

SCHEDULE 1

Commencement Information

I1 Sch. 1 in force at 26.4.1999, see Signature

RSC ORDER 15

CAUSES OF ACTION, COUNTERCLAIMS AND PARTIES

Proceedings against estates

F1 Rule 6A

Textual Amendments

F1 Sch. 1 RSC Order 15 rule 6A 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)

Change of parties by reason of death, etc.

F2 Rule 7

Textual Amendments

F2 Sch. 1 RSC Order 15 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)

Failure to proceed after death of party

Rule 9.—(1) If after the death of a claimant or defendant in any claim the cause of action survives, but no order F3 ... is made substituting as claimant any person in whom the cause of claim vests or, as the case may be, the personal representatives of the deceased defendant, the defendant or, as the case may be, those representatives may apply to the Court for an order that unless the claim is proceeded with within such time as may be specified in the order the claim shall be struck out as against the claimant or defendant, as the case may be, who has died; but where it is the claimant who has died, the Court shall not make an order under this rule unless satisfied that due notice of the application has been given to the personal representatives (if any) of the deceased claimant and to any other interested persons who, in the opinion of the Court, should be notified.

Textual Amendments

F3 Words in Sch. 1 RSC Order 15 rule 9 omitted (2.5.2000) by virtue of The Civil Procedure (Amendment No. 2) Rules 2000 (S.I. 2000/940), rules 1, 12

Relator actions

F4 Rule 11

*Status: Point in time view as at 07/10/2001.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, RSC ORDER 15. (See end of Document for details)*

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Textual Amendments
F4 Sch. 1 RSC Order 15 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)

Representative proceedings

^{F5}**Rule 12**

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Textual Amendments
F5 Sch. 1 RSC Order 15 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)

Derivative claims

^{F6}**Rule 12A**

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Textual Amendments
F6 Sch. 1 RSC Order 15 rule 12A 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)

Representation of interested persons who cannot be ascertained, etc.

^{F7}**Rule 13**

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Textual Amendments
F7 Sch. 1 RSC Order 15 rule 13 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 claim to non—parties

^{F8}**Rule 13A**

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Textual Amendments
F8 Sch. 1 RSC Order 15 rule 13A omitted (26.3.2001) by virtue of [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rules 1(a), **19**

Representation of beneficiaries by trustees, etc.

Rule 14.—(1) Any proceedings, including proceedings to enforce a security by foreclosure or otherwise, may be brought by or against trustees, executors or administrators in their capacity as such without joining any of the persons having a beneficial interest in the trust or estate, as the case may be; and any judgment or order given or made in those proceedings shall be binding on those persons unless the Court in the same or other proceedings otherwise orders on the ground that the

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trustees, executors or administrators, as the case may be, could not or did not in fact represent the interests of those persons in the first—mentioned proceedings.

(2) Paragraph (1) is without prejudice to the power of the Court to order any person having such an interest as aforesaid to be made a party to the proceedings or to make an order under rule 13.

Representation of deceased person interested in proceedings

^{F9}Rule 15

Textual Amendments

F9 Sch. 1 RSC Order 15 rule 15 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)

Declaratory judgment

^{F10}Rule 16

Textual Amendments

F10 Sch. 1 RSC Order 15 rule 16 omitted (26.3.2001) by virtue of [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rules 1(a), **19**

Conduct of proceedings

^{F11}Rule 17

Textual Amendments

F11 Sch. 1 RSC Order 15 rule 17 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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