORDER 101 **E+W**

THE PENSIONS APPEAL TRIBUNALS ACT 1943

Assignment to Queen’s Bench Division **E+W**

^{F135}**Rule 1**

Textual Amendments

^{F135} Sch. 1 RSC Order 101 revoked (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rule 1(b), [Sch. 8](#) (with [rule 39\(b\)](#)) (as amended by [S.I. 2000/940](#), rules 1, 2)

Construction of reference to judge **E+W**

^{F135}**Rule 2**

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

F135 Sch. 1 RSC Order 101 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Application for permission to appeal **E+W**

F135 **Rule 3**

Textual Amendments

F135 Sch. 1 RSC Order 101 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Appeal **E+W**

F135 **Rule 4**

Textual Amendments

F135 Sch. 1 RSC Order 101 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

F136 **RSC ORDER 106** **E+W**

PROCEEDINGS RELATING TO SOLICITORS: THE SOLICITORS ACT 1974(41)

Textual Amendments

F136 Sch. 1 RSC Order 106 revoked (1.4.2005) by The Civil Procedure (Amendment No. 4) Rules 2004 (S.I. 2004/3419), rules 1, **17(b)**

Interpretation **E+W**

F136 **Rule 1**

Jurisdiction under Part III of Act **E+W**

F136 **Rule 2**

Power to order solicitor to deliver cash account, etc. **E+W**

F136 **Rule 3**

*Status: Point in time view as at 01/10/2009.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)*

Certificate to be submitted with solicitor’s application for detailed assessment **E+W**

^{F136}**Rule 5A**

Applications under Schedule 1 to Act **E+W**

^{F136}**Rule 6**

Defendants to applications under Schedule 1 to Act **E+W**

^{F136}**Rule 7**

Interim order restricting payment out of banking account **E+W**

^{F136}**Rule 8**

Adding parties, etc. **E+W**

^{F136}**Rule 9**

Service of documents **E+W**

^{F136}**Rule 10**

Constitution of Divisional Court to hear appeals **E+W**

^{F136}**Rule 11**

Title, service, etc., of notice of appeal **E+W**

^{F136}**Rule 12**

Law Society to produce certain documents **E+W**

^{F136}**Rule 13**

Restriction on requiring security for costs **E+W**

^{F136}**Rule 14**

Disciplinary committee’s opinion may be required **E+W**

^{F136}**Rule 15**

Persons entitled to be heard on appeal **E+W**

^{F136}**Rule 16**

Discontinuance of appeal **E+W**

^{F136}**Rule 17**

F137 RSC ORDER 108 E+W

PROCEEDINGS RELATING TO CHARITIES: THE CHARITIES ACT 1993

Textual Amendments

F137 Sch. 1 RSC Order 108 revoked (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rule 1(b), **Sch. 10**

Interpretation E+W

F137 Rule 1

Assignment to Chancery Division E+W

F137 Rule 2

Application for permission to appeal or to take charity proceedings E+W

F137 Rule 3

Application for enforcement of order or direction of Commissioners E+W

F137 Rule 4

Appeal against order, etc., of Commissioners E+W

F137 Rule 5

Service on Commissioners E+W

F137 Rule 6

RSC ORDER 109 E+W

THE ADMINISTRATION OF JUSTICE ACT 1960(42)

Applications under Act E+W

Rule 1.—(1) Any of the following applications, that is to say—

- (a) an application under section 2 of the Administration of Justice Act 1960, or under that section as applied by section 13 of that Act, to extend the time within which an application may be made to a Divisional Court for permission to appeal to the ^{F138}Supreme Court] under section 1 of that Act, or section 13 thereof, from an order or decision of that Court, and
- (b) an application by a defendant under section 9 (3) of that Act to a Divisional Court for permission to be present on the hearing of any proceedings preliminary or incidental to an appeal to the ^{F139}Supreme Court] under section 1 of that Act from a decision of that Court

Status: Point in time view as at 01/10/2009.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

must be made to a Divisional Court except in vacation when it may be made to a judge ^{F140}...

(2) Any such application to a Divisional Court, if not made in the proceedings before the Divisional Court from whose order or decision the appeal in question is brought, must be made by the issue of a claim form ^{F141}....

(3) Any such application to a judge ^{F142}... must, in the case of such an application as is referred to in paragraph (1)(a) be made by the issue of a claim form and, in the case of such an application as is referred to in paragraph (1)(b) need not be served on any other person unless, in the latter case, the judge otherwise directs.

(4) No application notice or copy of the claim form (as the case may be) by which such an application as is referred to in paragraph (1)(b) is made, need be given to any party affected thereby unless the Divisional Court otherwise directs.

(5) Where any application to which this rule applies is made in vacation to a single judge and the judge refuses the application, the applicant shall be entitled to have the application determined by a Divisional Court.

Textual Amendments
F138 Words in Sch. 1 RSC Order 109 rule 1(1)(a) substituted (1.10.2009) by [The Civil Procedure \(Amendment\) Rules 2009 \(S.I. 2009/2092\)](#), rules 1(2), **21(a)(i)**
F139 Words in Sch. 1 RSC Order 109 rule 1(1)(b) substituted (1.10.2009) by [The Civil Procedure \(Amendment\) Rules 2009 \(S.I. 2009/2092\)](#), rules 1(2), **21(a)(ii)**
F140 Words in Sch. 1 RSC Order 109 rule 1(1) omitted (26.4.1999) by virtue of [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, **62(i)**
F141 Words in Sch. 1 RSC Order 109 rule 1(2) omitted (26.4.1999) by virtue of [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, **55**
F142 Words in Sch. 1 RSC Order 109 rule 1(3) omitted (26.4.1999) by virtue of [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, **62(i)**

Appeals under section 13 of Act E+W

Rule 2.—(1) An appeal to a Divisional Court of the High Court under section 13 of the Administration of Justice Act 1960, shall be heard and determined by a Divisional Court of the Queen’s Bench Division.

^{F143}(3)

(4) Unless the Court gives permission, there shall be not more than 4 clear days between the date on which the order or decision appealed against was made and the day named in the notice of appeal for the hearing of the appeal.

(5) The notice must be served, and the appeal entered, not less than one clear day before the day named in the notice for the hearing of the appeal.

Textual Amendments
F143 Sch. 1 RSC Order 109 rule 2(3) omitted (2.5.2000) by virtue of [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rules 1(b), **29(a)**

Release of appellant on bail **E+W**

Rule 3.—(1) Where, in the case of an appeal under section 13 of the Administration of Justice Act 1960, to a Divisional Court or to the [^{F144}Supreme Court] from a Divisional Court, the appellant is in custody, the High Court may order his release on his giving security (whether by recognizance, with or without sureties, or otherwise and for such reasonable sum as the Court may fix) for his appearance, within 10 days after the judgment of the Divisional Court or, as the case may be, of the [^{F144}Supreme Court], on the appeal before the court from whose order or decision the appeal is brought unless the order or decision is reversed by that judgment.

(2) Order 79, rule 9 (1) to (6) and (8) shall apply in relation to an application to the High Court for bail pending an appeal under the said section 13 to which this rule applies, and to the admission of a person to bail in pursuance of an order made on the application, as they apply in relation to an application to that Court for bail in criminal proceedings, and to the admission of a person to bail in pursuance of an order made on the application, but with the substitution, for references to the defendant, of references to the appellant, and, for references to the prosecutor, of references to the court officer of the court from whose order or decision the appeal is brought and to the parties to the proceedings in that court who are directly affected by the appeal.

Textual Amendments

F144 Words in Sch. 1 RSC Order 109 rule 3(1) substituted (1.10.2009) by [The Civil Procedure \(Amendment\) Rules 2009 \(S.I. 2009/2092\)](#), rules 1(2), **21(b)**

[^{F145}Release of appellant on bail by the Court of Appeal **E+W**

Rule 4.—(1) Where, in the case of an appeal under section 13 of the Administration of Justice Act 1960 to the Court of Appeal or to the [^{F146}Supreme Court] from the Court of Appeal, the appellant is in custody, the Court of Appeal may order his release on his giving security (whether by recognizance, with or without sureties, or otherwise and for such reasonable sum as that court may fix) for his appearance within 10 days after the judgment of the Court of Appeal or, as the case may be, of the [^{F146}Supreme Court] on the appeal shall have been given, before the court from whose order or decision the appeal is brought unless the order or decision is reversed by that judgment.

(2) An application for the release of a person under paragraph (1) pending an appeal to the Court of Appeal or [^{F147}the Supreme Court] under the said section 13 must be made in accordance with CPR Part 23, and the application notice must, at least 24 hours before the day named therein for the hearing, be served on the court from whose order or decision the appeal is brought and on all parties to the proceedings in that court who are directly affected by the appeal.

(3) Order 79, rules 9(6), (6A), (6B) and (8) shall apply in relation to the grant of bail under this rule by the Court of Appeal in a case of criminal contempt of court as they apply in relation to the grant of bail in criminal proceedings by the High Court, but with the substitution for references to a judge of references to the Court of Appeal and for references to the defendant of references to the appellant.

(4) When granting bail under this rule in a case of civil contempt of court, the Court of Appeal may order that the recognizance or other security to be given by the appellant or the recognizance of any surety shall be given before any person authorised by virtue of section 119(1) of the Magistrates' Courts Act 1980 to take a recognizance where a magistrates' court having power to take it has, instead of taking it, fixed the amount in which the principal and his sureties, if any, are to be bound. An order by the Court of Appeal granting bail as aforesaid must be in Form 98 in the relevant practice direction with the necessary adaptations.

Status: Point in time view as at 01/10/2009.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

(5) Where in pursuance of an order of the Court of Appeal under paragraph (4) of this rule a recognisance is entered into or other security given before any person, it shall be the duty of that person to cause the recognisance of the appellant or any surety or, as the case may be, a statement of the other security given, to be transmitted forthwith to the [^{F148}[^{F149}designated officer] for] the court which committed the appellant; and a copy of such recognisance or statement shall at the same time be sent to the governor or keeper of the prison or other place of detention in which the appellant is detained, unless the recognisance or security was given before such governor or keeper.

(6) The powers conferred on the Court of Appeal by paragraphs (1), (3) and (4) of this rule may be exercised by a single judge.]

Textual Amendments

- F145** Sch. 1 RSC Order 109 rule 4 inserted (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rule 1(b), **Sch. 7**
- F146** Words in Sch. 1 RSC Order 109 rule 4(1) substituted (1.10.2009) by [The Civil Procedure \(Amendment\) Rules 2009 \(S.I. 2009/2092\)](#), rules 1(2), **21(c)(i)**
- F147** Words in Sch. 1 RSC Order 109 rule 4(2) substituted (1.10.2009) by [The Civil Procedure \(Amendment\) Rules 2009 \(S.I. 2009/2092\)](#), rules 1(2), **21(c)(ii)**
- F148** Words in Sch. 1 RSC Order 109 rule 4(5) substituted (1.4.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rules 1(b), **23**
- F149** Words in Sch. 1 RSC Order 109 rule 4(5) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) \(No. 2\) Order 2005 \(S.I. 2005/617\)](#), art. 1, **Sch. para. 175**

^{F150}**RSC ORDER 110** **E+W**

ENVIRONMENTAL CONTROL PROCEEDINGS

Textual Amendments

- F150** Sch. 1 RSC Order 110 revoked (6.4.2007) by [The Civil Procedure \(Amendment No.3\) Rules 2006 \(S.I. 2006/3435\)](#), rules 1, **15(e)**

Injunctions to prevent environmental harm **E+W**

^{F150}**Rule 1**

RSC ORDER 111 **E+W**

THE SOCIAL SECURITY ADMINISTRATION ACT 1992

Judge by whom appeals and references to be heard **E+W**

^{F151}**Rule 1**

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

F151 Sch. 1 RSC Order 111 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

E+W

F151

Textual Amendments

F151 Sch. 1 RSC Order 111 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

E+W

F151

Textual Amendments

F151 Sch. 1 RSC Order 111 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

E+W

F151

Textual Amendments

F151 Sch. 1 RSC Order 111 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

E+W

F151

Textual Amendments

F151 Sch. 1 RSC Order 111 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Status: Point in time view as at 01/10/2009.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

F152 RSC ORDER 112 E+W

[F153 APPLICATIONS FOR USE OF SCIENTIFIC TESTS IN DETERMINING PARENTAGE]

Textual Amendments

F152 Sch. 1 Order 112 revoked (2.10.2006) by [The Civil Procedure \(Amendment\) Rules 2006 \(S.I. 2006/1689\)](#), rules 1, **12(c)**

F153 Sch. 1 RSC Order 112 heading substituted (1.4.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rules 1(c), **24(a)**

Interpretation E+W

F152 Rule 1

Application for direction E+W

F152 Rule 2

Applications involving children under 16 and patients E+W

F152 Rule 3

Addition as a party of person to be tested E+W

F152 Rule 4

Service of direction and adjournment of proceedings E+W

F152 Rule 5

Service of copy report E+W

F152 Rule 6

RSC ORDER 113 E+W

SUMMARY PROCEEDINGS FOR POSSESSION OF LAND

Proceedings to be brought by claim form E+W

F154 Rule 1

Textual Amendments

F154 Sch. 1 RSC Order 113 rules 1-6 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Jurisdiction of Masters **E+W**

^{F154}**Rule 1A**

Textual Amendments

F154 Sch. 1 RSC Order 113 rules 1-6 revoked (15.10.2001) by The Civil Procedure (Amendment) Rules 2001 (S.I. 2001/256), rule 1(d), **Sch. 3**

Forms of claim form **E+W**

^{F154}**Rule 2**

Textual Amendments

F154 Sch. 1 RSC Order 113 rules 1-6 revoked (15.10.2001) by The Civil Procedure (Amendment) Rules 2001 (S.I. 2001/256), rule 1(d), **Sch. 3**

Witness statement or affidavit in support **E+W**

^{F154}**Rule 3**

Textual Amendments

F154 Sch. 1 RSC Order 113 rules 1-6 revoked (15.10.2001) by The Civil Procedure (Amendment) Rules 2001 (S.I. 2001/256), rule 1(d), **Sch. 3**

Service of claim form **E+W**

^{F154}**Rule 4**

Textual Amendments

F154 Sch. 1 RSC Order 113 rules 1-6 revoked (15.10.2001) by The Civil Procedure (Amendment) Rules 2001 (S.I. 2001/256), rule 1(d), **Sch. 3**

Application by occupier to be made a party **E+W**

^{F154}**Rule 5**

Textual Amendments

F154 Sch. 1 RSC Order 113 rules 1-6 revoked (15.10.2001) by The Civil Procedure (Amendment) Rules 2001 (S.I. 2001/256), rule 1(d), **Sch. 3**

Order for possession **E+W**

^{F154}**Rule 6**

Status: Point in time view as at 01/10/2009.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

F154 Sch. 1 RSC Order 113 rules 1-6 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

Writ of possession **E+W**

Rule 7.—(1) Order 45, rule 3 (2) shall not apply in relation to an order for possession [^{F155}in a possession claim against trespassers under Part 55] but no writ of possession to enforce such an order shall be issued after the expiry of three months from the date of the order without the permission of the Court.

An application for permission may be made without notice being served on any other party unless the Court otherwise directs.

(2) The writ of possession shall be in Form No. 66A.

Textual Amendments

F155 Words in [Sch. 1 RSC Order 113 rule 7\(1\)](#) substituted (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rules 1(d), **25**

Setting aside order **E+W**

^{F156}**Rule 8**

Textual Amendments

F156 Sch. 1 RSC Order 113 rule 8 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), **Sch. 3**

^{F157}**RSC ORDER 114** **E+W**

REFERENCES TO THE EUROPEAN COURT

Textual Amendments

F157 Sch. 1 RSC Order 114 revoked (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rule 1(b), **Sch. 10**

Interpretation **E+W**

^{F157}**Rule 1**

Making of order **E+W**

^{F157}**Rule 2**

Schedule to order to set out request for ruling **E+W**

^{F157}**Rule 3**

Stay of proceedings pending ruling **E+W**

^{F157}**Rule 4**

Transmission of order to the European Court **E+W**

^{F157}**Rule 5**

Appeals from orders made by High Court **E+W**

^{F157}**Rule 6**

RSC ORDER 115 **E+W**

**CONFISCATION AND FORFEITURE IN
CONNECTION WITH CRIMINAL PROCEEDINGS**

***I. Drug Trafficking Act 1994(43) and Criminal
Justice (International Co-operation) Act 1990(44)***

Interpretation **E+W**

Rule 1.—(1) In this Part of this Order, “The Act” means the Drug Trafficking Act 1994 and a section referred to by number means the section so numbered in the Act.

(2) Expressions used in this Part of this Order which are used in the Act have the same meanings in this Part of this Order as in the Act and include any extended meaning given by the Criminal Justice (Confiscation) (Northern Ireland) Order 1990.

Assignment of proceedings **E+W**

Rule 2 Subject to rule 12, the jurisdiction of the High Court under the Act shall be exercised by a judge of the Chancery Division or of the Queen’s Bench Division ^{F158}....

Textual Amendments

F158 Words in [Sch. 1 RSC Order 115 rule 2](#) omitted (26.4.1999) by virtue of [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, [62\(j\)](#)

Title of proceedings **E+W**

Rule 2A An application made in accordance with CPR Part 23, or a claim form issued in relation to proceedings under this Part of this Order shall be entitled in the matter of the defendant, naming him, and in the matter of the Act, and all subsequent documents in the matter shall be so entitled.

Status: Point in time view as at 01/10/2009.

*Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)*

Application for confiscation order **E+W**

Rule 2B.—(1) An application by the prosecutor for a confiscation order under section 19 shall be made in accordance with CPR Part 23 where there have been proceedings against the defendant in the High Court, and shall otherwise be made by the issue of a claim form.

(2) The application shall be supported by a witness statement or affidavit giving full particulars of the following matters—

- (a) the grounds for believing that the defendant has died or absconded;
- (b) the date or approximate date on which the defendant died or absconded;
- (c) where the application is made under section 19 (2), the offence or offences of which the defendant was convicted, and the date and place of conviction;
- (d) where the application is made under section 19 (4), the proceedings which have been initiated against the defendant (including particulars of the offence and the date and place of institution of those proceedings); and
- (e) where the defendant is alleged to have absconded, the steps taken to contact him.

(3) The prosecutor’s statement under section 11 shall be exhibited to the witness statement or affidavit and shall include the following particulars—

- (a) the name of the defendant;
- (b) the name of the person by whom the statement is given;
- (c) such information known to the prosecutor as is relevant to the determination whether the defendant has benefited from drug trafficking and to the assessment of the value of his proceeds of drug trafficking.

(4) Unless the Court otherwise orders, a witness statement or affidavit under paragraph (2) may contain statements of information and belief, with their sources and grounds.

(5) The application and the witness statement or affidavit in support shall be served not less than 7 days before the date fixed for the hearing of the application on—

- (a) the defendant (or on the personal representatives of a deceased defendant);
- (b) any person who the prosecutor reasonably believes is likely to be affected by the making of a confiscation order; and
- (c) the receiver, where one has been appointed in the matter.

Application for restraint order or charging order **E+W**

Rule 3.—(1) An application for a restraint order under section 26 or for a charging order under section 27 (to either of which may be joined an application for the appointment of a receiver) may be made by the prosecutor by the issue of a claim form, notice of which need not be served on any other party.

(2) An application under paragraph (1) shall be supported by a witness statement or affidavit, which shall—

- (a) give the grounds for the application; and
- (b) to the best of the witness’s ability, give full particulars of the realisable property in respect of which the order is sought and specify the person or persons holding such property.

(3) Unless the Court otherwise directs, a witness statement or affidavit under paragraph (2) may contain statements of information or belief with the sources and grounds thereof.

Restraint order and charging order **E+W**

Rule 4.—(1) A restraint order may be made subject to conditions and exceptions, including but not limited to conditions relating to the indemnifying of third parties against expenses incurred in complying with the order, and exceptions relating to living expenses and legal expenses of the defendant, but the prosecutor shall not be required to give an undertaking to abide by any order as to damages sustained by the defendant as a result of the restraint order.

(2) Unless the Court otherwise directs, a restraint order made where notice of it has not been served on any person shall have effect until a day which shall be fixed for the hearing where all parties may attend on the application and a charging order shall be an order to show cause, imposing the charge until such day.

(3) Where a restraint order is made the prosecutor shall serve copies of the order and of the witness statement or affidavit in support on the defendant and on all other named persons restrained by the order and shall notify all other persons or bodies affected by the order of its terms.

(4) Where a charging order is made the prosecutor shall serve copies of the order and of the witness statement or affidavit in support on the defendant and, where the property to which the order relates is held by another person, on that person and shall serve a copy of the order on such of the persons or bodies [^{F159}specified in CPR rule 73.5(1)(c) to (e)] as shall be appropriate.

Textual Amendments

F159 Words in Sch. 1 RSC Order 115 rule 4(4) substituted (25.3.2002) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), rules 1(c), **11** (with rule 24)

Discharge or variation of order **E+W**

Rule 5.—(1) Any person or body on whom a restraint order or a charging order is served or who is notified of such an order may make an application in accordance with CPR Part 23 to discharge or vary the order.

(2) The [^{F160}application notice] and any witness statement or affidavit in support shall be lodged with the court and served on the prosecutor and, where he is not the applicant, on the defendant, not less than two clear days before the date fixed for the hearing of the [^{F161}application].

(3) Upon the court being notified that proceedings for the offences have been concluded or that the amount, payment of which is secured by a charging order has been paid into court, any restraint order or charging order, as the case may be, shall be discharged.

(4) The Court may also discharge a restraint order or a charging order upon receiving notice from the prosecutor that it is no longer appropriate for the restraint order or the charging order to remain in place.

Textual Amendments

F160 Words in Sch. 1 RSC Order 115 rule 5(2) substituted (26.4.1999) by [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, **60(a)(i)**

F161 Word in Sch. 1 RSC Order 115 rule 5(2) substituted (26.4.1999) by [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, **60(a)(ii)**

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Further application by prosecutor **E+W**

Rule 6.—(1) Where a restraint order or a charging order has been made the prosecutor may apply by an application in accordance with CPR Part 23 with notice or, where the case is one of urgency or the giving of notice would cause a reasonable apprehension of dissipation of assets, without notice—

- (a) to vary such order, or
- (b) for a restraint order or a charging order in respect of other realisable property, or
- (c) for the appointment of a receiver.

(2) An application under paragraph (1) shall be supported by a witness statement or affidavit which, where the application is for a restraint order or a charging order, shall to the best of the witness's ability give full particulars of the realisable property in respect of which the order is sought and specify the person or persons holding such property.

(3) The application and witness statement or affidavit in support shall be lodged with the court and served on the defendant and, where one has been appointed in the matter, on the receiver, not less than two clear days before the date fixed for the hearing of the [^{F162}application].

(4) Rule 4 (3) and (4) shall apply to the service of restraint orders and charging orders respectively made under this rule on persons other than the defendant.

Textual Amendments

F162 Word in [Sch. 1 RSC Order 115 rule 6\(3\)](#) substituted (26.4.1999) by [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, **60(b)**

Realisation of property **E+W**

Rule 7.—(1) An application by the prosecutor under section 29 shall, where there have been proceedings against the defendant in the High Court, be made by an application in accordance with CPR Part 23 and shall otherwise be made by the issue of a claim form

(2) The application notice or claim form, as the case may be, shall be served with the evidence in support not less than 7 days before the date fixed for the hearing of the application or claim on:—

- (a) the defendant,
- (b) any person holding any interest in the realisable property to which the application relates, and
- (c) the receiver, where one has been appointed in the matter.

(3) The application shall be supported by a witness statement or affidavit, which shall, to the best of the witness's ability, give full particulars of the realisable property to which it relates and specify the person or persons holding such property, and a copy of the confiscation order, of any certificate issued by the Crown Court under section 5 (2) and of any charging order made in the matter shall be exhibited to such witness statement or affidavit.

(4) The Court may, on an application under section 29—

- (a) exercise the power conferred by section 30 (2) to direct the making of payments by a receiver;
- (b) give directions in respect of the property interests to which the application relates; and
- (c) make declarations in respect of those interests.

Receivers **E+W**

Rule 8.—(1) Subject to the provisions of this rule, the provisions of [F163CPR Part 69] shall apply where a receiver is appointed in pursuance of a charging order or under sections 26 or 29.

(2) Where the receiver proposed to be appointed has been appointed receiver in other proceedings under the Act, it shall not be necessary for a witness statement or affidavit of fitness to be sworn or for the receiver to give security, unless the Court otherwise orders.

(3) Where a receiver has fully paid the amount payable under the confiscation order and any sums remain in his hands, he shall make an application to the court for directions in accordance with CPR Part 23, as to the distribution of such sums.

(4) An application under paragraph (3) shall be served with any evidence in support not less than 7 days before the date fixed for the hearing of the application on:—

- (a) the defendant, and
- (b) any other person who held property realised by the receiver.

(5) A receiver may apply for an order to discharge him from his office by making an application in accordance with CPR Part 23, which shall be served, together with any evidence in support, on all persons affected by his appointment not less than 7 days before the day fixed for the hearing of the application.

Textual Amendments

F163 Words in [Sch. 1 RSC Order 115 rule 8\(1\)](#) substituted (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), [rules 1\(b\)](#), [32](#)

Certificate of inadequacy **E+W**

Rule 9.—(1) The defendant or a receiver appointed under section 26 or 29 or in pursuance of a charging order may apply in accordance with CPR Part 23 for a certificate under section 17 (1).

(2) An application under paragraph (1) shall be served with any supporting evidence not less than 7 days before the date fixed for the hearing of the application on the prosecutor and, as the case may be, on either the defendant or the receiver (where one has been appointed).

Certificate under section 16 **E+W**

Rule 9A An application under section 16 (2) (increase in realisable property) shall be served with any supporting evidence not less than 7 days before the date fixed for the hearing of the application on the defendant and, as the case may be, on either the prosecutor or (where one has been appointed in the matter) on the receiver.

Compensation **E+W**

Rule 10 An application for an order under section 18 shall be made in accordance with CPR Part 23, which shall be served, with any supporting evidence, on the person alleged to be in default and on the relevant authority under section 18 (5) not less than 7 days before the date fixed for the hearing of the application.

Disclosure of information **E+W**

Rule 11.—(1) An application by the prosecutor under section 59 shall be made in accordance with CPR Part 23 and the application notice shall state the nature of the order sought and whether

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material sought to be disclosed is to be disclosed to a receiver appointed under section 26 or 29 or in pursuance of a charging order or to a person mentioned in section 59 (8).

(2) The application notice and witness statement or affidavit in support shall be served on the authorised Government Department in accordance with Order 77, rule 4 not less than 7 days before the date fixed for the hearing of the application.

(3) The witness statement or affidavit in support of an application under paragraph (1) shall state the grounds for believing that the conditions in section 59 (4) and, if appropriate, section 59 (7) are fulfilled.

Compensation for, discharge and variation of confiscation order E+W

Rule 11A.—(1) An application under section 21, 22 or 23 shall be made in accordance with CPR Part 23 which, together with any evidence in support, shall be lodged with the Court and served on the prosecutor not less than 7 days before the day fixed for the hearing of the application.

(2) Notice shall also be served on any receiver appointed in pursuance of a charging order or under section 26 or 29.

(3) An application for an order under section 22 shall be supported by a witness statement or affidavit giving details of—

- (a) the confiscation order made under section 19 (4);
- (b) the acquittal of the defendant;
- (c) the realisable property held by the defendant; and
- (d) the loss suffered by the applicant as a result of the confiscation order.

(4) An application for an order under section 23 shall be supported by a witness statement or affidavit giving details of—

- (a) the confiscation order made under section 19 (4);
- (b) the date on which the defendant ceased to be an absconder;
- (c) the date on which proceedings against the defendant were instituted and a summary of the steps taken in the proceedings since then; and
- (d) any indication given by the prosecutor that he does not intend to proceed against the defendant.

(5) An application made under section 21 shall be supported by a witness statement or affidavit giving details of—

- (a) the confiscation order made under section 19(4);
- (b) the circumstances in which the defendant ceased to be an absconder; and
- (c) the amounts referred to in section 21 (2).

(6) Where an application is made for an order under section 23 (3) or 24 (2)(b), the witness statement or affidavit shall also include—

- (a) details of the realisable property to which the application relates; and
- (b) details of the loss suffered by the applicant as a result of the confiscation order.

(7) Unless the Court otherwise orders, a witness statement or affidavit under paragraphs (3) to (6) may contain statements of information and belief, with the sources and grounds thereof.

Exercise of powers under sections 37 and 40 E+W

Rule 12 The powers conferred on the High Court by sections 37 and 40 may be exercised by a judge [^{F164}or] a master of the Queen’s Bench Division.

Textual Amendments

F164 Word in Sch. 1 RSC Order 115 rule 12 substituted (26.4.1999) by The Civil Procedure (Amendment) Rules 1999 (S.I. 1999/1008), rules 1, 60(c)

Application for registration **E+W**

Rule 13 An application for registration of an order specified in an Order in Council made under section 37 or of an external confiscation order under section 40 (1) must be made in accordance with CPR Part 23, and may be made without notice.

Evidence in support of application under section 37 **E+W**

Rule 14 An application for registration of an order specified in an Order in Council made under section 37 must be made in accordance with CPR Part 23, and be supported by a witness statement or affidavit—

- (i) exhibiting the order or a certified copy thereof, and
- (ii) stating, to the best of the witness's knowledge, particulars of what property the person against whom the order was made holds in England and Wales, giving the source of the witness's knowledge.

Evidence in support of application under section 40 (1) **E+W**

Rule 15.—(1) An application for registration of an external confiscation order must be made in accordance with CPR Part 23, and be supported by a witness statement or affidavit—

- (a) exhibiting the order or a verified or certified or otherwise duly authenticated copy thereof and, where the order is not in the English language, a translation thereof into English certified by a notary public or authenticated by witness statement or affidavit, and
- (b) stating—
 - (i) that the order is in force and is not subject to appeal,
 - (ii) where the person against whom the order was made did not appear in the proceedings, that he received notice thereof in sufficient time to enable him to defend them,
 - (iii) in the case of money, either that at the date of the application the sum payable under the order has not been paid or the amount which remains unpaid, as may be appropriate, or, in the case of other property, the property which has not been recovered, and
 - (iv) to the best of the witness's knowledge, particulars of what property the person against whom the order was made holds in England and Wales, giving the source of the witness's knowledge.

(2) Unless the Court otherwise directs, a witness statement or affidavit for the purposes of this rule may contain statements of information or belief with the sources and grounds thereof.

Register of orders **E+W**

Rule 16.—(1) There [^{F165}will] be kept in the Central Office [^{F166}at the Royal Courts of Justice in London] under the direction of the Master of the [^{F167}Administrative Court] a register of the orders registered under the Act.

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

(2) There shall be included in such register particulars of any variation or setting aside of a registration and of any execution issued on a registered order.

Textual Amendments

- F165** Word in Sch. 1 RSC Order 115 rule 16(1) substituted (6.4.2009) by [The Civil Procedure \(Amendment No.3\) Rules 2008 \(S.I. 2008/3327\)](#), rules 1, **14(a)(i)**
- F166** Words in Sch. 1 RSC Order 115 rule 16(1) inserted (6.4.2009) by [The Civil Procedure \(Amendment No.3\) Rules 2008 \(S.I. 2008/3327\)](#), rules 1, **14(a)(ii)**
- F167** Words in Sch. 1 RSC Order 115 rule 16(1) substituted (6.4.2009) by [The Civil Procedure \(Amendment No.3\) Rules 2008 \(S.I. 2008/3327\)](#), rules 1, **14(a)(iii)**

Notice of registration **E+W**

Rule 17.—(1) Notice of the registration of an order must be served on the person against whom it was obtained by [^{F168}delivering it to that person] personally or by sending it [^{F169}to that person's] usual or last known address or place of business or in such other manner as the Court may direct.

[^{F170}(2) Permission is not required to serve such a notice out of the jurisdiction and CPR rules [^{F171}6.40, 6.42 and 6.46] apply in relation to such notice as they apply in relation to a claim form.]

Textual Amendments

- F168** Words in Sch. 1 RSC Order 115 rule 17(1) substituted (1.10.2008) by [The Civil Procedure \(Amendment\) Rules 2008 \(S.I. 2008/2178\)](#), rules 1(2), **39(a)(i)(aa)**
- F169** Words in Sch. 1 RSC Order 115 rule 17(1) substituted (1.10.2008) by [The Civil Procedure \(Amendment\) Rules 2008 \(S.I. 2008/2178\)](#), rules 1(2), **39(a)(i)(bb)**
- F170** Sch. 1 RSC Order 115 rule 17(2) substituted (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rules 1(b), **31**
- F171** Words in Sch. 1 RSC Order 115 rule 17(2) substituted (1.10.2008) by [The Civil Procedure \(Amendment\) Rules 2008 \(S.I. 2008/2178\)](#), rules 1(2), **39(a)(ii)**

Application to vary or set aside registration **E+W**

Rule 18 An application made in accordance with CPR Part 23 by the person against whom an order was made to vary or set aside the registration of an order must be made to a judge and be supported by witness statement or affidavit.

Enforcement of order **E+W**

Rule 19.—(2) If an application is made under rule 18, an order shall not be enforced until after such application is determined.

Variation, satisfaction and discharge of registered order **E+W**

Rule 20 Upon the court being notified by the applicant for registration that an order which has been registered has been varied, satisfied or discharged, particulars of the variation, satisfaction or discharge, as the case may be, shall be entered in the register.

Rules to have effect subject to Orders in Council **E+W**

Rule 21 Rules 12 to 20 shall have effect subject to the provisions of the Order in Council made under section 37 or, as the case may be, of the Order in Council made under section 39.

Criminal Justice (International Co-operation) Act 1990: external forfeiture orders **E+W**

Rule 21A The provisions of this Part of this Order shall, with such modifications as are necessary and subject to the provisions of any Order in Council made under section 9 of the Criminal Justice (International Co-operation) Act 1990(45), apply to proceedings for the registration and enforcement of external forfeiture orders as they apply to such proceedings in relation to external confiscation orders.

For the purposes of this rule, an external forfeiture order is an order made by a court in a country or territory outside the United Kingdom which is enforceable in the United Kingdom by virtue of any such Order in Council.

II. Part VI of the Criminal Justice Act 1988(46)

Interpretation **E+W**

Rule 22.—(1) In this Part of this Order, “the 1988 Act” means the Criminal Justice Act 1988 and a section referred to by number means the section so numbered in that Act.

(2) Expressions which are used in this Part of this Order which are used in the 1988 Act have the same meanings in this Part of this Order as in the 1988 Act and include any extended meaning given by the Criminal Justice (Confiscation) (Northern Ireland) Order 1990.

Application of Part I of Order 115 **E+W**

Rule 23 Part I of Order 115 (except rule 11) shall apply for the purposes of proceedings under Part VI of the 1988 Act with the necessary modifications and, in particular,—

- (a) references to drug trafficking offences and to drug trafficking shall be construed as references to offences to which Part VI of the 1988 Act applies and to committing such an offence;
- (b) references to the Drug Trafficking Act 1994 shall be construed as references to the 1988 Act and references to sections 5 (2), 26, 27, 29, 30 (2), 17 (1), 18, 18 (5), 39 and 40 of the 1994 Act shall be construed as references to sections 73 (6), 77, 78, 80, 81, 81 (1), 83 (1), 89, 89 (5), 96 and 97 of the 1988 Act respectively;
- (c) rule 3 (2) shall have effect as if the following sub-paragraphs were substituted for sub-paragraphs (a) and (b)—
 - “(a) state, as the case may be, either that proceedings have been instituted against the defendant for an offence to which Part VI of the 1988 Act applies (giving particulars of the offence) and that they have not been concluded or that, whether by the laying of an information or otherwise, a person is to be charged with such an offence;
 - (b) state, as the case may be, either that a confiscation order has been made or the grounds for believing that such an order may be made;”
- (d) rule 7 (3) shall have effect as if the words “certificate issued by a magistrates' court or the Crown Court” were substituted for the words “certificate issued by the Crown Court”;

(45) 1990 c. 5.

(46)

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Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

- (e) rule 8 shall have effect as if the following paragraph were added at the end—
- “(6) Where a receiver applies in accordance with CPR Part 23 for the variation of a confiscation order, the application notice shall be served, with any supporting evidence, on the defendant and any other person who may be affected by the making of an order under section 83 of the 1988 Act, not less than 7 days before the date fixed for the hearing of the application.”
- (f) rule 11 shall apply with the necessary modifications where an application is made under section 93J of the 1988 Act for disclosure of information held by government departments.

[^{F172}III: TERRORISM ACT 2000]

Textual Amendments

F172 Sch. 1 RSC Order 115 Section 3 heading substituted (31.5.2001) by [The Civil Procedure \(Amendment No. 2\) Rules 2001 \(S.I. 2001/1388\)](#), rules 1(c), **16(a)**

Interpretation **E+W**

Rule 24 In this Part of this Order—

- (a) “the Act” means [^{F173}Terrorism Act 2000];
- (b) “Schedule 4” means Schedule 4 to the Act; ^{F174}...
- [^{F175}(ba) “the prosecutor” means the person with conduct of proceedings which have been instituted in England and Wales for an offence under any of sections 15 to 18 of the Act, or the person who the High Court is satisfied will have the conduct of [^{F176}any proceedings] for such an offence; and]
- (c) [^{F177}other] expressions used have the same meanings as they have in [^{F178}Schedule 4 to] the Act.

Textual Amendments

F173 Words in Sch. 1 RSC Order 115 rule 24(a) substituted (31.5.2001) by [The Civil Procedure \(Amendment No. 2\) Rules 2001 \(S.I. 2001/1388\)](#), rules 1(c), **16(b)(i)**

F174 Word in Sch. 1 RSC Order 115 rule 24(b) omitted (31.5.2001) by virtue of [The Civil Procedure \(Amendment No. 2\) Rules 2001 \(S.I. 2001/1388\)](#), rules 1(c), **16(b)(ii)**

F175 Sch. 1 RSC Order 115 rule 24(ba) inserted (31.5.2001) by [The Civil Procedure \(Amendment No. 2\) Rules 2001 \(S.I. 2001/1388\)](#), rules 1(c), **16(b)(iii)**

F176 Words in Sch. 1 RSC Order 115 rule 24(ba) substituted (20.12.2001) by [The Civil Procedure \(Amendment No. 6\) Rules 2001 \(S.I. 2001/4016\)](#), rules 1, **2(a)**

F177 Word in Sch. 1 RSC Order 115 rule 24(c) inserted (31.5.2001) by [The Civil Procedure \(Amendment No. 2\) Rules 2001 \(S.I. 2001/1388\)](#), rules 1(c), **16(b)(iv)**

F178 Words in Sch. 1 RSC Order 115 rule 24(c) substituted (31.5.2001) by [The Civil Procedure \(Amendment No. 2\) Rules 2001 \(S.I. 2001/1388\)](#), rules 1(c), **16(b)(v)**

Assignment of proceedings **E+W**

Rule 25.—(1) Subject to paragraph (2), the jurisdiction of the High Court under the Act shall be exercised by a judge of the Queen’s Bench Division or of the Chancery Division ^{F179}...

Status: Point in time view as at 01/10/2009.

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(2) The jurisdiction conferred on the High Court by paragraph 9 of Schedule 4 may also be exercised by a master of the Queen’s Bench Division.

Textual Amendments

F179 Words in Sch. 1 RSC Order 115 rule 25(1) omitted (26.4.1999) by virtue of *The Civil Procedure (Amendment) Rules 1999 (S.I. 1999/1008)*, rules 1, **62(j)**

Application for restraint order **E+W**

Rule 26.—(1) An application for a restraint order under [^{F180}paragraph 5] of Schedule 4 may be made by the prosecutor by a claim form, which need not be served on any person.

(2) An application under paragraph (1) shall be supported by a witness statement or affidavit, which shall:—

- [^{F181}(a) state, as the case may be, either—
 - (i) that proceedings have been instituted against a person for an offence under any of sections 15 to 18 of the Act and that they have not been concluded; or
 - (ii) that a criminal investigation has been started in England and Wales with regard to such an offence,

and in either case give details of the alleged or suspected offence and of the defendant’s involvement;]

- (b) [^{F182}where proceedings have been instituted,] state, as the case may be, that a forfeiture order has been made in the proceedings or the grounds for believing that such an order may be made;

- [^{F183}(ba) where proceedings have not been instituted—
 - (i) indicate the state of progress of the investigation and when it is anticipated that a decision will be taken on whether to institute proceedings against the defendant;
 - (ii) state the grounds for believing that a forfeiture order may be made in any proceedings against the defendant; and
 - (iii) verify that the prosecutor is to have the conduct of any such proceedings;]

- (c) to the best of the witness’s ability, give full particulars of the property in respect of which the order is sought and specify the person or persons holding such property and any other persons having an interest in it;

^{F184}(d)

^{F184}(e)

(3) A claim form under paragraph (1) shall be entitled in the matter of the defendant, naming him, and in the matter of the Act, and all subsequent documents in the matter shall be so entitled.

(4) Unless the Court otherwise directs, a witness statement or affidavit under paragraph (2) may contain statements of information or belief with the sources and grounds thereof.

Textual Amendments

F180 Words in Sch. 1 RSC Order 115 rule 26(1) substituted (31.5.2001) by *The Civil Procedure (Amendment No. 2) Rules 2001 (S.I. 2001/1388)*, rules 1(c), **16(c)**

F181 Sch. 1 RSC Order 115 rule 26(2)(a) substituted (20.12.2001) by *The Civil Procedure (Amendment No. 6) Rules 2001 (S.I. 2001/4016)*, rules 1, **2(b)(i)**

Status: Point in time view as at 01/10/2009.

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- F182** Words in Sch. 1 RSC Order 115 rule 26(2)(b) inserted (20.12.2001) by The Civil Procedure (Amendment No. 6) Rules 2001 (S.I. 2001/4016), rules 1, **2(b)(ii)**
- F183** Sch. 1 RSC Order 115 rule 26(2)(ba) inserted (20.12.2001) by The Civil Procedure (Amendment No. 6) Rules 2001 (S.I. 2001/4016), rules 1, **2(b)(iii)**
- F184** Sch. 1 RSC Order 115 rule 26(2)(d)(e) omitted (20.12.2001) by virtue of The Civil Procedure (Amendment No. 6) Rules 2001 (S.I. 2001/4016), rules 1, **2(b)(iv)**

Restraint order **E+W**

Rule 27.—(1) A restraint order may be made subject to conditions and exceptions, including but not limited to conditions relating to the indemnifying of third parties against expenses incurred in complying with the order, and exceptions relating to living expenses and legal expenses of the defendant, but the prosecutor shall not be required to give an undertaking to abide by any order as to damages sustained by the defendant as a result of the restraint order.

(2) Unless the Court otherwise directs, a restraint order made without notice of [^{F185}the application for] it being served on any person shall have effect until a day which shall be fixed for the hearing where all parties may attend on the application.

(3) Where a restraint order is made the prosecutor shall serve copies of the order and [^{F186}, unless the court otherwise orders,] of the witness statement or affidavit in support on the defendant and on all other persons affected by the order.

Textual Amendments

- F185** Words in Sch. 1 RSC Order 115 rule 27(2) inserted (31.5.2001) by The Civil Procedure (Amendment No. 2) Rules 2001 (S.I. 2001/1388), rules 1(c), **16(e)**
- F186** Words in Sch. 1 RSC Order 115 rule 27(3) inserted (20.12.2001) by The Civil Procedure (Amendment No. 6) Rules 2001 (S.I. 2001/4016), rules 1, **2(c)**

Discharge or variation of order **E+W**

Rule 28.—(1) Subject to paragraph (2), an application to discharge or vary a restraint order shall be made in accordance with CPR Part 23.

(2) Where the case is one of urgency, an application under this rule by the prosecutor may be made without notice.

(3) The application and any witness statement or affidavit in support shall be lodged with the court and, where the application is made in accordance with CPR Part 23 the application notice shall be served on the following persons (other than the applicant)—

- (a) the prosecutor;
- (b) the defendant; and
- (c) all other persons restrained or otherwise affected by the order;

not less than two clear days before the date fixed for the hearing of the application.

(4) Where a restraint order has been made and has not been discharged, the prosecutor shall notify the court when proceedings for the offence have been concluded, and the court shall thereupon discharge the restraint order.

(5) Where an order is made discharging or varying a restraint order, the applicant shall serve copies of the order of discharge or variation on all persons restrained by the earlier order and shall notify all other persons affected of the terms of the order of discharge or variation.

Compensation **E+W**

Rule 29 An application for an order under [^{F187}paragraph 9 or 10 of Schedule 4] shall be made in accordance with CPR Part 23, and the application notice, shall be served, with any supporting evidence, on the person alleged to be in default and on [^{F188}the person or body by whom compensation, if ordered, will be payable under paragraph 9(6) or 10(4)] not less than 7 days before the date fixed for the hearing of the application.

Textual Amendments

F187 Words in Sch. 1 RSC Order 115 rule 29 substituted (31.5.2001) by [The Civil Procedure \(Amendment No. 2\) Rules 2001 \(S.I. 2001/1388\)](#), rules 1(c), **16(f)(i)**

F188 Words in Sch. 1 RSC Order 115 rule 29 substituted (31.5.2001) by [The Civil Procedure \(Amendment No. 2\) Rules 2001 \(S.I. 2001/1388\)](#), rules 1(c), **16(f)(ii)**

Application for registration **E+W**

Rule 30 An application for registration of a Scottish order, a Northern Ireland order or an Islands order must be made in accordance with CPR Part 23 and may be made without notice.

Evidence in support of application **E+W**

Rule 31.—(1) An application for registration of any such order as is mentioned in rule 30 must be supported by a witness statement or affidavit—

- (a) exhibiting the order or a certified copy thereof, and
- (b) which shall, to the best of the witness's ability, give particulars of such property in respect of which the order was made as is in England and Wales, and specify the person or persons holding such property.

(2) Unless the Court otherwise directs, a witness statement or affidavit for the purposes of this rule may contain statements of information or belief with the sources and grounds thereof.

Register of orders **E+W**

Rule 32.—(1) There [^{F189}will] be kept in the Central Office [^{F190}at the Royal Courts of Justice in London] under the direction of the Master of the [^{F191}Administrative Court] a register of the orders registered under the Act.

(2) There shall be included in such register particulars of any variation or setting aside of a registration, and of any execution issued on a registered order.

Textual Amendments

F189 Word in Sch. 1 RSC Order 115 rule 32(1) substituted (6.4.2009) by [The Civil Procedure \(Amendment No.3\) Rules 2008 \(S.I. 2008/3327\)](#), rules 1, **14(b)(i)**

F190 Words in Sch. 1 RSC Order 115 rule 32(1) inserted (6.4.2009) by [The Civil Procedure \(Amendment No.3\) Rules 2008 \(S.I. 2008/3327\)](#), rules 1, **14(b)(ii)**

F191 Words in Sch. 1 RSC Order 115 rule 32(1) substituted (31.5.2001) by [The Civil Procedure \(Amendment No. 2\) Rules 2001 \(S.I. 2001/1388\)](#), rules 1(c), **16(g)**

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Notice of registration **E+W**

Rule 33.—(1) Notice of the registration of an order must be served on the person or persons holding the property referred to in rule 31(1)(b) and any other persons appearing to have an interest in that property.

[^{F192}(2) Permission is not required to serve such a notice out of the jurisdiction and CPR rules [^{F193}6.40, 6.42 and 6.46] apply in relation to such notice as they apply in relation to a claim form.]

Textual Amendments

F192 Sch. 1 RSC Order 115 rule 33(2) substituted (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rules 1(b), **31**

F193 Words in Sch. 1 RSC Order 115 rule 33(2) substituted (1.10.2008) by [The Civil Procedure \(Amendment\) Rules 2008 \(S.I. 2008/2178\)](#), rules 1(2), **39(b)**

Application to vary or set aside registration **E+W**

Rule 34 An application to vary or set aside the registration of an order must be made to a judge in accordance with CPR Part 23 and be supported by a witness statement or affidavit.

This rule does not apply to a variation or cancellation under rule 36.

Enforcement of order **E+W**

Rule 35.—(2) If an application is made under rule 34, an order shall not be enforced until after such application is determined.

(3) This rule does not apply to the taking of steps under [^{F194}paragraph 7 or 8] of Schedule 4, as applied by [^{F195}paragraph 13(6)] of that Schedule.

Textual Amendments

F194 Words in Sch. 1 RSC Order 115 rule 35(3) substituted (31.5.2001) by [The Civil Procedure \(Amendment No. 2\) Rules 2001 \(S.I. 2001/1388\)](#), rules 1(c), **16(h)(i)**

F195 Words in Sch. 1 RSC Order 115 rule 35(3) substituted (31.5.2001) by [The Civil Procedure \(Amendment No. 2\) Rules 2001 \(S.I. 2001/1388\)](#), rules 1(c), **16(h)(ii)**

Variation and cancellation of registration **E+W**

Rule 36 If effect has been given (whether in England or Wales or elsewhere) to a Scottish, Northern Ireland or Islands order, or if the order has been varied or discharged by the court by which it was made, the applicant for registration shall inform the court and—

- (a) if such effect has been given in respect of all the money or other property to which the order applies, or if the order has been discharged by the court by which it was made, registration of the order shall be cancelled;
- (b) if such effect has been given in respect of only part of the money or other property, or if the order has been varied by the court by which it was made, registration of the order shall be varied accordingly.

^{F196} **Part IV International Criminal Court Act 2001: fines, forfeitures and reparation orders**

Textual Amendments

F196 Sch. 1 RSC Order 115 Pt. 4 inserted (6.10.2003) by [The Civil Procedure \(Amendment No. 4\) Rules 2003 \(S.I. 2003/2113\)](#), rules 1(c), 17

Interpretation **E+W**

37. In this Part of this Order—

- (a) “the Act” means the International Criminal Court Act 2001;
- (b) “the ICC” means the International Criminal Court;
- (c) “an order of the ICC” means—
 - (i) a fine or forfeiture ordered by the ICC; or
 - (ii) an order by the ICC against a person convicted by the ICC specifying a reparation to, or in respect of, a victim.

Registration of ICC orders for enforcement **E+W**

38.—(1) An application to the High Court to register an order of the ICC for enforcement, or to vary or set aside the registration of an order, may be made to a judge or a Master of the Queen’s Bench Division.

(2) Rule 13 and rules 15 to 20 in Part I of this Order shall, with such modifications as are necessary and subject to the provisions of any regulations made under section 49 of the Act, apply to the registration for enforcement of an order of the ICC as they apply to the registration of an external confiscation order.]

^{F197} **RSC ORDER 116** **E+W**

THE CRIMINAL PROCEDURE AND INVESTIGATIONS ACT 1996

Textual Amendments

F197 Sch. 1 RSC Order 116 inserted (26.4.1999) by [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, 61, Appendix 1

Application **E+W**

1. This Order shall apply in relation to acquittals in respect of offences alleged to be committed on or after 15th April 1997.

Interpretation **E+W**

2. In this Order, unless the context otherwise requires—

- “the Act” means the Criminal Procedure and Investigations Act 1996;
- “acquitted person” means a person whose acquittal of an offence is the subject of a certification under section 54(2) of the Act, and “acquittal” means the acquittal of that person of that offence;

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“magistrates' court” has the same meaning as in section 148 of the Magistrates' Courts Act 1980;

“prosecutor” means the individual or body which acted as prosecutor in the proceedings which led to the acquittal;

“record of court proceedings” means—

- (a) (where the proceedings took place in the Crown Court) a transcript of the evidence, or
- (b) a note of the evidence made by the justices' clerk,

in the proceedings which led to the conviction for the administration of justice offence referred to in section 54(1)(b) of the Act or, as the case may be, the proceedings which led to the acquittal;

“single judge” means a judge of the Queen’s Bench Division;

“witness” means a witness whose evidence is contained in a witness statement or affidavit filed under rule 5, 7, 8 or 9.

Assignment of proceedings E+W

3. The jurisdiction of the High Court under section 54(3) of the Act shall be exercised by a single judge.

Time limit for making application E+W

4. An application under section 54(3) of the Act shall be made not later than 28 days after—
- (a) the expiry of the period allowed for appealing (whether by case stated or otherwise), or making an application for leave to appeal, against the conviction referred to in section 54(1)(b) of the Act; or
 - (b) where notice of appeal or application for leave to appeal against the conviction is given, the determination of the appeal or application for leave to appeal and, for this purpose, “determination” includes abandonment (within the meaning of rule 10 of the Criminal Appeal Rules 1968 or, as the case may be, rule 11 of the Crown Court Rules 1982).

Application E+W

5.—(1) An application under section 54(3) of the Act shall be made by claim form which shall be issued out of the Crown Office by the prosecutor.

- (2) The application shall be accompanied by—
- (a) a witness statement or affidavit which deals with the conditions in section 55(1), (2) and (4) of the Act and which exhibits any relevant documents (which may include a copy of any record of court proceedings);
 - (b) a copy of the certification under section 54(2) of the Act.

Notice to the acquitted person E+W

6.—(1) The prosecutor shall, within 4 days of the issue of the application, serve written notice on the acquitted person that the application has been issued.

- (2) The notice given under paragraph (1) shall—
- (a) specify the date on which the application was issued;
 - (b) be accompanied by a copy of the application and of the documents which accompanied it;
 - (c) inform the acquitted person that—

- (i) the result of the application may be the making of an order by the High Court quashing the acquittal, and
- (ii) if he wishes to respond to the application, he must, within 28 days of the date of service on him of the notice, file in the Crown Office any witness statement or affidavit on which he intends to rely.

Witness statement or affidavit of service on an acquitted person **E+W**

7. The prosecutor shall, as soon as practicable after service of the notice under rule 6, file at the Crown Office a witness statement or affidavit of service which exhibits a copy of the notice.

Response of acquitted person **E+W**

8.—(1) If the acquitted person wishes to respond to the application, he shall, within 28 days of service on him of notice under rule 6, file in the Crown Office a witness statement or affidavit which—

- (a) deals with the conditions in section 55(1), (2) and (4) of the Act; and
- (b) exhibits any relevant documents (which may include a copy of any record of court proceedings).

(2) The acquitted person shall, within 4 days of the filing of the documents mentioned in paragraph (1), serve copies of them on the prosecutor.

Evidence **E+W**

9.—(1) A witness statement or affidavit filed under rule 5, 7, 8 or this rule may contain statements of information or belief with the sources and grounds thereof.

(2) The prosecutor may, not later than 10 days after expiry of the period allowed under rule 8(1), apply for an order granting permission to file further evidence without notice being served on any other party.

(3) If the single judge grants permission, the order shall specify a period within which further evidence or records are to be filed, and the Crown Office shall serve a copy of the order on the prosecutor and on the acquitted person.

(4) The prosecutor shall, within 4 days of filing further evidence in the Crown Office, serve a copy of that evidence on the acquitted person.

Determination of the application **E+W**

10.—(1) Subject to paragraph (3), the single judge shall determine whether or not to make an order under section 54(3) of the Act on the basis of the written material provided under rules 5, 7, 8 and 9 in the absence of the prosecutor, the acquitted person, or of any witness.

(2) The determination shall not be made, and any hearing under paragraph (3) shall not take place, before the expiry of—

- (a) 10 days after the expiry of the period allowed under rule 8(1), or
- (b) 10 days after the expiry of the period allowed by any order made under rule 9(3).

(3) The single judge may, of his own initiative or on the application of the prosecutor or acquitted person, order a hearing of the application if he thinks fit.

(4) An application under paragraph (3) shall state whether a hearing is desired in order for a deponent for the other party to attend and be cross-examined, and, if so, the reasons for wishing the witness to attend.

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*Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)*

(5) An application under paragraph (3) shall be made no later than 7 days after the expiry of the period allowed—

- (a) under rule 8(1), or
- (b) by any order made under rule 9(3).

(6) Where a hearing is ordered, the single judge may, of his own initiative or on the application of the prosecutor or acquitted person, order a witness to attend in order to be cross-examined.

(7) The prosecutor or the acquitted person, as the case may be, shall within 4 days after filing the application under paragraph (3), serve a copy of it on the other party, and file in the Crown Office a witness statement or affidavit of service.

(8) A party served under paragraph (7) shall, within 5 days of service, file any representations he wishes to make as to whether or not a hearing should be ordered.

(9) Subject to paragraph (10) below—

- (a) the single judge shall not determine an application for a hearing under paragraph (3) unless—
 - (i) a witness statement or affidavit of service has been filed as required by paragraph (7), and
 - (ii) the period for filing representations allowed under paragraph (8) has elapsed, or
 - (iii) representations have been filed under paragraph (8).
- (b) The requirements imposed by sub-paragraph (a)(i) and (iii) are satisfied even though the witness statement or affidavit of service or, as the case may be, the representations are filed outside the time limits allowed.

(10) Where after an application for a hearing has been made—

- (a) no witness statement or affidavit of service has been filed, and
- (b) no representations under paragraph (8) have been received after the expiry of 7 days from the filing of the application,

the single judge may reject the application.

(11) Where after a hearing is ordered, either the prosecutor or the acquitted person desires a witness for the other party to attend the hearing in order to be cross-examined, he must apply for an order under paragraph (5) giving his reasons without notice being served on any other party.

(12) The Crown Office shall serve notice on the prosecutor and the acquitted person of any order made under the foregoing paragraphs of this rule and, where a hearing is ordered, the notice shall—

- (a) set out the date, time and place of the hearing, and
- (b) give details of any witness ordered to attend for cross-examination.

(13) A hearing ordered under paragraph (3) above shall be in public unless the single judge otherwise directs.

(14) the Crown Office shall serve notice of any order made under section 54(3) of the Act quashing the acquittal or of a decision not to make such an order on the prosecutor, the acquitted person and—

- (a) where the court before which the acquittal or conviction occurred was a magistrates' court, on the [^{F198}designated officer];
- (b) where the court before which the acquittal or conviction occurred was the Crown Court, on the appropriate officer of the Crown Court sitting at the place where the acquittal or conviction occurred.]

Textual Amendments

F198 Words in [Sch. 1](#) RSC Order 116 rule 10(14)(a) substituted (1.4.2005) by [The Courts Act 2003](#) (Consequential Provisions) (No. 2) Order 2005 (S.I. 2005/617), art. 1, **Sch. para. 175**

Status:

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Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1.