

SCHEDULE 1

Commencement Information

II Sch. 1 in force at 26.4.1999, see Signature

RSC ORDER 95

BILLS OF SALE ACTS 1878(1) AND 1882(2) AND THE INDUSTRIAL AND PROVIDENT SOCIETIES ACT 1967(3)

Rectification of register

Rule 1.—(1) Every application to the Court under section 14 of the Bills of Sale Act 1878, for an order—

- (a) that any omission to register a bill of sale or a witness statement or affidavit of renewal thereof within the time prescribed by that Act be rectified by extending the time for such registration, or
(b) that any omission or mis-statement of the name, residence or occupation of any person be rectified by the insertion in the register of his true name, residence or occupation,

must be made by witness statement or affidavit to a master of the Queen’s Bench Division, and a copy of the witness statement or affidavit need not be served on any other person.

(2) Every application for such an order as is described in paragraph (1) shall be supported by a witness statement or affidavit setting out particulars of the bill of sale and of the omission or mis-statement in question and stating the grounds on which the application is made.

Entry of satisfaction

Rule 2.—(1) Every application under section 15 of the Bills of Sale Act 1878, to a master of the Queen’s Bench Division for an order that a memorandum of satisfaction be written on a registered copy of a bill of sale must [F1be made by claim form.]

F2(a)

F2(b)

[F3(1A) If a consent to the satisfaction signed by the person entitled to the benefit of the bill of sale can be obtained, from claim form and the documents set out in paragraph (2) must not be served on any other person.]

(2) [F4Where paragraph (1A) applies, the claim form] must be supported by—

- (a) particulars of the consent referred to in that paragraph; and
(b) a witness statement or affidavit by a witness who attested the consent verifying the signature on it.

(3) [F5Where paragraph (1A) does not apply, the claim form] must be served on the person entitled to the benefit of the bill of sale and must be supported by evidence that the debt (if any) for which the bill of sale was made has been satisfied or discharged.

(1) 1878 c. 31.
(2) 1882 c. 43.
(3) 1967 c. 48.

Status: Point in time view as at 26/04/1999.

*Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, RSC ORDER 95. (See end of Document for details)*

Textual Amendments

- F1** Words in Sch. 1 RSC Order 95 rule 2(1) inserted (26.4.1999) by [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, **49(a)(ii)**
- F2** Sch. 1 RSC Order 95 rule 2(1)(a)(b) omitted (26.4.1999) by virtue of [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, **49(a)(i)**
- F3** Sch. 1 RSC Order 95 rule 2(1A) inserted (26.4.1999) by [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, **49(b)**
- F4** Words in Sch. 1 RSC Order 95 rule 2(2) substituted (26.4.1999) by [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, **49(c)**
- F5** Words in Sch. 1 RSC Order 95 rule 2(3) substituted (26.4.1999) by [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, **49(d)**

Restraining removal on sale of goods seized

Rule 3 An application to the Court under the proviso to section 7 of the Bills of Sale Act (1878) Amendment Act 1882 must be made by the issue of a claim form.

Search of register

Rule 4 Any master of the Queen’s Bench Division shall, on a request in writing giving sufficient particulars, and on payment of the prescribed fee, cause a search to be made in the register of bills of sale and issue a certificate of the result of the search.

Application under section 1 (5) of the Industrial and Provident Societies Act 1967(4)

Rule 5 Every application to the Court under section 1 (5) of the Industrial and Provident Societies Act 1967 for an order—

- (a) that the period for making an application for recording a charge be extended, or
- (b) that any omission from or misstatement in such an application be rectified,

must be made to a Master of the Queen’s Bench Division by witness statement or affidavit setting out particulars of the charge and of the omission or misstatement in question and stating the grounds of the application, and need not be served on any other person.

Assignment of book debts

Rule 6.—(1) There shall continue to be kept in the Central Office, under the supervision of the registrar, a register of assignments of book debts.

(2) Every application for registration of an assignment of a book debt under section 344 of the Insolvency Act 1986(5) shall be made by producing at the Filing and Record Department of the Central Office—

- (a) a true copy of the assignment, and of every schedule thereto, and
- (b) a witness statement or affidavit verifying the date and the time, and the due execution of the assignment in the presence of the witness, and setting out the particulars of the assignment and the parties thereto.

(4) 1967 c. 48.

(5) 1986 c. 45.

(3) On an application being made in accordance with the preceding paragraph, the documents there referred to shall be filed, and the particulars of the assignment, and of the parties to it, shall be entered in the register.

(4) In this rule, “the registrar” has the meaning given in section 13 of the Bills of Sale Act 1878.

Status:

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Changes to legislation:

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