

**Status:** Point in time view as at 24/12/2010.

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

SCHEDULE 1

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

SERVICE OF ORIGINATING PROCESS: GENERAL PROVISIONS

**Service of claim form in certain actions for possession of land**

<sup>F1</sup>**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

SERVICE OF PROCESS, ETC., OUT OF THE JURISDICTION

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

<sup>F2</sup>**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)**

<sup>F2</sup>**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)**

**F2 Rule1B** .....

.....  
**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)

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)

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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)

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)

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)

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)

**F3** RSC ORDER 15

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**

**F3** Rule 6A .....

**Change of parties by reason of death, etc.**

**F3** Rule 7 .....

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**Failure to proceed after death of party**

**F<sup>3</sup>Rule 9** .....

**Relator actions**

**F<sup>3</sup>Rule 11** .....

**Representative proceedings**

**F<sup>3</sup>Rule 12** .....

**Derivative claims**

**F<sup>3</sup>Rule 12A** .....

**Representation of interested persons who cannot be ascertained, etc.**

**F<sup>3</sup>Rule 13** .....

**Notice of claim to non—parties**

**F<sup>3</sup>Rule 13A** .....

**Representation of beneficiaries by trustees, etc.**

**F<sup>3</sup>Rule 14** .....

**Representation of deceased person interested in proceedings**

**F<sup>3</sup>Rule 15** .....

**Declaratory judgment**

**F<sup>3</sup>Rule 16** .....

**Conduct of proceedings**

**F<sup>3</sup>Rule 17** .....

**RSC ORDER 17  
INTERPLEADER**

**Entitlement to relief by way of interpleader**

**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 [<sup>F4</sup>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

**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.

(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

**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<sup>(1)</sup>, 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.

(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.

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(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**

**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
- (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**

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

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- (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**

**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 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**

**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**

**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.

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**Other powers**

**Rule 8.**—<sup>F5</sup>(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.

<sup>F6</sup>(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**

**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**

**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.

**Trial of interpleader issue**

**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**  
**SECURITY FOR COSTS**

**Order to apply to High Court and County Court**

<sup>F7</sup>**Rule A1** .....



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**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.**

**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**

**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**

**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)

**F8** **RSC ORDER 30**

**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**

**F8** **Rule A1** .....

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**Application for receiver and injunction**

<sup>F8</sup>Rule 1 .....

**Giving of security by receiver**

<sup>F8</sup>Rule 2 .....

**Remuneration of receiver**

<sup>F8</sup>Rule 3 .....

**Service of order and notice**

<sup>F8</sup>Rule 4 .....

**Receiver’s accounts**

<sup>F8</sup>Rule 5 .....

**Payment into Court by receiver**

<sup>F8</sup>Rule 6 .....

**Default by receiver**

<sup>F8</sup>Rule 7 .....

**Directions to receivers**

<sup>F8</sup>Rule 8 .....

<sup>F9</sup>RSC ORDER 31

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

**Textual Amendments**

<sup>F9</sup> 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**

<sup>F9</sup>Rule A1 .....

**I. Sales, etc. of Land by Order of Court**

**Power to order sale of land**

<sup>F9</sup>Rule 1 .....

**Manner of carrying out sale**

<sup>F9</sup>Rule 2 .....

**Certifying result of sale**

<sup>F9</sup>Rule 3 .....

**Mortgage, exchange or partition under order of the Court**

<sup>F9</sup>Rule 4 .....

**II. Conveyancing Counsel of the Court**

**Reference of matters to conveyancing counsel of Court**

<sup>F9</sup>Rule 5 .....

**Objection to conveyancing counsel's opinion**

<sup>F9</sup>Rule 6 .....

**Obtaining counsel's opinion on reference**

<sup>F9</sup>Rule 8 .....

<sup>F10</sup>RSC ORDER 44

PROCEEDINGS UNDER JUDGMENTS AND ORDERS: CHANCERY DIVISION

**Textual Amendments**

<sup>F10</sup> 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**

<sup>F10</sup>Rule 1 .....

**Service of notice of judgment on person not a party**

<sup>F10</sup>Rule 2 .....

**Directions by the Court**

<sup>F10</sup>Rule 3 .....

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**Application of rules 5 to 8**

<sup>F10</sup>**Rule 4** .....

**Advertisements for creditors and other claimants**

<sup>F10</sup>**Rule 5** .....

**Examination of claims**

<sup>F10</sup>**Rule 6** .....

**Adjudication on claims**

<sup>F10</sup>**Rule 7** .....

**Notice of adjudication**

<sup>F10</sup>**Rule 8** .....

**Interest on debts**

<sup>F10</sup>**Rule 9** .....

**Interest on legacies**

<sup>F10</sup>**Rule 10** .....

**Master’s order**

<sup>F10</sup>**Rule 11** .....

**Appeal against Master’s order**

<sup>F10</sup>**Rule 12** .....

**RSC ORDER 45**

**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\(b\)](#)

**[<sup>F11</sup>Interpretation**

**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—

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- (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**

**Rule 1.**—<sup>F12</sup>(1) .....

<sup>F13</sup>(2) .....

<sup>F14</sup>(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)**)

**Notice of seizure**

**Rule 2** When first executing a writ of fieri facias, the Sheriff or his officer [<sup>F15</sup>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 [<sup>F16</sup>Practice Direction 4] 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**

**F16** Words in [Sch. 1 RSC Order 45 rule 2](#) substituted (6.4.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2009 \(S.I. 2009/3390\)](#), rules 1(2), **53**

**Enforcement of judgment for possession of land**

**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.

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(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 <sup>F17</sup>... [<sup>F18</sup>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]

[<sup>F19</sup>(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 [<sup>F20</sup>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.

#### Textual Amendments

**F17** 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)**

**F18** 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)**

**F19** Sch. 1 RSC Order 45 rule 3(2A) inserted inserted (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rules 1(d), **20(b)**

**F20** 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

**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—

(2) 1954 c. 56.

**Status:** Point in time view as at 24/12/2010.

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

- (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**

**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;
  - (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<sup>(3)</sup>, 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.

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

*Status: Point in time view as at 24/12/2010.*

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

### **Judgment, etc. requiring act to be done: order fixing time for doing it**

**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**

**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 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**

**Rule 8** If <sup>F21</sup>... 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**

**F21** 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**

<sup>F22</sup>**Rule 9** .....

#### **Textual Amendments**

**F22** [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**

<sup>F23</sup>**Rule 10** .....

#### **Textual Amendments**

**F23** [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.**

**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**

**Rule 12.**—(1) A writ of fieri facias must be in such of the Forms Nos. 53 to 63 in [<sup>F24</sup>Practice Direction 4] as is appropriate in the particular case.

(2) A writ of delivery must be in Form No. 64 or 65 in [<sup>F24</sup>Practice Direction 4], whichever is appropriate.

(3) A writ of possession must be in Form No. 66 or 66A in [<sup>F24</sup>Practice Direction 4], whichever is appropriate.

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

(4) A writ of sequestration must be in Form No. 67 in [<sup>F24</sup>Practice Direction 4].

.....  
**Textual Amendments**  
**F24** Words in [Sch. 1 RSC Order 45 rule 12\(1\)-\(4\)](#) substituted (6.4.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2009 \(S.I. 2009/3390\)](#), rules 1(2), **53**

**Enforcement of judgments and orders for recovery of money, etc.**

<sup>F25</sup>**Rule 13** .....

.....  
**Textual Amendments**  
**F25** [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**

<sup>F26</sup>**Rule 14** .....

.....  
**Textual Amendments**  
**F26** [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**

**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**

**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**

**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;

*Status: Point in time view as at 24/12/2010.*

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

- (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**

**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**

**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.

- (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**

**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.

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(4) 1951 c. 65.

*Status: Point in time view as at 24/12/2010.*

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

(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

**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<sup>(5)</sup>, evidence that the State 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 <sup>F27</sup>Senior Courts].

#### Textual Amendments

**F27** 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](#)

(5) [1978 c. 33](#).

## Duration and renewal of writ of execution

**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 [F28Practice Direction 4]) sealed as aforesaid, on the sheriff to whom the writ is directed [F29or 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 [F30or 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.

### Textual Amendments

- F28** Words in Sch. 1 RSC Order 46 rule 8(3) substituted (6.4.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2009 \(S.I. 2009/3390\)](#), rules 1(2), **54**
- F29** 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)**
- F30** 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

**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 [F31or 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 [F32or 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 [F32or enforcement officer] to comply with the notice.

### Textual Amendments

- F31** 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)**

*Status: Point in time view as at 24/12/2010.*  
*Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998. (See end of Document for details)*

**F32** 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

### 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

**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

<sup>F33</sup>**Rule 2** .....

**Textual Amendments**  
**F33** [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.

**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

**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 [<sup>F34</sup>or enforcement officer] to whom it is directed to levy any fees, poundage or other costs of execution.

#### Textual Amendments

**F34** 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.

**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 [<sup>F35</sup>or the district of the relevant enforcement officer] but that he is the incumbent of 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

**F35** 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

**Rule 6.**—<sup>F36</sup>(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;

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- (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.

[<sup>F37</sup>(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 [<sup>F38</sup>the list under paragraph (3)].

[<sup>F39</sup>(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 [<sup>F40</sup>the list under paragraph (3)] to the Court on the hearing of the application.

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

#### Textual Amendments

- F36** 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)**
- F37** 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)**
- F38** 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(e)**
- F39** 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)**
- F40** 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

### EXAMINATION OF JUDGMENT DEBTOR, ETC.

#### Order for examination of judgment debtor

<sup>F41</sup>**Rule 1** .....

##### Textual Amendments

**F41** 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

<sup>F41</sup>**Rule 2** .....

##### Textual Amendments

**F41** 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

<sup>F41</sup>**Rule 3** .....

##### Textual Amendments

**F41** 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)**)

## RSC ORDER 49

### GARNISHEE PROCEEDINGS

#### Attachment of debt due to judgment debtor

<sup>F42</sup>**Rule 1** .....

##### Textual Amendments

**F42** 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

<sup>F42</sup>**Rule 2** .....

**Status:** Point in time view as at 24/12/2010.  
**Changes to legislation:** There are currently no known outstanding effects for the The Civil Procedure Rules 1998. (See end of Document for details)

**Textual Amendments**

**F42** 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**

<sup>F42</sup>**Rule 3** .....

**Textual Amendments**

**F42** 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**

<sup>F42</sup>**Rule 4** .....

**Textual Amendments**

**F42** 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**

<sup>F42</sup>**Rule 5** .....

**Textual Amendments**

**F42** 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)**)

**Claims of third persons**

<sup>F42</sup>**Rule 6** .....

**Textual Amendments**

**F42** 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**

<sup>F42</sup>**Rule 8** .....

**Status:** Point in time view as at 24/12/2010.

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

**Textual Amendments**

**F42** 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**

<sup>F42</sup>**Rule 9** .....

**Textual Amendments**

**F42** 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**

<sup>F42</sup>**Rule 10** .....

**Textual Amendments**

**F42** 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**

**CHARGING ORDERS, STOP ORDERS, ETC.**

**Order imposing a charge on a beneficial interest**

<sup>F43</sup>**Rule 1** .....

**Textual Amendments**

**F43** 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)**)

**Service of notice of order to show cause**

<sup>F43</sup>**Rule 2** .....

**Textual Amendments**

**F43** 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)**)

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

**Order made on further considerations**

<sup>F43</sup>**Rule 3** .....

.....  
**Textual Amendments**  
**F43** 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**

<sup>F43</sup>**Rule 4** .....

.....  
**Textual Amendments**  
**F43** 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**

<sup>F43</sup>**Rule 5** .....

.....  
**Textual Amendments**  
**F43** 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**

<sup>F43</sup>**Rule 6** .....

.....  
**Textual Amendments**  
**F43** 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**

<sup>F43</sup>**Rule 7** .....

.....  
**Textual Amendments**  
**F43** 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**

<sup>F43</sup>**Rule 9** .....

**Status:** Point in time view as at 24/12/2010.

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

**Textual Amendments**

**F43** 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**

**F43** **Rule 9A** .....

**Textual Amendments**

**F43** 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**

**F43** **Rule 10** .....

**Textual Amendments**

**F43** 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**

**F43** **Rule 11** .....

**Textual Amendments**

**F43** 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**

**F43** **Rule 12** .....

**Textual Amendments**

**F43** 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**

**F43** **Rule 13** .....

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

**Textual Amendments**

**F43** 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**

<sup>F43</sup>**Rule 14** .....

**Textual Amendments**

**F43** 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**

<sup>F43</sup>**Rule 15** .....

**Textual Amendments**

**F43** 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)**)

<sup>F44</sup>**RSC ORDER 51**

**RECEIVERS: EQUITABLE EXECUTION**

**Textual Amendments**

**F44** 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**

<sup>F44</sup>**Rule A1.** .....

**Appointment of receiver by way of equitable execution**

<sup>F44</sup>**Rule 1** .....

**Masters etc. may appoint receiver**

<sup>F44</sup>**Rule 2** .....

**Application of rules as to appointment of receiver, etc.**

<sup>F44</sup>**Rule 3** .....

## RSC ORDER 52

### COMMITTAL

#### Committal for contempt of court

**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, [<sup>F45</sup>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]

#### Textual Amendments

**F45** 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

**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

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

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**

**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**

**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**

**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**

**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—



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- (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 [F46public].

(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 [F46public] 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

**F46** 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

**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.

(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.

#### [F47]Warrant for arrest

**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.]

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(6) [1983 c. 20.](#)

**Status:** Point in time view as at 24/12/2010.  
**Changes to legislation:** There are currently no known outstanding effects for the The Civil Procedure Rules 1998. (See end of Document for details)

**Textual Amendments**

**F47** 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**

**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**

**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.

**F48 RSC ORDER 53 APPLICATIONS FOR JUDICIAL REVIEW**

**Textual Amendments**

**F48** 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**

**Rule 1** <sup>F48</sup> .....

**Joinder of claims for relief**

**Rule 2** <sup>F48</sup> .....

**Grant of leave to apply for judicial review**

**Rule 3** <sup>F48</sup> .....

**Delay in applying for relief**

**Rule 4** <sup>F48</sup> .....

**Mode of applying for judicial review**

**Rule 5** <sup>F48</sup> .....

**Statements and evidence**

**Rule 6** <sup>F48</sup> .....

**Claim for damages**

**Rule 7** <sup>F48</sup> .....

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

**Rule 8** <sup>F48</sup> .....

**Hearing of application for judicial review**

**Rule 9** <sup>F48</sup> .....

**Saving for person acting in obedience to mandamus**

**Rule 10** <sup>F48</sup> .....

**Proceedings for disqualification of member of local authority**

**Rule 11** <sup>F48</sup> .....

**Consolidation of applications**

**Rule 12** <sup>F48</sup> .....

**Appeal from Judge’s order**

**Rule 13** <sup>F48</sup> .....

**Meaning of “Court”**

**Rule 14** <sup>F48</sup> .....

**RSC ORDER 54**

**APPLICATIONS FOR WRIT OF HABEAS CORPUS**

**Application for writ of habeas corpus ad subjiciendum**

**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—

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- (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**

**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**

**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**

**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

**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

**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 [F49]Practice Direction 4) 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.

### Textual Amendments

**F49** Words in [Sch. 1 RSC Order 54 rule 6\(4\)](#) substituted (6.4.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2009 \(S.I. 2009/3390\)](#), [rules 1\(2\)](#), [55](#)

## Return to the writ

**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

**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.

**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 <sup>F50</sup>....

(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 <sup>F51</sup>....

### Textual Amendments

**F50** 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\(a\)](#)

*Status: Point in time view as at 24/12/2010.  
Changes to legislation: There are currently no known outstanding effects  
for the The Civil Procedure Rules 1998. (See end of Document for details)*

**F51** 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**

**Rule 10** A writ of habeas corpus must be in Form No. 89, 91 or 92 in [<sup>F52</sup>Practice Direction 4], whichever is appropriate.

**Textual Amendments**  
**F52** Words in Sch. 1 RSC Order 54 rule 10 substituted (6.4.2010) by The Civil Procedure (Amendment No.2) Rules 2009 (S.I. 2009/3390), rules 1(2), **55**

**Applications relative to the custody, etc., of child**

**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**  
**APPEALS TO HIGH COURT FROM COURT,**  
**TRIBUNAL OR PERSON: GENERAL**

**Application**

<sup>F53</sup>**Rule 1** .....

**Textual Amendments**  
**F53** 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**

<sup>F53</sup>**Rule 2.** .....

**Textual Amendments**  
**F53** 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**

<sup>F53</sup>**Rule 3** .....

**Status:** Point in time view as at 24/12/2010.

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

**Textual Amendments**

**F53** 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**

**F53** **Rule 4** .....

**Textual Amendments**

**F53** 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**

**F53** **Rule 5** .....

**Textual Amendments**

**F53** 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.**

**F53** **Rule 6** .....

**Textual Amendments**

**F53** 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**

**F53** **Rule 6A** .....

**Textual Amendments**

**F53** 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**

**F53** **Rule 7** .....

**Status:** Point in time view as at 24/12/2010.  
**Changes to legislation:** There are currently no known outstanding effects for the The Civil Procedure Rules 1998. (See end of Document for details)

**Textual Amendments**

**F53** 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**

<sup>F53</sup>**Rule 8** .....

**Textual Amendments**

**F53** 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**

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

**Appeals from the Crown Court by case stated**

<sup>F54</sup>**Rule 1** .....

**Textual Amendments**

**F54** 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**

<sup>F54</sup>**Rule 4** .....

**Textual Amendments**

**F54** 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**

<sup>F54</sup>**Rule 4A** .....

**Textual Amendments**

**F54** 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 24/12/2010.

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

## Appeal from Magistrates' Court by case stated

<sup>F54</sup>**Rule 5** .....

### Textual Amendments

**F54** 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.

<sup>F54</sup>**Rule 6** .....

### Textual Amendments

**F54** 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.

<sup>F54</sup>**Rule 7** .....

### Textual Amendments

**F54** 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

<sup>F54</sup>**Rule 8** .....

### Textual Amendments

**F54** 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

<sup>F54</sup>**Rule 9** .....

### Textual Amendments

**F54** 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

<sup>F54</sup>**Rule 10** .....

**Status:** Point in time view as at 24/12/2010.  
**Changes to legislation:** There are currently no known outstanding effects for the The Civil Procedure Rules 1998. (See end of Document for details)

**Textual Amendments**

**F54** 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**

<sup>F54</sup>**Rule 11** .....

**Textual Amendments**

**F54** 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**

<sup>F54</sup>**Rule 12** .....

**Textual Amendments**

**F54** 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**

<sup>F54</sup>**Rule 12A** .....

**Textual Amendments**

**F54** 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**

<sup>F54</sup>**Rule 13** .....

**Textual Amendments**

**F54** 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)

## F55 RSC ORDER 57 DIVISIONAL COURT PROCEEDINGS, ETC.: SUPPLEMENTARY PROVISIONS

.....  
**Textual Amendments**

**F55** 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**

**Rule 1** <sup>F55</sup> .....

**Entry of claims**

**Rule 2** <sup>F55</sup> .....

**Issue, etc., of claim form**

**Rule 3** <sup>F55</sup> .....

**Filing of witness statement or affidavits and drawing up of orders**

**Rule 4** <sup>F55</sup> .....

**Issue of writs**

**Rule 5** <sup>F55</sup> .....

**Custody of records**

**Rule 6** <sup>F55</sup> .....

## RSC ORDER 58

### APPEALS FROM MASTERS, REGISTRARS, REFEREES AND JUDGES

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

<sup>F56</sup>**Rule 1** .....

.....  
**Textual Amendments**

**F56** 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**

<sup>F56</sup>**Rule 2** .....

*Status: Point in time view as at 24/12/2010.  
Changes to legislation: There are currently no known outstanding effects  
for the The Civil Procedure Rules 1998. (See end of Document for details)*

**Textual Amendments**

**F56** 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**

<sup>F56</sup>**Rule 3** .....

**Textual Amendments**

**F56** 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**

<sup>F56</sup>**Rule 4** .....

**Textual Amendments**

**F56** 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**

**APPEALS TO THE COURT OF APPEAL**

**Application of Order to appeals**

<sup>F57</sup>**Rule 1** .....

**Textual Amendments**

**F57** 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**

<sup>F57</sup>**Rule 1B** .....

**Textual Amendments**

**F57** 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

### <sup>F57</sup>Rule 2 .....

#### Textual Amendments

**F57** 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

### <sup>F57</sup>Rule 2A .....

#### Textual Amendments

**F57** 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

## Who may exercise the powers of the Court of Appeal

### <sup>F57</sup>Rule 2B .....

#### Textual Amendments

**F57** 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

### <sup>F57</sup>Rule 2C .....

#### Textual Amendments

**F57** 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

### <sup>F57</sup>Rule 3 .....

#### Textual Amendments

**F57** 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 24/12/2010.  
**Changes to legislation:** There are currently no known outstanding effects for the The Civil Procedure Rules 1998. (See end of Document for details)

**Time for appealing**

<sup>F57</sup>**Rule 4** .....

.....  
**Textual Amendments**  
**F57** 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**

<sup>F57</sup>**Rule 5** .....

.....  
**Textual Amendments**  
**F57** 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**

<sup>F57</sup>**Rule 6** .....

.....  
**Textual Amendments**  
**F57** 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**

<sup>F57</sup>**Rule 7** .....

.....  
**Textual Amendments**  
**F57** 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**

<sup>F57</sup>**Rule 8** .....

.....  
**Textual Amendments**  
**F57** 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**

<sup>F57</sup>**Rule 9** .....

**Status:** Point in time view as at 24/12/2010.

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

**Textual Amendments**

**F57** 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**

**F57** **Rule 10** .....

**Textual Amendments**

**F57** 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**

**F57** **Rule 11** .....

**Textual Amendments**

**F57** 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**

**F57** **Rule 12** .....

**Textual Amendments**

**F57** 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**

**F57** **Rule 12A** .....

**Textual Amendments**

**F57** 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.**

**F57** **Rule 13** .....

**Status:** Point in time view as at 24/12/2010.  
**Changes to legislation:** There are currently no known outstanding effects for the The Civil Procedure Rules 1998. (See end of Document for details)

**Textual Amendments**

**F57** 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**

**F57** **Rule 14** .....

**Textual Amendments**

**F57** 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**

**F57** **Rule 15** .....

**Textual Amendments**

**F57** 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**

**Appeal against decree nisi**

**F57** **Rule 16** .....

**Textual Amendments**

**F57** 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**

**F57** **Rule 17** .....

**Textual Amendments**

**F57** 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**

**F57** **Rule 18** .....



**Status:** Point in time view as at 24/12/2010.

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

**Textual Amendments**

**F57** 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**

**F57** **Rule 19** .....

**Textual Amendments**

**F57** 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**

**F57** **Rule 20** .....

**Textual Amendments**

**F57** 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**

**F57** **Rule 21** .....

**Textual Amendments**

**F57** 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**

**F57** **Rule 22** .....

**Textual Amendments**

**F57** 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**

**F57** **Rule 23** .....

*Status: Point in time view as at 24/12/2010.  
Changes to legislation: There are currently no known outstanding effects  
for the The Civil Procedure Rules 1998. (See end of Document for details)*

**Textual Amendments**

**F57** 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**

<sup>F57</sup>**Rule 24** .....

**Textual Amendments**

**F57** 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**

<sup>F57</sup>**Rule 25** .....

**Textual Amendments**

**F57** 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**

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

**Appeal to be brought by notice of appeal**

<sup>F58</sup>**Rule 1** .....

**Textual Amendments**

**F58** 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**

<sup>F58</sup>**Rule 2** .....

**Textual Amendments**

**F58** 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)

**Status:** Point in time view as at 24/12/2010.

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

## Entry, etc. of appeal

<sup>F58</sup>**Rule 3** .....

### Textual Amendments

**F58** 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

<sup>F58</sup>**Rule 4** .....

### Textual Amendments

**F58** 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

## APPEALS FROM TRIBUNALS TO COURT OF APPEAL BY CASE STATED

## Statement of case by Lands Tribunal

<sup>F59</sup>**Rule 1** .....

### Textual Amendments

**F59** 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

<sup>F59</sup>**Rule 2** .....

### Textual Amendments

**F59** 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

<sup>F59</sup>**Rule 3** .....

### Textual Amendments

**F59** 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 24/12/2010.  
Changes to legislation: There are currently no known outstanding effects  
for the The Civil Procedure Rules 1998. (See end of Document for details)*

## F60 RSC ORDER 62

### COSTS

#### Textual Amendments

**F60** 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*

F60 ...

##### *Part II*

#### Costs on judgment without trial for possession of land

F60 **1** .....

F60 **2** .....

##### *Part III*

##### *Miscellaneous*

F60 ...

## RSC ORDER 64

### SITTINGS, VACATIONS AND OFFICE HOURS

#### Divisional Court business during vacation

**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);

F61 (b) .....

F62 (c) .....

F62 (d) .....

#### Textual Amendments

**F61** 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**

**F62** 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**)

## F<sup>63</sup>RSC ORDER 51

### RECEIVERS: EQUITABLE EXECUTION

#### Textual Amendments

F<sup>63</sup> 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

F<sup>63</sup> Rule A1 .....

#### Appointment of receiver by way of equitable execution

F<sup>63</sup> Rule 1 .....

#### Masters etc. may appoint receiver

F<sup>63</sup> Rule 2 .....

#### Application of rules as to appointment of receiver, etc.

F<sup>63</sup> Rule 3 .....

## F<sup>64</sup>RSC ORDER 70

### Application of rules as to appointment of receiver, etc.

#### Textual Amendments

F<sup>64</sup> 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

F<sup>64</sup> Rule 1 .....

#### Application for order

F<sup>64</sup> Rule 2 .....

#### Application by Treasury Solicitor in certain cases

F<sup>64</sup> Rule 3. ....

#### Person to take and manner of taking examination

F<sup>64</sup> Rule 4 .....

**Status:** Point in time view as at 24/12/2010.  
**Changes to legislation:** There are currently no known outstanding effects for the The Civil Procedure Rules 1998. (See end of Document for details)

**Dealing with deposition**

<sup>F64</sup>**Rule 5** .....

**Claim to privilege**

<sup>F64</sup>**Rule 6** .....

<sup>F65</sup>**RSC ORDER 71**

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

**Textual Amendments**

<sup>F65</sup> **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**

<sup>F65</sup>**Rule 1** .....

**Application for registration**

<sup>F65</sup>**Rule 2** .....

**Evidence in support of application**

<sup>F65</sup>**Rule 3** .....

**Security for costs**

<sup>F65</sup>**Rule 4** .....

**Order for registration**

<sup>F65</sup>**Rule 5** .....

**Register of judgments**

<sup>F65</sup>**Rule 6** .....

**Notice of registration**

<sup>F65</sup>**Rule 7** .....

**Application to set aside registration**

<sup>F65</sup>**Rule 9** .....

**Issue of execution**

<sup>F65</sup>**Rule 10** .....

**Determination of certain questions**

<sup>F65</sup>**Rule 11** .....

**Rules to have effect subject to Orders in Council**

<sup>F65</sup>**Rule 12** .....

**Certified copy of High Court judgment**

<sup>F65</sup>**Rule 13** .....

***II. Enforcement of European Community Judgments***

**Interpretation**

<sup>F65</sup>**Rule 15** .....

**Functions under Order in Council exercisable by judge or master**

<sup>F65</sup>**Rule 16** .....

**Application for registration of Community judgment, etc.**

<sup>F65</sup>**Rule 17** .....

**Evidence in support of application**

<sup>F65</sup>**Rule 18** .....

**Register of judgments and orders**

<sup>F65</sup>**Rule 19** .....

**Notice of registration**

<sup>F65</sup>**Rule 20** .....

**Issue of execution**

<sup>F65</sup>**Rule 21** .....

**Application to vary or cancel registration**

<sup>F65</sup>**Rule 22** .....

*Status: Point in time view as at 24/12/2010.  
Changes to legislation: There are currently no known outstanding effects  
for the The Civil Procedure Rules 1998. (See end of Document for details)*

**Application for registration of suspension order**

<sup>F65</sup>**Rule 23** .....

**Application for enforcement of Euratom inspection order**

<sup>F65</sup>**Rule 24** .....

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

**Interpretation**

<sup>F65</sup>**Rule 25** .....

**Assignment of business and exercise of powers**

<sup>F65</sup>**Rule 26** .....

**Application for registration**

<sup>F65</sup>**Rule 27** .....

**Evidence in support of application**

<sup>F65</sup>**Rule 28** .....

**Security for costs**

<sup>F65</sup>**Rule 29** .....

**Order for registration**

<sup>F65</sup>**Rule 30** .....

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

<sup>F65</sup>**Rule 31** .....

**Notice of registration**

<sup>F65</sup>**Rule 32** .....

**Appeals**

<sup>F65</sup>**Rule 33** .....

**Issue of execution**

<sup>F65</sup>**Rule 34** .....

**Application for recognition**

<sup>F65</sup>**Rule 35** .....



**Enforcement of High Court judgments in other Contracting States**

<sup>F65</sup>**Rule 36** .....

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

<sup>F65</sup>**Rule 37** .....

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

<sup>F65</sup>**Rule 38** .....

**Register of United Kingdom judgments**

<sup>F65</sup>**Rule 39** .....

**Authentic Instruments and Court Settlements**

<sup>F65</sup>**Rule 39A** .....

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

**Exercise of powers**

<sup>F65</sup>**Rule 40** .....

**Application for registration**

<sup>F65</sup>**Rule 41** .....

**Evidence in support of application**

<sup>F65</sup>**Rule 42** .....

**Order for registration**

<sup>F65</sup>**Rule 43** .....

**Register of recommendations etc.**

<sup>F65</sup>**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**

<sup>F65</sup>**Rule 45.** .....

*Status: Point in time view as at 24/12/2010.  
Changes to legislation: There are currently no known outstanding effects  
for the The Civil Procedure Rules 1998. (See end of Document for details)*

**Assignment of business and exercise of powers**

<sup>F65</sup>**Rule 46.** . . . . .

**Application for registration**

<sup>F65</sup>**Rule 47.** . . . . .

**Evidence in support of application**

<sup>F65</sup>**Rule 48.** . . . . .

**Order for registration**

<sup>F65</sup>**Rule 49.** . . . . .

**Register of judgments registered under the Judgments Regulation**

<sup>F65</sup>**Rule 50.** . . . . .

**Notice of registration**

<sup>F65</sup>**Rule 51.** . . . . .

**Appeals**

<sup>F65</sup>**Rule 52.** . . . . .

**Enforcement**

<sup>F65</sup>**Rule 53.** . . . . .

**Application for recognition**

<sup>F65</sup>**Rule 54.** . . . . .

**Enforcement of High Court Judgments in other Regulation States**

<sup>F65</sup>**Rule 55.** . . . . .

**Register of certificates**

<sup>F65</sup>**Rule 56.** . . . . .

**Authentic instruments and court settlements**

<sup>F65</sup>**Rule 57.** . . . . .

## RSC ORDER 74

### APPLICATIONS AND APPEALS UNDER THE MERCHANT SHIPPING ACT 1995

#### Assignment of proceedings

<sup>F66</sup>Rule 1 .....

##### Textual Amendments

**F66** 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

<sup>F66</sup>Rule 2 .....

##### Textual Amendments

**F66** 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

### PROCEEDINGS BY AND AGAINST THE CROWN

#### Application and interpretation

<sup>F67</sup>Rule 1 .....

##### Textual Amendments

**F67** 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

<sup>F67</sup>Rule 2 .....

##### Textual Amendments

**F67** 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

<sup>F67</sup>Rule 3 .....

*Status: Point in time view as at 24/12/2010.  
Changes to legislation: There are currently no known outstanding effects  
for the The Civil Procedure Rules 1998. (See end of Document for details)*

**Textual Amendments**

**F67** 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**

<sup>F67</sup>**Rule 4** .....

**Textual Amendments**

**F67** 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**

<sup>F67</sup>**Rule 6** .....

**Textual Amendments**

**F67** 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**

<sup>F67</sup>**Rule 7** .....

**Textual Amendments**

**F67** 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**

<sup>F67</sup>**Rule 8** .....

**Textual Amendments**

**F67** 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 [<sup>F68</sup>Commissioners for HM Revenue and Customs]**

<sup>F67</sup>**Rule 8A** .....

**Status:** Point in time view as at 24/12/2010.

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

**Textual Amendments**

- F67** 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)**
- F68** 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**

<sup>F67</sup>**Rule 9** .....

**Textual Amendments**

- F67** 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**

<sup>F67</sup>**Rule 10** .....

**Textual Amendments**

- F67** 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**

<sup>F67</sup>**Rule 11** .....

**Textual Amendments**

- F67** 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**

<sup>F67</sup>**Rule 12** .....

**Textual Amendments**

- F67** 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**

<sup>F67</sup>**Rule 13** .....

**Status:** Point in time view as at 24/12/2010.  
**Changes to legislation:** There are currently no known outstanding effects for the The Civil Procedure Rules 1998. (See end of Document for details)

**Textual Amendments**

**F67** 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**

<sup>F67</sup>**Rule 14** .....

**Textual Amendments**

**F67** 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**

<sup>F67</sup>**Rule 15** .....

**Textual Amendments**

**F67** 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.**

<sup>F67</sup>**Rule 16** .....

**Textual Amendments**

**F67** 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**

<sup>F67</sup>**Rule 17** .....

**Textual Amendments**

**F67** 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**

<sup>F67</sup>**Rule 18** .....

**Textual Amendments**

**F67** 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

### CRIMINAL PROCEEDINGS

#### Estreat of recognizances

**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 <sup>F69</sup>...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**

**F69** 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

**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 <sup>F70</sup>... 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 <sup>F70</sup>... 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 [<sup>F71</sup>Practice Direction 4]) 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;

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- (b) where the application was made by the prosecutor or a constable under section 3 (8) of the Bail Act 1976<sup>(7)</sup>, 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 <sup>[F72]</sup>court stating his desire to apply for bail and requesting that the official solicitor shall act for him in the application, and the <sup>[F73]</sup>court may assign the official solicitor to act for the applicant accordingly.
- (5) Where the official solicitor has been so assigned the <sup>[F74]</sup>court may dispense with the requirements of paragraphs (1) to (3) and deal with the application in a summary manner.
- (6) Where the <sup>[F75]</sup>court grants the defendant bail, the order must be in Form No. 98 in <sup>[F76]</sup>Practice Direction 4] 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 <sup>[F77]</sup><sup>[F78]</sup>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<sup>(8)</sup><sup>[F79]</sup>the court] imposes a requirement to be complied with before a person's release on bail, <sup>[F80]</sup>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 <sup>[F81]</sup>the court] under this rule proposes to enter into a recognizance or give security must, unless <sup>[F82]</sup>the court] otherwise directs, give notice (in Form No. 100 in <sup>[F83]</sup>Practice Direction 4]) 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 <sup>[F84]</sup><sup>[F85]</sup>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 <sup>F86</sup>... varying the arrangements under which the defendant has been granted bail shall be in Form 98A in <sup>[F87]</sup>Practice Direction 4] 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.



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- (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 [<sup>F88</sup>[<sup>F89</sup>designated officer] for] the court which committed the defendant.

(11) Where in pursuance of an order of [<sup>F90</sup>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 [<sup>F91</sup>the Supreme Court] or an application for [<sup>F92</sup>a quashing order], then, upon the abandonment of the appeal or application, or upon the decision of the High Court or [<sup>F91</sup>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 [<sup>F91</sup>the Supreme Court].

(12) If an applicant to the High Court in any criminal proceedings is refused bail <sup>F93</sup>..., 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 [<sup>F94</sup>Practice Direction 4], 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

- F70** 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)**
- F71** Words in Sch. 1 RSC Order 79 rule 9(2) substituted (6.4.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2009 \(S.I. 2009/3390\)](#), rules 1(2), **56(a)**
- F72** 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)**
- F73** 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)**
- F74** 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)**
- F75** 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)**
- F76** Words in Sch. 1 RSC Order 79 rule 9(6) substituted (6.4.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2009 \(S.I. 2009/3390\)](#), rules 1(2), **56(b)**
- F77** 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**
- F78** 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**

(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 24/12/2010.*

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

- F79** 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)**
- F80** 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)**
- F81** 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)**
- F82** 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)**
- F83** Words in Sch. 1 RSC Order 79 rule 9(7) substituted (6.4.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2009 \(S.I. 2009/3390\)](#), rules 1(2), **56(b)**
- F84** 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**
- F85** 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**
- F86** 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)**
- F87** Words in Sch. 1 RSC Order 79 rule 9(10) substituted (6.4.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2009 \(S.I. 2009/3390\)](#), rules 1(2), **56(a)**
- F88** 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**
- F89** 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**
- F90** 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)**
- F91** 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**
- F92** 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**
- F93** 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)**
- F94** Words in Sch. 1 RSC Order 79 rule 9(13) substituted (6.4.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2009 \(S.I. 2009/3390\)](#), rules 1(2), **56(b)**

**Issue of witness summonses, etc.**

<sup>F95</sup>**Rule 10** .....

**Textual Amendments**

**F95** 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**

<sup>F95</sup>**Rule 11** .....

**Textual Amendments**

**F95** 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 24/12/2010.*

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

## F<sup>96</sup>RSC ORDER 81 PARTNERS

### Textual Amendments

F<sup>96</sup> 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

F<sup>96</sup>Rule 1 .....

### Disclosure of partners' names

F<sup>96</sup>Rule 2 .....

### Acknowledgment of service in a claim against firm

F<sup>96</sup>Rule 4 .....

### Enforcing judgment or order against firm

F<sup>96</sup>Rule 5 .....

### Enforcing judgment or order in actions between partners, etc.

F<sup>96</sup>Rule 6 .....

### Attachment of debts owed by firm

F<sup>96</sup>Rule 7 .....

### Application to person carrying on business in another name

F<sup>96</sup>Rule 9 .....

### Applications for orders charging partner's interest in partnership property, etc.

F<sup>96</sup>Rule 10 .....

## F<sup>97</sup>RSC ORDER 82 DEFAMATION CLAIMS

### Textual Amendments

F<sup>97</sup> 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 24/12/2010.  
**Changes to legislation:** There are currently no known outstanding effects for the The Civil Procedure Rules 1998. (See end of Document for details)

**Application**

**Rule 1** <sup>F97</sup> .....

**Indorsement of claim in libel claim**

**Rule 2** <sup>F97</sup> .....

**Obligation to give particulars**

**Rule 3** <sup>F97</sup> .....

**Ruling on meaning**

**Rule 3A** <sup>F97</sup> .....

**Provisions as to payment into Court**

**Rule 4** <sup>F97</sup> .....

**Statement in open Court**

**Rule 5** <sup>F97</sup> .....

**Further information not allowed in certain cases**

**Rule 6** <sup>F97</sup> .....

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

**Rule 8** <sup>F97</sup> .....

<sup>F98</sup>**RSC ORDER 85**

**ADMINISTRATION AND SIMILAR ACTIONS**

**Textual Amendments**

**F98** 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**

<sup>F98</sup>**Rule 1** .....

**Determination of questions, etc., without administration**

<sup>F98</sup>**Rule 2** .....

**Parties**

<sup>F98</sup>**Rule 3** .....

**Judgments and orders in administration claims**

<sup>F98</sup>**Rule 5** .....

**Conduct of sale of trust property**

<sup>F98</sup>**Rule 6** .....

<sup>F99</sup>**RSC ORDER 87**

**DEBENTURE HOLDERS' CLAIMS : RECEIVER'S REGISTER**

**Textual Amendments**

<sup>F99</sup> **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**

<sup>F99</sup>**Rule 1** .....

**Registration of transfers, etc.**

<sup>F99</sup>**Rule 2** .....

**Application for rectification of receiver's register**

<sup>F99</sup>**Rule 3** .....

**Receiver's register evidence of transfers, etc.**

<sup>F99</sup>**Rule 4** .....

**Proof of title of holder of bearer debenture, etc.**

<sup>F99</sup>**Rule 5** .....

**Requirements in connection with payments**

<sup>F99</sup>**Rule 6** .....

*Status: Point in time view as at 24/12/2010.  
Changes to legislation: There are currently no known outstanding effects  
for the The Civil Procedure Rules 1998. (See end of Document for details)*

## RSC ORDER 88 MORTGAGE CLAIMS

### Application and Interpretation

<sup>F100</sup>Rule 1 .....

#### Textual Amendments

**F100** 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

<sup>F100</sup>Rule 2 .....

#### Textual Amendments

**F100** 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

<sup>F100</sup>Rule 3 .....

#### Textual Amendments

**F100** 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

<sup>F100</sup>Rule 4 .....

#### Textual Amendments

**F100** 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

<sup>F100</sup>Rule 5 .....

#### Textual Amendments

**F100** 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 24/12/2010.

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

## Claim for the enforcement of charging order by sale

### <sup>F101</sup>Rule 5A .....

#### Textual Amendments

**F101** 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

### <sup>F102</sup>Rule 7 .....

#### Textual Amendments

**F102** 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

### REVENUE PROCEEDINGS

## Assignment to Chancery Division, etc.

### <sup>F103</sup>Rule 1 .....

#### Textual Amendments

**F103** 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

### <sup>F103</sup>Rule 2 .....

#### Textual Amendments

**F103** 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

### <sup>F103</sup>Rule 3 .....

#### Textual Amendments

**F103** 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 24/12/2010.  
Changes to legislation: There are currently no known outstanding effects  
for the The Civil Procedure Rules 1998. (See end of Document for details)*

**Case stated: notice to be given of certain matters**

**<sup>F103</sup>Rule 4** .....

**Textual Amendments**  
**F103** 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**

**<sup>F103</sup>Rule 5** .....

**Textual Amendments**  
**F103** 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**

**<sup>F103</sup>Rule 5A** .....

**Textual Amendments**  
**F103** 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**

**<sup>F103</sup>Rule 6** .....

**Textual Amendments**  
**F103** 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)**

**<sup>F104</sup>RSC ORDER 92**  
**LODGMET, INVESTMENT, ETC., OF**  
**FUNDS IN COURT: CHANCERY DIVISION**

**Textual Amendments**  
**F104** 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**

<sup>F104</sup>**Rule 1** .....

**Payment into court under Trustee Act 1925**

<sup>F104</sup>**Rule 2** .....

**Payments into court under section 26, Banking Act 1987**

<sup>F104</sup>**Rule 3A** .....

**Notice of lodgment**

<sup>F104</sup>**Rule 4** .....

**Applications with respect to funds in court**

<sup>F104</sup>**Rule 5** .....

**RSC ORDER 93**

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

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

<sup>F105</sup>**Rule1** .....

**Textual Amendments**

**F105** 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)**

<sup>F106</sup>**Rule 2** .....

**Textual Amendments**

**F106** 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)**

<sup>F107</sup>**Rule 4** .....

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

*Status: Point in time view as at 24/12/2010.  
Changes to legislation: There are currently no known outstanding effects  
for the The Civil Procedure Rules 1998. (See end of Document for details)*

**Textual Amendments**

**F107** 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)**

<sup>F108</sup>**Rule 5** .....

**Textual Amendments**

**F108** 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)**

<sup>F109</sup>**Rule 6** .....

**Textual Amendments**

**F109** 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**

<sup>F110</sup>**Rule 9** .....

**Textual Amendments**

**F110** 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**

<sup>F111</sup>**Rule 10** .....

**Textual Amendments**

**F111** 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)**

<sup>F112</sup>**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 24/12/2010.

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

**Textual Amendments**

**F112** 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.**

<sup>F113</sup>**Rule12** .....

**Textual Amendments**

**F113** 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)**

<sup>F114</sup>**Rule 15** .....

**Textual Amendments**

**F114** 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)**

<sup>F115</sup>**Rule16** .....

**Textual Amendments**

**F115** 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)**

<sup>F115</sup>**Rule 17** .....

**Textual Amendments**

**F115** 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 24/12/2010.  
**Changes to legislation:** There are currently no known outstanding effects for the The Civil Procedure Rules 1998. (See end of Document for details)

**Proceedings under section 86 of the Civil Aviation Act 1982(20)**

<sup>F115</sup>**Rule 18** .....

**Textual Amendments**  
**F115** 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)**

<sup>F115</sup>**Rule 19** .....

**Textual Amendments**  
**F115** 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)**

<sup>F116</sup>**Rule 20** .....

**Textual Amendments**  
**F116** 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**

<sup>F117</sup>**Rule 21** .....

**Textual Amendments**  
**F117** 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 [<sup>F118</sup>the Financial Services and Markets Act 2000]**

<sup>F119</sup>**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 24/12/2010.

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

**Textual Amendments**

- F118** 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)**
- F119** 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)**

<sup>F120</sup>**Rule 23** .....

**Textual Amendments**

- F120** 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**

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

**Jurisdiction of High Court to quash certain orders, schemes, etc.**

<sup>F121</sup>**Rule 1** .....

**Textual Amendments**

- F121** 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**

<sup>F121</sup>**Rule 2** .....

**Textual Amendments**

- F121** 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.**

<sup>F121</sup>**Rule 3** .....

*Status: Point in time view as at 24/12/2010.  
Changes to legislation: There are currently no known outstanding effects  
for the The Civil Procedure Rules 1998. (See end of Document for details)*

**Textual Amendments**

**F121** 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**

<sup>F122</sup>**Rule 4** .....

**Textual Amendments**

**F122** 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**

<sup>F123</sup>**Rule 5** .....

**Textual Amendments**

**F123** 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**

<sup>F124</sup>**Rule 6** .....

**Textual Amendments**

**F124** 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**

<sup>F125</sup>**Rule 7** .....

**Textual Amendments**

**F125** 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**

<sup>F126</sup>**Rule 8** .....

**Status:** Point in time view as at 24/12/2010.

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

**Textual Amendments**

**F126** 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**

<sup>F127</sup>**Rule 9** .....

**Textual Amendments**

**F127** 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**

<sup>F128</sup>**Rule 10** .....

**Textual Amendments**

**F128** 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**

<sup>F129</sup>**Rule 10A** .....

**Textual Amendments**

**F129** 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**

<sup>F130</sup>**Rule 11** .....

**Textual Amendments**

**F130** 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 24/12/2010.  
**Changes to legislation:** There are currently no known outstanding effects for the The Civil Procedure Rules 1998. (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)**

**F131 Rule 12** .....

**Textual Amendments**  
**F131** 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**

**F132 Rule 13** .....

**Textual Amendments**  
**F132** 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)**

**F133 Rule 14** .....

**Textual Amendments**  
**F133** 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)**

**F134 Rule 15** .....

**Textual Amendments**  
**F134** 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**

**F135 Rule 16** .....

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



**Textual Amendments**

**F135** 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

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

#### Rectification of register

<sup>F136</sup>**Rule 1** .....

**Textual Amendments**

**F136** 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

<sup>F137</sup>**Rule 2** .....

**Textual Amendments**

**F137** 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

<sup>F138</sup>**Rule 3** .....

**Textual Amendments**

**F138** 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

<sup>F139</sup>**Rule 4** .....

**Status:** Point in time view as at 24/12/2010.  
**Changes to legislation:** There are currently no known outstanding effects for the The Civil Procedure Rules 1998. (See end of Document for details)

**Textual Amendments**

**F139** 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)**

**F139** **Rule 5** .....

**Textual Amendments**

**F139** 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**

**F139** **Rule 6** .....

**Textual Amendments**

**F139** 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)**

**F140** **RSC ORDER 96**

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

**Textual Amendments**

**F140** 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**

**F140** **Rule 1** .....

**Reference by Secretary of State of certain applications**

**F141F140** **Rule 2** .....

**Textual Amendments**

**F141** 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)**

(35) 1967 c. 48.  
(36)

## Issue of claim form

<sup>F141F140</sup>**Rule 3** .....

### Textual Amendments

**F141** 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

<sup>F141F140</sup>**Rule 4** .....

### Textual Amendments

**F141** 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

<sup>F141F140</sup>**Rule 5** .....

### Textual Amendments

**F141** 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

<sup>F141F140</sup>**Rule 6** .....

### Textual Amendments

**F141** 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

<sup>F141F140</sup>**Rule 7** .....

### Textual Amendments

**F141** 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

<sup>F141F140</sup>**Rule 8** .....

**Status:** Point in time view as at 24/12/2010.  
**Changes to legislation:** There are currently no known outstanding effects for the The Civil Procedure Rules 1998. (See end of Document for details)

**Textual Amendments**

**F141** 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**

**THE LANDLORD AND TENANT ACTS 1927(37), 1954(38) AND 1987(39)**

**Interpretation**

<sup>F142</sup>**Rule 1** .....

**Textual Amendments**

**F142** 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.**

<sup>F142</sup>**Rule 2** .....

**Textual Amendments**

**F142** 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**

<sup>F142</sup>**Rule 3** .....

**Textual Amendments**

**F142** 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**

<sup>F142</sup>**Rule 4** .....

(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.](#)  
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**Textual Amendments**

**F142** 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**

**F142** **Rule 5** .....

**Textual Amendments**

**F142** 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**

**F142** **Rule 6** .....

**Textual Amendments**

**F142** 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**

**F142** **Rule 6A** .....

**Textual Amendments**

**F142** 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**

**F142** **Rule 7** .....

**Textual Amendments**

**F142** 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**

**F142** **Rule 8** .....

*Status: Point in time view as at 24/12/2010.  
Changes to legislation: There are currently no known outstanding effects  
for the The Civil Procedure Rules 1998. (See end of Document for details)*

**Textual Amendments**

**F142** 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**

**<sup>F142</sup>Rule 9** .....

**Textual Amendments**

**F142** 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**

**<sup>F142</sup>Rule 9A** .....

**Textual Amendments**

**F142** 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**

**<sup>F142</sup>Rule 10** .....

**Textual Amendments**

**F142** 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**

**<sup>F142</sup>Rule 11** .....

**Textual Amendments**

**F142** 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**

**<sup>F142</sup>Rule 12** .....

**Status:** Point in time view as at 24/12/2010.

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

**Textual Amendments**

**F142** 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**

**F142** **Rule 13** .....

**Textual Amendments**

**F142** 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**

**F142** **Rule 14** .....

**Textual Amendments**

**F142** 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**

**F142** **Rule 15** .....

**Textual Amendments**

**F142** 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**

**F142** **Rule 16** .....

**Textual Amendments**

**F142** 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**

**F142** **Rule 17** .....

*Status: Point in time view as at 24/12/2010.  
Changes to legislation: There are currently no known outstanding effects  
for the The Civil Procedure Rules 1998. (See end of Document for details)*

**Textual Amendments**

**F142** 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**

**F142** **Rule 18** .....

**Textual Amendments**

**F142** 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**

**F142** **Rule 19** .....

**Textual Amendments**

**F142** 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**

**LOCAL GOVERNMENT FINANCE ACT 1982(40), PART III**

**Interpretation**

**F143** **Rule 1** .....

**Textual Amendments**

**F143** 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**

**F143** **Rule 2** .....

**Textual Amendments**

**F143** 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

### <sup>F143</sup>Rule 3 .....

#### Textual Amendments

**F143** 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

### <sup>F143</sup>Rule 4 .....

#### Textual Amendments

**F143** 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)**

## <sup>F144</sup>RSC ORDER 99

### INHERITANCE (PROVISION FOR FAMILY AND DEPENDANTS) ACT 1975

#### Textual Amendments

**F144** 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

### <sup>F144</sup>Rule A1 .....

## Interpretation

### <sup>F144</sup>Rule 1 .....

## Assignment to Chancery or Family Division if proceedings in High Court

### <sup>F144</sup>Rule 2 .....

## Application for financial provision

### <sup>F144</sup>Rule 3 .....

## Powers of Court as to parties

### <sup>F144</sup>Rule 4 .....

*Status: Point in time view as at 24/12/2010.  
Changes to legislation: There are currently no known outstanding effects  
for the The Civil Procedure Rules 1998. (See end of Document for details)*

**Witness statement or affidavit in answer**

<sup>F144</sup>**Rule 5** .....

**Separate representation**

<sup>F144</sup>**Rule 6** .....

**Endorsement of memorandum on grant**

<sup>F144</sup>**Rule 7** .....

**Disposal of proceedings in private**

<sup>F144</sup>**Rule 8** .....

**Subsequent applications in proceedings under section 1**

<sup>F144</sup>**Rule 9** .....

**Drawing up and service of orders**

<sup>F144</sup>**Rule 10** .....

**RSC ORDER 101**

**THE PENSIONS APPEAL TRIBUNALS ACT 1943**

**Assignment to Queen’s Bench Division**

<sup>F145</sup>**Rule 1** .....

**Textual Amendments**  
<sup>F145</sup> 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**

<sup>F145</sup>**Rule 2** .....

**Textual Amendments**  
<sup>F145</sup> 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**

<sup>F145</sup>**Rule 3** .....

**Status:** Point in time view as at 24/12/2010.

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

**Textual Amendments**

**F145** 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**

**F145** **Rule 4** .....

**Textual Amendments**

**F145** 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)

**F146** **RSC ORDER 106**

**PROCEEDINGS RELATING TO SOLICITORS: THE SOLICITORS ACT 1974(41)**

**Textual Amendments**

**F146** 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**

**F146** **Rule 1** .....

**Jurisdiction under Part III of Act**

**F146** **Rule 2** .....

**Power to order solicitor to deliver cash account, etc.**

**F146** **Rule 3** .....

**Certificate to be submitted with solicitor’s application for detailed assessment**

**F146** **Rule 5A** .....

**Applications under Schedule 1 to Act**

**F146** **Rule 6** .....

**Defendants to applications under Schedule 1 to Act**

**F146** **Rule 7** .....

*Status: Point in time view as at 24/12/2010.  
Changes to legislation: There are currently no known outstanding effects  
for the The Civil Procedure Rules 1998. (See end of Document for details)*

**Interim order restricting payment out of banking account**

<sup>F146</sup>**Rule 8** .....

**Adding parties, etc.**

<sup>F146</sup>**Rule 9** .....

**Service of documents**

<sup>F146</sup>**Rule 10** .....

**Constitution of Divisional Court to hear appeals**

<sup>F146</sup>**Rule 11** .....

**Title, service, etc., of notice of appeal**

<sup>F146</sup>**Rule 12** .....

**Law Society to produce certain documents**

<sup>F146</sup>**Rule 13** .....

**Restriction on requiring security for costs**

<sup>F146</sup>**Rule 14** .....

**Disciplinary committee’s opinion may be required**

<sup>F146</sup>**Rule 15** .....

**Persons entitled to be heard on appeal**

<sup>F146</sup>**Rule 16** .....

**Discontinuance of appeal**

<sup>F146</sup>**Rule 17** .....

<sup>F147</sup>**RSC ORDER 108**

**PROCEEDINGS RELATING TO CHARITIES: THE CHARITIES ACT 1993**

**Textual Amendments**

<sup>F147</sup> **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**

<sup>F147</sup>**Rule 1** .....

**Assignment to Chancery Division**

<sup>F147</sup>**Rule 2** .....

**Application for permission to appeal or to take charity proceedings**

<sup>F147</sup>**Rule 3** .....

**Application for enforcement of order or direction of Commissioners**

<sup>F147</sup>**Rule 4** .....

**Appeal against order, etc., of Commissioners**

<sup>F147</sup>**Rule 5** .....

**Service on Commissioners**

<sup>F147</sup>**Rule 6** .....

**RSC ORDER 109**

**THE ADMINISTRATION OF JUSTICE ACT 1960(42)**

**Applications under Act**

**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 [<sup>F148</sup>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 [<sup>F149</sup>Supreme Court] under section 1 of that Act from a decision of that Court

must be made to a Divisional Court except in vacation when it may be made to a judge <sup>F150</sup>...

(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 <sup>F151</sup>....

(3) Any such application to a judge <sup>F152</sup>... 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.

**Status:** Point in time view as at 24/12/2010.  
**Changes to legislation:** There are currently no known outstanding effects for the The Civil Procedure Rules 1998. (See end of Document for details)

(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**

**F148** 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)**

**F149** 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)**

**F150** 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)**

**F151** 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**

**F152** 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**

**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.

<sup>F153</sup>(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**

**F153** 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**

**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 [<sup>F154</sup>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 [<sup>F154</sup>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

**F154** 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)**

#### [<sup>F155</sup>Release of appellant on bail by the Court of Appeal

**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 [<sup>F156</sup>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 recognisance, 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 [<sup>F156</sup>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 [<sup>F157</sup>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 recognisance or other security to be given by the appellant or the recognisance 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 recognisance 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 [<sup>F158</sup>Practice Direction 4] with the necessary adaptations.

(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 [<sup>F159</sup>[<sup>F160</sup>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.]

**Status:** Point in time view as at 24/12/2010.  
**Changes to legislation:** There are currently no known outstanding effects for the The Civil Procedure Rules 1998. (See end of Document for details)

**Textual Amendments**

- F155** 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**
- F156** 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)**
- F157** 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)**
- F158** Words in Sch. 1 RSC Order 109 rule 4(4) substituted (6.4.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2009 \(S.I. 2009/3390\)](#), rules 1(2), **57**
- F159** 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**
- F160** 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**

**F161** RSC ORDER 110

ENVIRONMENTAL CONTROL PROCEEDINGS

**Textual Amendments**

- F161** 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**

**F161** Rule 1 .....

RSC ORDER 111

THE SOCIAL SECURITY ADMINISTRATION ACT 1992

**Judge by whom appeals and references to be heard**

**F162** Rule 1 .....

**Textual Amendments**

- F162** 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)

**F162** .....



**Status:** Point in time view as at 24/12/2010.

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

**Textual Amendments**

**F162** 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)

**F162** .....

**Textual Amendments**

**F162** 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)

**F162** .....

**Textual Amendments**

**F162** 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)

**F162** .....

**Textual Amendments**

**F162** 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)

**F163**RSC ORDER 112

**[<sup>F164</sup>APPLICATIONS FOR USE OF SCIENTIFIC TESTS IN DETERMINING PARENTAGE]**

**Textual Amendments**

**F163** Sch. 1 Order 112 revoked (2.10.2006) by [The Civil Procedure \(Amendment\) Rules 2006](#) (S.I. 2006/1689), rules 1, **12(c)**

**F164** 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**

**F163**Rule 1 .....

*Status: Point in time view as at 24/12/2010.  
Changes to legislation: There are currently no known outstanding effects  
for the The Civil Procedure Rules 1998. (See end of Document for details)*

**Application for direction**

<sup>F163</sup>**Rule 2** .....

**Applications involving children under 16 and patients**

<sup>F163</sup>**Rule 3** .....

**Addition as a party of person to be tested**

<sup>F163</sup>**Rule 4** .....

**Service of direction and adjournment of proceedings**

<sup>F163</sup>**Rule 5** .....

**Service of copy report**

<sup>F163</sup>**Rule 6** .....

**RSC ORDER 113**

**SUMMARY PROCEEDINGS FOR POSSESSION OF LAND**

**Proceedings to be brought by claim form**

<sup>F165</sup>**Rule 1** .....

.....  
**Textual Amendments**  
**F165** 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**

**Jurisdiction of Masters**

<sup>F165</sup>**Rule 1A** .....

.....  
**Textual Amendments**  
**F165** 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**

<sup>F165</sup>**Rule 2** .....

.....  
**Textual Amendments**  
**F165** 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 24/12/2010.

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

## Witness statement or affidavit in support

### <sup>F165</sup>Rule 3 .....

#### Textual Amendments

**F165** 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

### <sup>F165</sup>Rule 4 .....

#### Textual Amendments

**F165** 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

### <sup>F165</sup>Rule 5 .....

#### Textual Amendments

**F165** 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

### <sup>F165</sup>Rule 6 .....

#### Textual Amendments

**F165** 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

**Rule 7.**—(1) Order 45, rule 3 (2) shall not apply in relation to an order for possession [<sup>F166</sup>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.

**Status:** Point in time view as at 24/12/2010.  
**Changes to legislation:** There are currently no known outstanding effects for the The Civil Procedure Rules 1998. (See end of Document for details)

**Textual Amendments**

**F166** 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**

**F167** **Rule 8** .....

**Textual Amendments**

**F167** Sch. 1 RSC Order 113 rule 8 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), **Sch. 3**

**F168** **RSC ORDER 114**

**REFERENCES TO THE EUROPEAN COURT**

**Textual Amendments**

**F168** 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**

**F168** **Rule 1** .....

**Making of order**

**F168** **Rule 2** .....

**Schedule to order to set out request for ruling**

**F168** **Rule 3** .....

**Stay of proceedings pending ruling**

**F168** **Rule 4** .....

**Transmission of order to the European Court**

**F168** **Rule 5** .....

**Appeals from orders made by High Court**

**F168** **Rule 6** .....

## RSC ORDER 115

### CONFISCATION AND FORFEITURE IN CONNECTION WITH CRIMINAL PROCEEDINGS

#### *I. Drug Trafficking Act 1994(43) and Criminal Justice (International Co-operation) Act 1990(44)*

#### **Interpretation**

**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**

**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 <sup>F169</sup>....

#### **Textual Amendments**

**F169** 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**

**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.

#### **Application for confiscation order**

**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.

*Status: Point in time view as at 24/12/2010.*

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

(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**

**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**

**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 [F170 specified in CPR rule 73.5(1)(c) to (e)] as shall be appropriate.

#### Textual Amendments

**F170** 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

**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 [<sup>F171</sup>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 [<sup>F172</sup>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

**F171** 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)**

**F172** 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)**

#### Further application by prosecutor

**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 [<sup>F173</sup>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.

*Status: Point in time view as at 24/12/2010.*

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

### Textual Amendments

**F173** 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

**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

**Rule 8.**—(1) Subject to the provisions of this rule, the provisions of [<sup>F174</sup>CPR 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

**F174** 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

**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

**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

**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

**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 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

**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);

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- (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

**Rule 12** The powers conferred on the High Court by sections 37 and 40 may be exercised by a judge <sup>F175</sup>or a master of the Queen’s Bench Division.

#### Textual Amendments

**F175** 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

**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

**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

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- (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)**

**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**

**Rule 16.**—(1) There [<sup>F176</sup>will] be kept in the Central Office [<sup>F177</sup>at the Royal Courts of Justice in London] under the direction of the Master of the [<sup>F178</sup>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**

**F176** 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)**

**F177** 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)**

**F178** 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**

**Rule 17.**—(1) Notice of the registration of an order must be served on the person against whom it was obtained by [<sup>F179</sup>delivering it to that person] personally or by sending it [<sup>F180</sup>to that person's] usual or last known address or place of business or in such other manner as the Court may direct.

*Status: Point in time view as at 24/12/2010.*

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

[<sup>F181</sup>(2) Permission is not required to serve such a notice out of the jurisdiction and CPR rules [<sup>F182</sup>6.40, 6.42 and 6.46] apply in relation to such notice as they apply in relation to a claim form.]

#### Textual Amendments

**F179** 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)**

**F180** 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)**

**F181** 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**

**F182** 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

**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

**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

**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

**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

**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.

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(45) 1990 c. 5.

## **II. Part VI of the Criminal Justice Act 1988(46)**

### **Interpretation**

**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**

**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”;
- (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.

*Status: Point in time view as at 24/12/2010.*  
*Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998. (See end of Document for details)*

### **[<sup>F183</sup>III: TERRORISM ACT 2000]**

#### **Textual Amendments**

**F183** 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**

**Rule 24** In this Part of this Order—

- (a) “the Act” means [<sup>F184</sup>Terrorism Act 2000];
- (b) “Schedule 4” means Schedule 4 to the Act; <sup>F185</sup> ...
- [<sup>F186</sup>[<sup>F187</sup>(c)] “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 [<sup>F188</sup>any proceedings] for such an offence;] <sup>F189</sup> ...
- [<sup>F190</sup>(d) “domestic freezing order certificate” means a certificate made by the High Court under paragraph 11B of Schedule 4 in relation to property in a country other than the United Kingdom;
- (e) “overseas freezing order” means an order made in accordance with paragraph 11D of Schedule 4 in relation to property in the United Kingdom;
- (f) “British Islands order” means a Scottish order, a Northern Ireland order or an Islands order as defined in paragraph 12 of Schedule 4; and]
- [<sup>F191</sup>(g)] [<sup>F192</sup>other] expressions used have the same meanings as they have in [<sup>F193</sup>Schedule 4 to] the Act.

#### **Textual Amendments**

- F184** 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)**
- F185** 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)**
- F186** 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)**
- F187** Sch. 1 RSC Order 115 rule 24(ba) renumbered as Sch. 1 RSC Order 115 rule 24(c) (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(2)(a)**
- F188** 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)**
- F189** Word in Sch. 1 RSC Order 115 rule 24(c) omitted (1.10.2010) by virtue of [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(2)(c)(i)**
- F190** Sch. 1 RSC Order 115 rule 24(d)-(f) inserted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(2)(c)(ii)**
- F191** Sch. 1 RSC Order 115 rule 24(c) renumbered as Sch. 1 RSC Order 115 rule 24(g) (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(2)(b)**
- F192** 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)**
- F193** 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**

**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 <sup>F194</sup>...

(2) The jurisdiction conferred on the High Court by [<sup>F195</sup>paragraph 13] of Schedule 4 may also be exercised by a master of the Queen’s Bench Division.

**Textual Amendments**

**F194** 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)**

**F195** Words in Sch. 1 RSC Order 115 rule 25 substituted (1.10.2010) by The Civil Procedure (Amendment No.2) Rules 2010 (S.I. 2010/1953), rules 1(2), **11(3)**

**Application for restraint order [<sup>F196</sup>and domestic freezing order certificate]**

**Rule 26.**—(1) An application for a restraint order [<sup>F197</sup>and, where relevant, a domestic freezing order certificate under paragraphs 5 and 11B] 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:—

[<sup>F198</sup>(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) [<sup>F199</sup>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;

[<sup>F200</sup>(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 [<sup>F201</sup>the restraint order and, where relevant, the domestic freezing order certificate] is sought and specify the person or persons holding such property and any other persons having an interest in it[<sup>F202</sup>.]

<sup>F203</sup>(d) .....

<sup>F203</sup>(e) .....

[<sup>F204</sup>(2A) An applicant who seeks a domestic freezing order certificate must—

- (a) prepare a draft of the certificate in accordance with paragraph 11B of Schedule 4; and
- (b) attach it to the application for the restraint order under paragraph (1).]

*Status: Point in time view as at 24/12/2010.*

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

(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 [F205 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

- F196** Words in Sch. 1 RSC Order 115 rule 26 heading inserted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(4)**
- F197** Words in Sch. 1 RSC Order 115 rule 26(1) substituted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(5)(a)**
- F198** 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)**
- F199** 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)**
- F200** 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)**
- F201** Words in Sch. 1 RSC Order 115 rule 26(2)(c) substituted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(5)(b)(i)**
- F202** Sch. 1 RSC Order 115 rule 26(2)(c): semicolon substituted for full stop (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(5)(b)(ii)**
- F203** 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)**
- F204** Sch. 1 RSC Order 115 rule 26(2A) inserted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(5)(c)**
- F205** Word in Sch. 1 RSC Order 115 rule 26(4) substituted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(5)(d)**

#### Restraint order

**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 [F206 court] otherwise directs, a restraint order made without notice of [F207 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 [F208, 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.

[F209(4) Where a domestic freezing order certificate is made it must be served with the copies of the restraint order as provided for in paragraph (3).]

#### Textual Amendments

- F206** Word in Sch. 1 RSC Order 115 rule 27(2) substituted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(6)(a)**
- F207** 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)**



**Status:** Point in time view as at 24/12/2010.

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

**F208** 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)**

**F209** Sch. 1 RSC Order 115 rule 27(4) inserted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(6)(b)**

### **Discharge or variation of [<sup>F210</sup>a restraint order and a domestic freezing order certificate]**

**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 [<sup>F211</sup>restraint] 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.

[<sup>F212</sup>(6) A reference in this rule to a restraint order also applies, where relevant, to a domestic freezing order certificate.

(7) Where an order is made under paragraph (5) which discharges or varies a domestic freezing order certificate the applicant must notify the court or authority in accordance with paragraph 11C of Schedule 4.]

#### **Textual Amendments**

**F210** Words in Sch. 1 RSC Order 115 rule 28 heading substituted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(7)**

**F211** Word in Sch. 1 RSC Order 115 rule 28(3)(c) inserted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(8)(a)**

**F212** Sch. 1 RSC Order 115 rule 28(6), (7) inserted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(8)(b)**

### **Compensation [<sup>F213</sup>in relation to a restraint order, domestic freezing order certificate or forfeiture order]**

**Rule 29** An application for an order under [<sup>F214</sup>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 [<sup>F215</sup>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.

**Status:** Point in time view as at 24/12/2010.

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

#### Textual Amendments

- F213** Words in Sch. 1 RSC Order 115 rule 29 heading inserted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(9)**
- F214** 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)**
- F215** 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 [<sup>F216</sup>of a British Islands order]

**Rule 30** An application for registration of a [<sup>F217</sup>British Islands order under paragraph 13(4) of Schedule 4] must be made in accordance with CPR Part 23 and may be made without notice.

#### Textual Amendments

- F216** Words in Sch. 1 RSC Order 115 rule 30 heading inserted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(10)**
- F217** Words in Sch. 1 RSC Order 115 rule 30 substituted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(11)**

#### [<sup>F218</sup>Evidence in support of an application for registration of a British Islands order]

**Rule 31.**—(1) An application for registration of [<sup>F219</sup>a British Islands order] 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.

#### Textual Amendments

- F218** Words in Sch. 1 RSC Order 115 rule 31 heading substituted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(12)**
- F219** Words in Sch. 1 RSC Order 115 rule 31(1) substituted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(13)**

#### [<sup>F220</sup>Register of all orders registered under the Act]

**Rule 32.**—(1) There [<sup>F221</sup>will] be kept in the Central Office [<sup>F222</sup>at the Royal Courts of Justice in London] under the direction of the Master of the [<sup>F223</sup>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

- F220** Words in Sch. 1 RSC Order 115 rule 32 heading substituted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(14)**
- F221** 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)**
- F222** 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)**
- F223** 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)**

#### Notice of registration [<sup>F224</sup>of a British Islands order]

**Rule 33.**—(1) Notice of the registration of [<sup>F225</sup>a British Islands 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.

[<sup>F226</sup>(2) Permission is not required to serve such a notice out of the jurisdiction and CPR rules [<sup>F227</sup>6.40, 6.42 and 6.46] apply in relation to such notice as they apply in relation to a claim form.]

#### Textual Amendments

- F224** Words in Sch. 1 RSC Order 115 rule 33 heading inserted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(15)**
- F225** Words in Sch. 1 RSC Order 115 rule 33(1) substituted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(16)**
- F226** 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**
- F227** 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 [<sup>F228</sup>cancel registration of a British Islands order]

**Rule 34** An application to vary or [<sup>F229</sup>cancel] the registration of [<sup>F230</sup>a British Islands 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.

#### Textual Amendments

- F228** Words in Sch. 1 RSC Order 115 rule 34 heading substituted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(17)**
- F229** Word in Sch. 1 RSC Order 115 rule 34 substituted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(18)(a)**
- F230** Words in Sch. 1 RSC Order 115 rule 34 substituted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(18)(b)**

*Status: Point in time view as at 24/12/2010.*

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

### **Enforcement of [<sup>F231</sup>a British Islands order]**

**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 [<sup>F232</sup>paragraph 7 or 8] of Schedule 4, as applied by [<sup>F233</sup>paragraph 13(6)] of that Schedule.

#### **Textual Amendments**

**F231** Words in Sch. 1 RSC Order 115 rule 35 heading substituted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(19)**

**F232** 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)**

**F233** 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 [<sup>F234</sup>of a British Islands order]**

**Rule 36** If effect has been given (whether in England or Wales or elsewhere) to a [<sup>F235</sup>British 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.

#### **Textual Amendments**

**F234** Words in Sch. 1 RSC Order 115 rule 36 title inserted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(20)**

**F235** Words in Sch. 1 RSC Order 115 rule 36 substituted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(21)**

### **[<sup>F236</sup>Giving effect to an overseas freezing order – consideration by the court**

**36A.**—(1) Save in exceptional circumstances the court will consider an overseas freezing order the next business day after receipt of a copy of that order from the Secretary of State.

(2) In any event the court will consider the order within 5 business days of receipt of it.

(3) The court will not make an order giving effect to an overseas freezing order unless it is satisfied that the Director of Public Prosecutions has had the opportunity to make representations to the court in writing or at a hearing.

(4) ‘Business day’ has the same meaning as in CPR rule 6.2.

**Textual Amendments**

**F236** Sch. 1 RSC Order 115 rules 36A-36D inserted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(22)**

**Giving effect to an overseas freezing order – registration**

**36B.** Where the court makes an order to give effect to an overseas freezing order the court will register that order in accordance with rule 32.

**Textual Amendments**

**F236** Sch. 1 RSC Order 115 rules 36A-36D inserted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(22)**

**Notice of registration of an overseas freezing order**

**36C.** Where the court gives effect to an overseas freezing order it will order the Director of Public Prosecutions to serve notice of registration of the order on any persons affected by it.

**Textual Amendments**

**F236** Sch. 1 RSC Order 115 rules 36A-36D inserted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(22)**

**Application to cancel the registration of, or vary, an overseas freezing order**

**36D.** An application under paragraph 11G(4) of Schedule 4 by the Director of Public Prosecutions or any person affected by an overseas freezing order must be made to the court in accordance with CPR Part 23.]

**Textual Amendments**

**F236** Sch. 1 RSC Order 115 rules 36A-36D inserted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(22)**

***<sup>F237</sup>Part IV International Criminal Court Act 2001: fines, forfeitures and reparation orders***

**Textual Amendments**

**F237** 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**

**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;

*Status: Point in time view as at 24/12/2010.*

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

- (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**

**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.]

**F238 RSC ORDER 116**

**THE CRIMINAL PROCEDURE AND INVESTIGATIONS ACT 1996**

**Textual Amendments**

**F238** Sch. 1 RSC Order 116 omitted (1.10.2010) by virtue of [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **12**

**Application**

**F238** **1.** .....

**Interpretation**

**F238** **2.** .....

**Assignment of proceedings**

**F238** **3.** .....

**Time limit for making application**

**F238** **4.** .....

**Application**

**F238** **5.** .....

**Notice to the acquitted person**

**F238** **6.** .....

**Status:** Point in time view as at 24/12/2010.

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

**Witness statement or affidavit of service on an acquitted person**

<sup>F238</sup>7. ....

**Response of acquitted person**

<sup>F238</sup>8. ....

**Evidence**

<sup>F238</sup>9. ....

**Determination of the application**

<sup>F238</sup>10. ....

SCHEDULE 2

Rule 50(4)

**Commencement Information**

**I2** [Sch. 2](#) in force at 26.4.1999, see [Signature](#)

CCR ORDER 1

CITATION, APPLICATION AND INTERPRETATION

**Application of RSC to county court proceedings**

**Rule 6** Where by virtue of these rules or section 76 of the Act or otherwise any provision of the RSC is applied in relation to proceedings in a county court, that provision shall have effect with the necessary modifications and in particular—

- (b) any reference in that provision to a master, district judge of the principal registry of the Family Division, the Admiralty registrar, or a district judge or taxing officer shall be construed as a reference to the district judge of the county court; and
- (d) any reference in that provision to an office of the [<sup>F239</sup>Senior Courts] having the conduct of the business of a division or court or a district registry shall be construed as a reference to the county court office.

**Textual Amendments**

**F239** Words in [Sch. 2](#) CCR Order 1 rule (6)(d) substituted (1.10.2009) by [The Civil Procedure \(Amendment\) Rules 2009 \(S.I. 2009/2092\)](#), rules 1(2), **22**

*Status: Point in time view as at 24/12/2010.  
Changes to legislation: There are currently no known outstanding effects  
for the The Civil Procedure Rules 1998. (See end of Document for details)*

## CCR ORDER 3

### COMMENCEMENT OF PROCEEDINGS

#### Appeals to county court

<sup>F240</sup>Rule 6 .....

#### Textual Amendments

**F240** Sch. 2 CCR Order 3 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)

## CCR ORDER 4

### VENUE FOR BRINGING PROCEEDINGS

#### Proceedings relating to land

<sup>F241</sup>Rule 3 .....

#### Textual Amendments

**F241** Sch. 2 CCR Order 4 rule 3 revoked (6.10.2003) by [The Civil Procedure \(Amendment No. 4\) Rules 2003 \(S.I. 2003/2113\)](#), rules 1(c), **19(b)**

## <sup>F242</sup>CCR ORDER 5

### CAUSES OF ACTION AND PARTIES

#### Textual Amendments

**F242** Sch. 2 CCR Order 5 revoked (2.10.2006) by [The Civil Procedure \(Amendment\) Rules 2006 \(S.I. 2006/1689\)](#), rules 1, **12(d)**

#### Representative proceedings

<sup>F242F243</sup>Rule 5 .....

#### Textual Amendments

**F243** Sch. 2 CCR Order 5 rules 5-8 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 person or class

<sup>F242F243</sup>Rule 6 .....



**Status:** Point in time view as at 24/12/2010.

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

**Textual Amendments**

**F243** Sch. 2 CCR Order 5 rules 5-8 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 estate where no personal representative**

<sup>F242F243</sup>**Rule 7** .....

**Textual Amendments**

**F243** Sch. 2 CCR Order 5 rules 5-8 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 against estates**

<sup>F242F243</sup>**Rule 8** .....

**Textual Amendments**

**F243** Sch. 2 CCR Order 5 rules 5-8 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)

**Partners may sue and be sued in firm name**

<sup>F242</sup>**Rule 9** .....

**Defendant carrying on business in another name**

<sup>F242</sup>**Rule 10** .....

**Failure to proceed after death of party**

<sup>F242F244</sup>**Rule 12** .....

**Textual Amendments**

**F244** Sch. 2 CCR Order 5 rules 12-14 revoked (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rule 1(b), **Sch. 10**

**Claim to money in court where change in parties after judgment**

<sup>F242F244</sup>**Rule 13** .....

**Textual Amendments**

**F244** Sch. 2 CCR Order 5 rules 12-14 revoked (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rule 1(b), **Sch. 10**

*Status: Point in time view as at 24/12/2010.  
Changes to legislation: There are currently no known outstanding effects  
for the The Civil Procedure Rules 1998. (See end of Document for details)*

**Bankruptcy of claimant**

<sup>F242F244</sup>**Rule 14** .....

.....  
**Textual Amendments**  
**F244** Sch. 2 CCR Order 5 rules 12-14 revoked (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rule 1(b), **Sch. 10**

**CCR ORDER 6  
PARTICULARS OF CLAIM**

**Recovery of land**

<sup>F245</sup>**Rule 3** .....

.....  
**Textual Amendments**  
**F245** Sch. 2 CCR Order 6 rule 3 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

**Mortgage claim**

<sup>F246</sup>**Rule 5** .....

.....  
**Textual Amendments**  
**F246** Sch. 2 CCR Order 6 rule 5 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

**Mortgage claim—dwelling-house**

<sup>F247</sup>**Rule 5A** .....

.....  
**Textual Amendments**  
**F247** Sch. 2 CCR Order 6 rule 5A revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

**Hire-purchase**

<sup>F248</sup>**Rule 6** .....

.....  
**Textual Amendments**  
**F248** Sch. 2 CCR Order 6 rule 6 revoked (2.6.2003) by [The Civil Procedure \(Amendment No. 2\) Rules 2003 \(S.I. 2003/1242\)](#), rules 1, 7

## CCR ORDER 7

### SERVICE OF DOCUMENTS

#### Recovery of land

<sup>F249</sup>**Rule 15** .....

##### Textual Amendments

**F249** Sch. 2 CCR Order 7 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

#### Mortgage possession claims

<sup>F249</sup>**Rule 15A** .....

##### Textual Amendments

**F249** Sch. 2 CCR Order 7 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

## CCR ORDER 13

### APPLICATIONS AND ORDERS IN THE COURSE OF PROCEEDINGS

#### General provisions

<sup>F250</sup>**Rule 1** .....

##### Textual Amendments

**F250** Sch. 2 CCR Order 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)

## CCR ORDER 16

### TRANSFER OF PROCEEDINGS

#### Interpleader proceedings under execution

**Rule 7.**—(1) This rule applies to interpleader proceedings under an execution which are ordered to be transferred from the High Court.

[<sup>F251</sup>(1A) In this rule references to the sheriff shall be interpreted as including references to an individual authorised to act as an enforcement officer under the Courts Act 2003.]

(2) Notice of the hearings or pre-trial review of the proceedings shall be given by the court officer to the sheriff as well as to every other party to the proceedings.

**Status:** Point in time view as at 24/12/2010.

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

(3) The interpleader claimant shall, within 8 days of the receipt by him of the notice referred to in paragraph (2), file in triplicate particulars of any goods alleged to be his property and the grounds of his interpleader claim and the court officer shall send a copy to the execution creditor and to the sheriff, but the judge may hear the proceedings or, as the case may be, the district judge may proceed with the pre-trial review, if he thinks fit, notwithstanding that the particulars have not been filed.

(4) Subject to any directions in the order of the High Court, damages may be claimed against the execution creditor in the same manner as in interpleader proceedings commenced in a county court.

(5) On any day fixed for the pre-trial review of the proceedings or for the hearing of any application by the sheriff or other party for directions the court may order the sheriff—

- (a) to postpone the sale of the goods seized;
- (b) to remain in possession of such goods until the hearing of the proceedings; or
- (c) to hand over possession of such goods to the district judge,

and, where a direction is given under sub-paragraph (c), the district judge shall be allowed reasonable charges for keeping possession of the goods, not exceeding those which might be allowed to the sheriff, and, if the district judge is directed to sell the goods, such charges for the sale as would be allowed under an execution issued by the county court.

(6) No order made in the proceedings shall prejudice or affect the rights of the sheriff to any proper charges and the judge may make such order with respect to them as may be just.

(7) The charges referred to in paragraphs (5) and (6) shall ultimately be borne in such manner as the judge shall direct.

(8) The order made at the hearing of the proceedings shall direct how any money in the hands of the sheriff is to be disposed of.

**Textual Amendments**  
**F251** Sch. 2 CCR order 16 rule 7(1A) inserted (1.4.2004) by [The Civil Procedure \(Amendment No. 5\) Rules 2003 \(S.I. 2003/3361\)](#), [rules 1\(c\)](#), **32**

## <sup>F252</sup>CCR ORDER 19

### REFERENCE TO EUROPEAN COURT

**Textual Amendments**  
**F252** Sch. 2 CCR Order 19 revoked (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), [rule 1\(b\)](#), **Sch. 10**

#### Making and transmission of order

<sup>F252</sup>**Rule 15** .....

## CCR ORDER 22

### JUDGMENTS AND ORDERS

#### Certificate of judgment

**Rule 8.**—(1) Any person who wishes to have a certificate of any judgment or order given or made in a claim shall make a request in writing to the court stating—

- (a) if he is a party to the claim whether the certificate—
  - (i) is required for the purpose of taking proceedings on the judgment or order in another court;
  - (ii) is required for the purpose of enforcing the judgment or order in the High Court; or
  - (iii) is for the purpose of evidence only;
- (b) if he is not a party to the claim, the purpose for which the certificate is required, the capacity in which he asks for it and any other facts showing that the certificate may properly be granted.

(1A) Where the certificate is required for the purpose of enforcing the judgment or order in the High Court, the applicant shall also either—

- [<sup>F253</sup>(a) state that—
  - (i) it is intended to enforce the judgment or order by execution against goods; or
  - (ii) the judgment or order to be enforced is an order for possession of land made in a possession claim against trespassers; or]
- (b) confirm that an application has been made for an order under section 42 of the Act (transfer to High Court by order of a county court) and attach a copy of the application to the request for a certificate.

(2) Where the request is made by a person who is not a party to the claim, the request shall be referred to the district judge, who may, if he thinks fit, refer it to the judge.

(3) Without prejudice to paragraph (2), for the purposes of section 12 (2) of the Act a certificate under this rule may be signed by the court manager or any other officer of the court acting on his behalf.

#### Textual Amendments

**F253** Sch. 2 CCR Order 22 rule 8(1A)(a) substituted (15.10.2001) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), rules 1(a), **13** (with rule 24)

#### Variation of payment

**Rule 10.**—(1) Where a judgment or order has been given or made for the payment of money, the person entitled to the benefit of the judgment or order or, as the case may be, the person liable to make the payment (in this rule referred to as “the judgment creditor” and “the debtor” respectively) may apply in accordance with the provisions of this rule for a variation in the date or rate of payment.

(2) The judgment creditor may apply in writing, without notice being served on any other party, for an order that the money, if payable in one sum, be paid at a later date than that by which it is due or by instalments or, if the money is already payable by instalments, that it be paid by the same or smaller instalments, and the court officer may make an order accordingly unless no payment has been made under the judgment or order for 6 years before the date of the application in which case he shall refer the application to the district judge.

*Status: Point in time view as at 24/12/2010.*

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

(3) The judgment creditor may apply to the district judge on notice for an order that the money, if payable in one sum, be paid at an earlier date than that by which it is due or, if the money is payable by instalments, that it be paid in one sum or by larger instalments, and any such application shall be made in writing stating the proposed terms and the grounds on which it is made.

(4) Where an application is made under paragraph (3)—

- (a) the proceedings shall be automatically transferred to the debtor's home court if the judgment or order was not given or made in that court; and
- (b) the court officer shall fix a day for the hearing of the application before the district judge and give to the judgment creditor and the debtor not less than 8 days' notice of the day so fixed,

and at the hearing the district judge may make such order as seems just.

(5) The debtor may apply for an order that the money, if payable in one sum, be paid at a later date than that by which it is due or by instalments or, if the money is already payable by instalments, that it be paid by smaller instalments, and any such application shall be in the appropriate form stating the proposed terms, the grounds on which it is made and including a signed statement of the debtor's means.

(6) Where an application is made under paragraph (5), the court officer shall—

- (a) send the judgment creditor a copy of the debtor's application (and statement of means); and
- (b) require the judgment creditor to notify the court in writing, within 14 days of service of notification upon him, giving his reasons for any objection he may have to the granting of the application.

(7) If the judgment creditor does not notify the court of any objection within the time stated, the court officer shall make an order in the terms applied for.

(8) Upon receipt of a notice from the judgment creditor under paragraph (6), the court officer may determine the date and rate of payment and make an order accordingly.

(9) Any party affected by an order made under paragraph (8) may, within 14 days of service of the order on him and giving his reasons, apply on notice for the order to be re-considered and, where such an application is made—

- (a) the proceedings shall be automatically transferred to the debtor's home court if the judgment or order was not given or made in that court; and
- (b) the court officer shall fix a day for the hearing of the application before the district judge and give to the judgment creditor and the debtor not less than 8 days' notice of the day so fixed.

(10) On hearing an application under paragraph (9), the district judge may confirm the order or set it aside and make such new order as he thinks fit and the order so made shall be entered in the records of the court.

(11) Any order made under any of the foregoing paragraphs may be varied from time to time by a subsequent order made under any of those paragraphs.

### **Set-off of cross-judgments**

**Rule 11.**—(1) An application under section 72 of the Act for permission to set off any sums, including costs, payable under several judgments or orders each of which was obtained in a county court shall be made in accordance with this rule.

(2) Where the judgments or orders have been obtained in the same county court, the application may be made to that court on the day when the last judgment or order is obtained, if both parties are present, and in any other case shall be made on notice.

**Status:** Point in time view as at 24/12/2010.

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

(3) Where the judgments or orders have been obtained in different county courts, the application may be made to either of them on notice, and notice shall be given to the other court.

(4) The district judge of the court to which the application is made and the district judge of any other court to which notice is given under paragraph (3) shall forthwith stay execution on any judgment or order in his court to which the application relates and any money paid into court under the judgment or order shall be retained until the application has been disposed of.

(5) The application may be heard and determined by the court and any order giving permission shall direct how any money paid into court is to be dealt with.

(6) Where the judgments or orders have been obtained in different courts, the court in which an order giving permission is made shall send a copy of the order to the other court, which shall deal with any money paid into that court in accordance with the order.

(7) The court officer or, as the case may be, each of the court officers affected shall enter satisfaction in the records of his court for any sums ordered to be set off, and execution or other process for the enforcement of any judgment or order not wholly satisfied shall issue only for the balance remaining payable.

(8) Where an order is made by the High Court giving permission to set off sums payable under several judgments and orders obtained respectively in the High Court and a county court, the court officer of the county court shall, on receipt of a copy of the order, proceed in accordance with paragraph (7).

**Order of appellate court**

**Rule 13** Where the Court of Appeal or High Court has heard and determined an appeal from a county court, the party entitled to the benefit of the order of the Court of Appeal or High Court shall deposit the order or an office copy thereof in the office of the county court.

**CCR ORDER 24**

**SUMMARY PROCEEDINGS FOR THE RECOVERY OF LAND**

**Part I—Land**

**Proceedings to be by claim form**

<sup>F254</sup>**Rule 1** .....

.....  
**Textual Amendments**  
**F254** Sch. 2 CCR Order 24 rules 1-5 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**

<sup>F254</sup>**Rule 2** .....

*Status: Point in time view as at 24/12/2010.  
Changes to legislation: There are currently no known outstanding effects  
for the The Civil Procedure Rules 1998. (See end of Document for details)*

**Textual Amendments**

**F254** Sch. 2 CCR Order 24 rules 1-5 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), [Sch. 3](#)

**Service of claim form**

<sup>F254</sup>**Rule 3** .....

**Textual Amendments**

**F254** Sch. 2 CCR Order 24 rules 1-5 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**

<sup>F254</sup>**Rule 4** .....

**Textual Amendments**

**F254** Sch. 2 CCR Order 24 rules 1-5 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), [Sch. 3](#)

**Hearing of claim**

<sup>F254</sup>**Rule 5** .....

**Textual Amendments**

**F254** Sch. 2 CCR Order 24 rules 1-5 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), [Sch. 3](#)

**Warrant of possession**

**Rule 6.**—(1) Subject to paragraphs (2) and (3), a warrant of possession to enforce an order for possession [<sup>F255</sup>in a possession claim against trespassers under Part 55] may be issued at any time after the making of the order and subject to the provisions of Order 26, rule 17, a warrant of restitution may be issued in aid of the warrant of possession.

(2) No warrant of possession shall be issued after the expiry of 3 months from the date of the order without the permission of the court, and an application for such permission may be made without notice being served on any other party unless the court otherwise directs.

(3) Nothing in this rule shall authorise the issue of a warrant of possession before the date on which possession is ordered to be given.

**Textual Amendments**

**F255** Words in Sch. 2 CCR Order 24 rule 6(1) substituted (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rules 1(d), [27\(a\)](#)



**Status:** Point in time view as at 24/12/2010.

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

## Setting aside order

### <sup>F256</sup>Rule 7 .....

#### Textual Amendments

**F256** Sch. 2 CCR Order 24 rule 7 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

## Part II—Interim Possession Orders

### Definitions and interpretation

### <sup>F257</sup>Rule 8 .....

#### Textual Amendments

**F257** Sch. 2 CCR Order 24 rules 8-15 revoked (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rule 1(b), **Sch. 10**

### Conditions for interim possession order application

### <sup>F257</sup>Rule 9 .....

#### Textual Amendments

**F257** Sch. 2 CCR Order 24 rules 8-15 revoked (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rule 1(b), **Sch. 10**

### Issue of the applications

### <sup>F257</sup>Rule 10 .....

#### Textual Amendments

**F257** Sch. 2 CCR Order 24 rules 8-15 revoked (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rule 1(b), **Sch. 10**

### Service of the notice of application

### <sup>F257</sup>Rule 11 .....

#### Textual Amendments

**F257** Sch. 2 CCR Order 24 rules 8-15 revoked (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rule 1(b), **Sch. 10**

**Status:** Point in time view as at 24/12/2010.  
**Changes to legislation:** There are currently no known outstanding effects for the The Civil Procedure Rules 1998. (See end of Document for details)

**Consideration of the application**

<sup>F257</sup>**Rule 12** .....

**Textual Amendments**  
**F257** Sch. 2 CCR Order 24 rules 8-15 revoked (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rule 1(b), **Sch. 10**

**Service and enforcement of the interim possession order**

<sup>F257</sup>**Rule 13** .....

**Textual Amendments**  
**F257** Sch. 2 CCR Order 24 rules 8-15 revoked (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rule 1(b), **Sch. 10**

**Matters arising after making of an interim possession order**

<sup>F257</sup>**Rule 14** .....

**Textual Amendments**  
**F257** Sch. 2 CCR Order 24 rules 8-15 revoked (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rule 1(b), **Sch. 10**

**Application to set aside an interim possession order**

<sup>F257</sup>**Rule 15** .....

**Textual Amendments**  
**F257** Sch. 2 CCR Order 24 rules 8-15 revoked (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rule 1(b), **Sch. 10**

**CCR ORDER 25**

**ENFORCEMENT OF JUDGMENTS AND ORDERS: GENERAL**

**Judgment creditor and debtor**

**Rule 1** In this Order and Orders 26 to 29 “judgment creditor” means the person who has obtained or is entitled to enforce a judgment or order and “debtor” means the person against whom it was given or made.

**Transfer of proceedings for enforcement**

<sup>F258</sup>**Rule 2** .....

**Status:** Point in time view as at 24/12/2010.

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

**Textual Amendments**

**F258** Sch. 2 CCR Order 25 rule 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)**)

**Oral examination of debtor**

<sup>F259</sup>**Rule 3** .....

**Textual Amendments**

**F259** Sch. 2 CCR Order 25 rule 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)**)

**Examination of debtor under judgment not for money**

<sup>F260</sup>**Rule 4** .....

**Textual Amendments**

**F260** Sch. 2 CCR Order 25 rule 4 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)**)

**Provision of information**

<sup>F261</sup>**Rule 5** .....

**Textual Amendments**

**F261** Sch. 2 CCR Order 25 Rule 5 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)**)

**Interest on judgment debts**

<sup>F262</sup>**Rule 5A** .....

**Textual Amendments**

**F262** Sch. 2 CCR Order 25 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)**)

**Description of parties**

**Rule 6** Where the name or address of the judgment creditor or the debtor as given in the request for the issue of a warrant of execution or delivery, judgment summons or warrant of committal differs from his name or address in the judgment or order sought to be enforced and the judgment creditor satisfies the court officer that the name or address as given in the request is applicable to the person concerned, the judgment creditor or the debtor, as the case may be, shall be described in the warrant

*Status: Point in time view as at 24/12/2010.*

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

or judgment summons as “C.D. of [name and address as given in the request] suing [or sued] as A.D. of [name and address in the judgment or order]”.

### **Recording and giving information as to warrants and orders**

**Rule 7.**—(1) Subject to paragraph (1A), every district judge by whom a warrant or order is issued or received for execution shall from time to time state in the records of his court what has been done in the execution of the warrant or order.

(1A) Where a warrant of execution issued by a court (“the home court”) is sent to another court for execution (“the foreign court”), paragraph (1) shall not apply to the district judge of the home court, but when such a warrant is returned to the home court under paragraph (7), the court officer of the home court shall state in the records of his court what has been done in the execution of the warrant or order.

(2) If the warrant or order has not been executed within one month from the date of its issue or receipt by him, the court officer of the court responsible for its execution shall, at the end of that month and every subsequent month during which the warrant remains outstanding, send notice of the reason for non-execution to the judgment creditor and, if the warrant or order was received from another court, to that court.

(3) The district judge responsible for executing a warrant or order shall give such information respecting it as may reasonably be required by the judgment creditor and, if the warrant or order was received by him from another court, by the district judge of that court.

(4) Where money is received in pursuance of a warrant of execution or committal sent by one court to another court, the foreign court shall, subject to paragraph (5) and to section 346 of Insolvency Act 1986<sup>(47)</sup> and section 326 of the Companies Act 1948<sup>(48)</sup>, send the money to the judgment creditor in the manner prescribed by the Court Funds Rules 1987<sup>(49)</sup> and, where the money is received in pursuance of a warrant of committal, make a return to the home court.

(5) Where interpleader proceedings are pending, the court shall not proceed in accordance with paragraph (4) until the interpleader proceedings are determined and the district judge shall then make a return showing how the money is to be disposed of and, if any money is payable to the judgment creditor, the court shall proceed in accordance with paragraph (4).

(6) Where a warrant of committal has been received from another court, the foreign court shall, on the execution of the warrant, send notice thereof to the home court.

(7) Where a warrant of execution has been received from another court, either—

(a) on the execution of the warrant; or

(b) if the warrant is not executed—

(i) on the making of a final return to the warrant; or

(ii) on suspension of the warrant under rule 8 (suspension of judgment or execution) or Order 26, rule 10 (withdrawal and suspension of warrant at creditor’s request),

the foreign court shall return the warrant to the home court.

### **Suspension of judgment or execution**

**Rule 8.**—(1) The power of the court to suspend or stay a judgment or order or to stay execution of any warrant may be exercised by the district judge or, in the case of the power to stay execution of a warrant of execution and in accordance with the provisions of this rule, by the court officer.

<sup>(47)</sup> 1986 c. 45.

<sup>(48)</sup> 1948 c. 38.

<sup>(49)</sup> S.I. 1988/821, as amended by S.I. 1988/817, 1990/518, 1991/227 and 1997/177.

**Status:** Point in time view as at 24/12/2010.

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

(2) An application by the debtor to stay execution of a warrant of execution shall be in the appropriate form stating the proposed terms, the grounds on which it is made and including a signed statement of the debtor's means.

(3) Where the debtor makes an application under paragraph (2), the court shall—

- (a) send the judgment creditor a copy of the debtor's application (and statement of means); and
- (b) require the creditor to notify the court in writing, within 14 days of service of notification upon him, giving his reasons for any objection he may have to the granting of the application.

(4) If the judgment creditor does not notify the court of any objection within the time stated, the court officer may make an order suspending the warrant on terms of payment.

(5) Upon receipt of a notice by the judgment creditor under paragraph (3)(b), the court officer may, if the judgment creditor objects only to the terms offered, determine the date and rate of payment and make an order suspending the warrant on terms of payment.

(6) Any party affected by an order made under paragraph (5) may, within 14 days of service of the order on him and giving his reasons, apply on notice for the order to be reconsidered and the court shall fix a day for the hearing of the application before the district judge and give to the judgment creditor and the debtor not less than 8 days' notice of the day so fixed.

(7) On hearing an application under paragraph (6), the district judge may confirm the order or set it aside and make such new order as he thinks fit and the order so made shall be entered in the records of the court.

(8) Where the judgment creditor states in his notice under paragraph (3)(b) that he wishes the bailiff to proceed to execute the warrant, the court shall fix a day for a hearing before the district judge of the debtor's application and give to the judgment creditor and to the debtor not less than 2 days' notice of the day so fixed.

(9) Subject to any directions given by the district judge, where a warrant of execution has been suspended, it may be re-issued on the judgment creditor's filing a request <sup>F263</sup>... showing that any condition subject to which the warrant was suspended has not been complied with.

(10) Where an order is made by the district judge suspending a warrant of execution, the debtor may be ordered to pay the costs of the warrant and any fees or expenses incurred before its suspension and the order may authorise the sale of a sufficient portion of any goods seized to cover such costs, fees and expenses and the expenses of sale.

**Textual Amendments**

**F263** Words in Sch. 2 CCR Order 25 rule 8(9) omitted (25.3.2002) by virtue of [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), [rules 1\(c\)](#), [14\(a\)](#) (with [rule 24](#))

**Enforcement of judgment or order against firm**

<sup>F264</sup>**Rule 9** .....

**Textual Amendments**

**F264** Sch. 2 CCR Order 25 rules 9, 10 revoked (2.10.2006) by [The Civil Procedure \(Amendment\) Rules 2006 \(S.I. 2006/1689\)](#), [rules 1](#), [12\(e\)](#)

*Status: Point in time view as at 24/12/2010.  
Changes to legislation: There are currently no known outstanding effects  
for the The Civil Procedure Rules 1998. (See end of Document for details)*

**Enforcing judgment between a firm and its members**

**<sup>F264</sup>Rule 10** .....

**Textual Amendments**  
**F264** Sch. 2 CCR Order 25 rules 9, 10 revoked (2.10.2006) by [The Civil Procedure \(Amendment\) Rules 2006 \(S.I. 2006/1689\)](#), rules 1, **12(e)**

**Enforcement of High Court judgment**

**<sup>F265</sup>Rule 11** .....

**Textual Amendments**  
**F265** Sch. 2 CCR Order 25 rule 11 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 award of tribunal**

**<sup>F266</sup>Rule 12** .....

**Textual Amendments**  
**F266** Sch. 2 CCR Order 25 rule 12 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)**)

**Transfer to High Court for enforcement**

**Rule 13.**—<sup>F267</sup>(1) Where the judgment creditor makes a request for a certificate of judgment under Order 22, rule 8(1) for the purpose of enforcing the judgment or order in the High Court—

- (a) by execution against goods; or
- (b) where the judgment or order to be enforced is an order for possession of land made in a possession claim against trespassers,

the grant of a certificate by the court shall take effect as an order to transfer the proceedings to the High Court and the transfer shall have effect on the grant of that certificate.]

(2) On the transfer of proceedings in accordance with paragraph (1), the court shall give notice to the debtor [<sup>F268</sup>or the person against whom the possession order was made] that the proceedings have been transferred and shall make an entry of that fact in the records of his court.

(3) In a case where a request for a certificate of judgment is made under Order 22, rule 8(1) for the purpose of enforcing a judgment or order in the High Court and—

- (a) an application for a variation in the date or rate of payment of money due under a judgment or order;
- (b) an application under either CPR rule 39.3(3) or CPR rule 13.4;
- (c) a request for an administration order; or
- (d) an application for a stay of execution under section 88 of the Act,

is pending, the request for the certificate shall not be dealt with until those proceedings are determined.

#### Textual Amendments

**F267** Sch. 2 CCR Order 25 Rule 13(1) substituted (15.10.2001) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), rules 1(a), **15(a)** (with rule 24)

**F268** Words in Sch. 2 CCR Order 25 rule 13(2) inserted (15.10.2001) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), rules 1(a), **15(b)** (with rule 24)

## CCR ORDER 26

### WARRANTS OF EXECUTION, DELIVERY AND POSSESSION

#### Application for warrant of execution

**Rule 1.**—(1) A judgment creditor desiring a warrant of execution to be issued shall file a request in that behalf certifying—

- (a) the amount remaining due under the judgment or order; and
- (b) where the order made is for payment of a sum of money by instalments—
  - (i) that the whole or part of any instalment due remains unpaid; and
  - (ii) the amount for which the warrant is to be issued.

(1A) The court officer shall discharge the functions—

- (a) under section 85 (2) of the Act of issuing a warrant of execution;
- (b) under section 85 (3) of the Act of entering in the record mentioned in that subsection and on the warrant the precise time of the making of the application to issue the warrant; and
- (c) under section 103 (1) of the Act of sending the warrant of execution to another county court.

(2) Where the court has made an order for payment of a sum of money by instalments and default has been made in payment of such an instalment, a warrant of execution may be issued for the whole of the said sum of money and costs then remaining unpaid or, subject to paragraph (3), for such part as the judgment creditor may request, not being in the latter case less than £50 or the amount of one monthly instalment or, as the case may be, four weekly instalments, whichever is the greater.

(3) In any case to which paragraph (2) applies no warrant shall be issued unless at the time when it is issued—

- (a) the whole or part of an instalment which has already become due remains unpaid; and
- (b) any warrant previously issued for part of the said sum of money and costs has expired or has been satisfied or abandoned.

(4) Where a warrant is issued for the whole or part of the said sum of money and costs, the court officer shall, unless the district judge responsible for execution of the warrant directs otherwise, send a warning notice to the person against whom the warrant is issued and, where such a notice is sent, the warrant shall not be levied until 7 days thereafter.

(5) Where judgment is given or an order made for payment otherwise than by instalments of a sum of money and costs to be assessed in accordance with CPR Part 47 (detailed assessment procedure) and default is made in payment of the sum of money before the costs have been assessed,

*Status: Point in time view as at 24/12/2010.*

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

a warrant of execution may issue for recovery of the sum of money and a separate warrant may issue subsequently for the recovery of the costs if default is made in payment of them.

### **Execution of High Court judgment**

**Rule 2.**—(1) Where it is desired to enforce by warrant of execution a judgment or order of the High Court, or a judgment, order, decree or award which is or has become enforceable as if it were a judgment of the High Court, the request referred to in rule 1 (1) may be filed in any court in the district of which execution is to be levied.

(2) Subject to Order 25, rule 9 (5), any restriction imposed by these rules on the issue of execution shall apply as if the judgment, order, decree or award were a judgment or order of the county court, but permission to issue execution shall not be required if permission has already been given by the High Court.

(3) Notice of the issue of the warrant shall be sent by the county court to the High Court.

### **Execution against farmer**

**Rule 3** If after the issue of a warrant of execution the district judge for the district in which the warrant is to be executed has reason to believe that the debtor is a farmer, the execution creditor shall, if so required by the district judge, furnish him with an official certificate, dated not more than three days beforehand, of the result of a search at the Land Registry as to the existence of any charge registered against the debtor under the Agricultural Credits Act 1928(**50**).

### **Concurrent warrants**

**Rule 4** Two or more warrants of execution may be issued concurrently for execution in different districts, but—

- (a) no more shall be levied under all the warrants together than is authorised to be levied under one of them; and
- (b) the costs of more than one such warrant shall not be allowed against the debtor except by order of the court.

### **Permission to issue certain warrants**

**Rule 5.**—(1) A warrant of execution shall not issue without the permission of the court where—

- (a) six years or more have elapsed since the date of the judgment or order;
- (b) any change has taken place, whether by death or otherwise in the parties entitled to enforce the judgment or order or liable to have it enforced against them;
- (c) the judgment or order is against the assets of a deceased person coming into 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; or
- (d) any goods to be seized under a warrant of execution are in the hands of a receiver appointed by a court.

(2) An application for permission shall be supported by a witness statement or affidavit establishing the applicant's right to relief and may be made without notice being served on any other party in the first instance but the court may direct the application notice to be served on such persons as it thinks fit.

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(50) 1928 c. 43.



(3) Where, by reason of one and the same event, a person seeks permission under paragraph (1) (b) to enforce more judgments or orders than one, he may make one application only, specifying in a schedule all the judgments or orders in respect of which it is made, and if the application notice is directed to be served on any person, it need set out only such part of the application as affects him.

(4) Paragraph (1) is without prejudice to any enactment, rule or direction by virtue of which a person is required to obtain the permission of the court for the issue of a warrant or to proceed to execution or otherwise to the enforcement of a judgment or order.

### **Duration and renewal of warrant**

**Rule 6.**—(1) A warrant of execution shall, for the purpose of execution, be valid in the first instance for 12 months beginning with the date of its issue, but if not wholly executed, it may be renewed from time to time, by order of the court, for a period of 12 months at any one time, beginning with the day next following that on which it would otherwise expire, if an application for renewal is made before that day or such later day (if any) as the court may allow.

(2) A note of any such renewal shall be indorsed on the warrant and it shall be entitled to priority according to the time of its original issue or, where appropriate, its receipt by the district judge responsible for its execution.

### **Notice on levy**

**Rule 7** Any bailiff upon levying execution shall deliver to the debtor or leave at the place where execution is levied a notice of the warrant.

### **Bankruptcy or winding up of debtor**

**Rule 8.**—(1) Where the district judge responsible for the execution of a warrant is required by any provision of the Insolvency Act 1986(51) or any other enactment relating to insolvency to retain the proceeds of sale of goods sold under the warrant or money paid in order to avoid a sale, the court shall, as soon as practicable after the sale or the receipt of the money, send notice to the execution creditor and, if the warrant issued out of another court, to that court.

(2) Where the district judge responsible for the execution of a warrant—

- (a) receives notice that a bankruptcy order has been made against the debtor or, if the debtor is a company, that a provisional liquidator has been appointed or that an order has been made or a resolution passed for the winding up of the company; and
- (b) withdraws from possession of goods seized or pays over to the official receiver or trustee in bankruptcy or, if the debtor is a company, to the liquidator the proceeds of sale of goods sold under the warrant or money paid in order to avoid a sale or seized or received in part satisfaction of the warrant,

the court shall send notice to the execution creditor and, if the warrant issued out of another court, to that court.

(3) Where the court officer of a court to which a warrant issued out of another court has been sent for execution receives any such notice as is referred to in paragraph (2)(a) after he has sent to the home court any money seized or received in part satisfaction of the warrant, he shall forward the notice to that court.

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(51) 1986 c. 45.

*Status: Point in time view as at 24/12/2010.*

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

### **Withdrawal and suspension of warrant at creditor's request**

**Rule 10.**—(1) Where an execution creditor requests the district judge responsible for executing a warrant to withdraw from possession, he shall, subject to the following paragraphs of this rule, be treated as having abandoned the execution, and the court shall mark the warrant as withdrawn by request of the execution creditor.

(2) Where the request is made in consequence of a claim having been made under Order 33, rule 1, to goods seized under the warrant, the execution shall be treated as being abandoned in respect only of the goods claimed.

(3) If the district judge responsible for executing a warrant is requested by the execution creditor to suspend it in pursuance of an arrangement between him and the debtor, the court shall mark the warrant as suspended by request of the execution creditor and the execution creditor may subsequently apply to the district judge holding the warrant for it to be re-issued and, if he does so, the application shall be deemed for the purpose of section 85 (3) of the Act to be an application to issue the warrant.

(4) Nothing in this rule shall prejudice any right of the execution creditor to apply for the issue of a fresh warrant or shall authorise the re-issue of a warrant which has been withdrawn or has expired or has been superseded by the issue of a fresh warrant.

### **Suspension of part warrant**

**Rule 11** Where a warrant issued for part of a sum of money and costs payable under a judgment or order is suspended on payment of instalments, the judgment or order shall, unless the court otherwise directs, be treated as suspended on those terms as respects the whole of the sum of money and costs then remaining unpaid.

### **Inventory and notice where goods removed**

**Rule 12.**—(1) Where goods seized in execution are removed, the court shall forthwith deliver or send to the debtor a sufficient inventory of the goods removed and shall, not less than 4 days before the time fixed for the sale, give him notice of the time and place at which the goods will be sold.

(2) The inventory and notice shall be given to the debtor by delivering them to him personally or by sending them to him by post at his place of residence or, if his place of residence is not known, by leaving them for him, or sending them to him by post, at the place from which the goods were removed.

### **Account of sale**

**Rule 13** Where goods are sold under an execution, the court shall furnish the debtor with a detailed account in writing of the sale and of the application of the proceeds.

### **Notification to foreign court of payment made**

**Rule 14** Where, after a warrant has been sent to a foreign court for execution but before a final return has been made to the warrant, the home court is notified of a payment made in respect of the sum for which the warrant is issued, the home court shall send notice of the payment to the foreign court.

### **Order for private sale**

**Rule 15.**—(1) Subject to paragraph (6), an order of the court under section 97 of the Act that a sale under an execution may be made otherwise than by public auction may be made on the application of the execution creditor or the debtor or the district judge responsible for the execution of the warrant.

**Status:** Point in time view as at 24/12/2010.

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

(2) Where he is not the applicant for an order under this rule, the district judge responsible for the execution of the warrant shall, on the demand of the applicant, furnish him with a list containing the name and address of every execution creditor under any other warrant or writ of execution against the goods of the debtor of which the district judge has notice, and where the district judge is the applicant, he shall prepare such a list.

(3) Not less than 4 days before the day fixed for the hearing of the application, the applicant shall give notice of the application to each of the other persons by whom the application might have been made and to every person named in the list referred to in paragraph (2).

(4) The applicant shall produce the list to the court on the hearing of the application.

(5) Every person to whom notice of the application was given may attend and be heard on the hearing of the application.

(6) Where the district judge responsible for the execution of the warrant is the district judge by whom it was issued and he has no notice of any other warrant or writ of execution against the goods of the debtor, an order under this rule may be made by the court of its own motion with the consent of the execution creditor and the debtor or after giving them an opportunity of being heard.

### **Warrant of delivery**

**Rule 16.**—(1) Except where an Act or rule provides otherwise, a judgment or order for the delivery of any goods shall be enforceable by warrant of delivery in accordance with this rule.

(2) If the judgment or order does not give the person against whom it was given or made the alternative of paying the value of the goods, it may be enforced by a warrant of specific delivery, that is to say, a warrant to recover the goods without alternative provision for recovery of their value.

(3) If the judgment or order is for the delivery of the goods or payment of their value, it may be enforced by a warrant of delivery to recover the goods or their value.

(4) Where a warrant of delivery is issued, the judgment creditor shall be entitled, by the same or a separate warrant, to execution against the debtor's goods for any money payable under the judgment or order which is to be enforced by the warrant of delivery.

(4A) Where a judgment or order is given or made for the delivery of goods or payment of their value and a warrant is issued to recover the goods or their value, money paid into court under the warrant shall be appropriated first to any sum of money and costs awarded.

(5) The foregoing provisions of this Order, so far as applicable, shall have effect, with the necessary modifications, in relation to warrants of delivery as they have effect in relation to warrants of execution.

### **Warrant of possession**

**Rule 17.**—(1) A judgment or order for the recovery of land shall be enforceable by warrant of possession.

<sup>F269</sup>(2) Without prejudice to paragraph (3A), the person <sup>F270</sup>applying for] a warrant of possession <sup>F271</sup>... must file a <sup>F272</sup>certificate] that the land which is subject of the judgment or order has not been vacated.]

<sup>F273</sup>(2A) When applying for a warrant of possession of a dwelling-house subject to a mortgage, the claimant must certify that notice has been given in accordance with the Dwelling Houses (Execution of Possession Orders by Mortgagees) Regulations 2010.]

(3) Where a warrant of possession is issued, the judgment creditor shall be entitled, by the same or a separate warrant, to execution against the debtor's goods for any money payable under the judgment or order which is to be enforced by the warrant of possession.

**Status:** Point in time view as at 24/12/2010.

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

(3A) In a case to which paragraph (3) applies or where an order for possession has been suspended on terms as to payment of a sum of money by instalments, the judgment creditor shall in his request certify—

- (a) the amount of money remaining due under the judgment or order; and
- (b) that the whole or part of any instalment due remains unpaid.

(4) A warrant of restitution may be issued, with the permission of the court, in aid of any warrant of possession.

(5) An application for permission under paragraph (4) may be made without notice being served on any other party and shall be supported by evidence of wrongful re-entry into possession following the execution of the warrant of possession and of such further facts as would, in the High Court, enable the judgment creditor to have a writ of restitution issued.

(6) Rules 5 and 6 shall apply, with the necessary modifications, in relation to a warrant of possession and any further warrant in aid of such a warrant as they apply in relation to a warrant of execution.

#### Textual Amendments

- F269** Sch. 2 CCR Order 26 rule 17(2) substituted (6.4.2009) by [The Civil Procedure \(Amendment No.3\) Rules 2008 \(S.I. 2008/3327\)](#), rules 1, **15**
- F270** Words in Sch. 2 CCR Order 26 rule 17(2) substituted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **13(a)(i)**
- F271** Words in Sch. 2 CCR Order 26 rule 17(2) omitted (1.10.2010) by virtue of [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **13(a)(ii)**
- F272** Word in Sch. 2 CCR Order 26 rule 17(2) substituted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **13(a)(iii)**
- F273** Sch. 2 CCR Order 26 rule 17(2A) inserted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **13(b)**

#### Saving for enforcement by committal

**Rule 18** Nothing in rule 16 or 17 shall prejudice any power to enforce a judgment or order for the delivery of goods or the recovery of land by an order of committal.

## CCR ORDER 27

### ATTACHMENT OF EARNINGS

#### Part I—General

#### Interpretation

**Rule 1.**—(1) In this Order—

“the Act of 1971” means the Attachment of Earnings Act 1971(**52**) and, unless the context otherwise requires, expressions used in that Act have the same meanings as in that Act;

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(52) 1971 c. 32.

## Index of orders

**Rule 2.**—(1) The court officer of every court shall keep a nominal index of the debtors residing within the district of his court in respect of whom there are in force attachment of earnings orders which have been made by that court or of which the court officer has received notice from another court.

(2) Where a debtor in respect of whom a court has made an attachment of earnings order resides within the district of another court, the court officer of the first-mentioned court shall send a copy of the order to the court officer of the other court for entry in his index.

(3) The court officer shall, on the request of any person having a judgment or order against a person believed to be residing within the district of the court, cause a search to be made in the index of the court and issue a certificate of the result of the search.

## Appropriate court

**Rule 3.**—(1) Subject to paragraphs (2) and (3), an application for an attachment of earnings order may be made to the court for the district in which the debtor resides.

(2) If the debtor does not reside within England or Wales, or the creditor does not know where he resides, the application may be made to the court in which, or for the district in which, the judgment or order sought to be enforced was obtained.

(3) Where the creditor applies for attachment of earnings orders in respect of two or more debtors jointly liable under a judgment or order, the application may be made to the court for the district in which any of the debtors resides, so however that if the judgment or order was given or made by any such court, the application shall be made to that court.

## Mode of applying

**Rule 4.**—(1) A judgment creditor who desires to apply for an attachment of earnings order shall file his application certifying the amount of money remaining due under the judgment or order and that the whole or part of any instalment due remains unpaid and, where it is sought to enforce an order of a magistrates' court—

- (a) a certified copy of the order; and
- (b) a witness statement or affidavit verifying the amount due under the order or, if payments under the order are required to be made to the [<sup>F274</sup>[<sup>F275</sup>designated officer] for] the magistrates' court, a certificate by that [<sup>F275</sup>designated officer] to the same effect.

(2) On the filing of the documents mentioned in paragraph (1) the court officer shall, where the order to be enforced is a maintenance order, fix a day for the hearing of the application.

### Textual Amendments

**F274** Words in Sch. 2 CCR Order 27 rule 4(1)(b) substituted (1.4.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rules 1(b), **28(a)**

**F275** Words in Sch. 2 CCR Order 27 rule 4(1)(b) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) \(No. 2\) Order 2005 \(S.I. 2005/617\)](#), art. 1, **Sch. para. 176(a)**

## Service and reply

**Rule 5.**—<sup>F276</sup>(1) Notice of the application together with a form of reply in the appropriate form, shall be served on the debtor in the manner [<sup>F277</sup>set out in CPR rule [<sup>F278</sup>6.20]].]

*Status: Point in time view as at 24/12/2010.*

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

(2) The debtor shall, within 8 days after service on him of the documents mentioned in paragraph (1), file a reply in the form provided, and the instruction to that effect in the notice to the debtor shall constitute a requirement imposed by virtue of section 14 (4) of the Act of 1971:

Provided that no proceedings shall be taken for an offence alleged to have been committed under section 23 (2)(c) or (f) of the Act of 1971 in relation to the requirement unless the said documents have been served on the debtor personally or the court is satisfied that they came to his knowledge in sufficient time for him to comply with the requirement.

(2A) Nothing in paragraph (2) shall require a defendant to file a reply if, within the period of time mentioned in that paragraph, he pays to the judgment creditor the money remaining due under the judgment or order and, where such payment is made, the judgment creditor shall so inform the court officer.

(3) On receipt of a reply the court officer shall send a copy to the applicant.

#### Textual Amendments

**F276** Sch. 2 CCR Order 27 rule 5(1) substituted (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rules 1(b), **33(a)**

**F277** Words in Sch. 2 CCR Order 27 rule 5(1) substituted (25.3.2002) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), rules 1(c), **16** (with rule 24)

**F278** Word in Sch. 2 CCR Order 27 rule 5(1) substituted (1.10.2008) by [The Civil Procedure \(Amendment\) Rules 2008 \(S.I. 2008/2178\)](#), rules 1(2), **40(a)**

#### Notice to employer

**Rule 6** Without prejudice to the powers conferred by section 14 (1) of the Act of 1971, the court officer may, at any stage of the proceedings, send to any person appearing to have the debtor in his employment a notice requesting him to give to the court, within such period as may be specified in the notice, a statement of the debtor's earnings and anticipated earnings with such particulars as may be so specified.

#### Attachment of earnings order

**Rule 7.—(1)** On receipt of the debtor's reply, the court officer may, if he has sufficient information to do so, make an attachment of earnings order and a copy of the order shall be sent to the parties and to the debtor's employer.

(2) Where an order is made under paragraph (1), the judgment creditor or the debtor may, within 14 days of service of the order on him and giving his reasons, apply on notice for the order to be re-considered and the court officer shall fix a day for the hearing of the application and give to the judgment creditor and the debtor not less than 2 days' notice of the day so fixed.

(3) On hearing an application under paragraph (2), the district judge may confirm the order or set it aside and make such new order as he thinks fit and the order so made shall be entered in the records of the court.

(4) Where an order is not made under paragraph (1), the court officer shall refer the application to the district judge who shall, if he considers that he has sufficient information to do so without the attendance of the parties, determine the application.

(5) Where the district judge does not determine the application under paragraph (4), he shall direct that a day be fixed for the hearing of the application whereupon the court officer shall fix such a day and give to the judgment creditor and the debtor not less than 8 days' notice of the day so fixed.

(6) Where an order is made under paragraph (4), the judgment creditor or the debtor may, within 14 days of service of the order on him and giving his reasons, apply on notice for the order to be re-considered; and the court officer shall fix a day for the hearing of the application and give to the judgment creditor and the debtor not less than 2 days' notice of the day so fixed.

(7) On hearing an application under paragraph (6), the district judge may confirm the order or set it aside and make such new order as he thinks fit and the order so made shall be entered in the records of the court.

(8) If the creditor does not appear at the hearing of the application under paragraph (5) but—

- (a) the court has received a witness statement or affidavit of evidence from him; or
- (b) the creditor requests the court in writing to proceed in his absence,

the court may proceed to hear the application and to make an order thereon.

(9) An attachment of earnings order may be made to secure the payment of a judgment debt if the debt is—

- (a) of not less than £50; or
- (b) for the amount remaining payable under a judgment for a sum of not less than £50.

### **Failure by debtor**

**Rule 7A.**—(1) If the debtor has failed to comply with rule 5 (2) or to make payment to the judgment creditor, the court officer may issue an order under section 14 (1) of the Act of 1971 which shall—

- (a) be indorsed with or incorporate a notice warning the debtor of the consequences of disobedience to the order;
- (b) be served on the debtor personally; and
- (c) direct that any payments made thereafter shall be paid into the court and not direct to the judgment creditor.

(2) Without prejudice to rule 16, if the person served with an order made pursuant to paragraph (1) fails to obey it or to file a statement of his means or to make payment, the court officer shall issue a notice calling on that person to show good reason why he should not be imprisoned and any such notice shall be served on the debtor personally not less than 5 days before the hearing.

(3) Order 29, rule 1 shall apply, with the necessary modifications and with the substitution of references to the district judge for references to the judge, where a notice is issued under paragraph (2) or (4) of that rule.

(4) In this rule “statement of means” means a statement given under section 14 (1) of the Act of 1971.

### **Suspended committal order**

**Rule 7B.**—(1) If the debtor fails to attend at an adjourned hearing of an application for an attachment of earnings order and a committal order is made, the judge or district judge may direct that the committal order shall be suspended so long as the debtor attends at the time and place specified in the committal order and paragraphs (2), (4) and (5) of Order 28, rule 7 shall apply, with the necessary modifications, where such a direction is given as they apply where a direction is given under paragraph (1) of that rule.

(2) Where a committal order is suspended under paragraph (1) and the debtor fails to attend at the time and place specified under paragraph (1), a certificate to that effect given by the court officer shall be sufficient authority for the issue of a warrant of committal.

*Status: Point in time view as at 24/12/2010.*

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

### **Failure by debtor—maintenance orders**

**Rule 8.**—(1) An order made under section 23 (1) of the Act of 1971<sup>(53)</sup> for the attendance of the debtor at an adjourned hearing of an application for an attachment of earnings order to secure payments under a maintenance order shall—

- (a) be served on the debtor personally not less than 5 days before the day fixed for the adjourned hearing; and
- (b) direct that any payments made thereafter shall be paid into the court and not direct to the judgment creditor.

(2) An application by a debtor for the revocation of an order committing him to prison and, if he is already in custody, for his discharge under subsection (7) of the said section 23 shall be made to the judge or district judge in writing without notice to any other party showing the reasons for the debtor's failure to attend the court or his refusal to be sworn or to give evidence, as the case may be, and containing an undertaking by the debtor to attend the court or to be sworn or to give evidence when next ordered or required to do so.

(3) The application shall, if the debtor has already been lodged in prison, be attested by the governor of the prison (or any other officer of the prison not below the rank of principal officer) and in any other case be made on witness statement or affidavit.

(4) Before dealing with the application the judge or district judge may, if he thinks fit, cause notice to be given to the judgment creditor that the application has been made and of a day and hour when he may attend and be heard.

### **Costs**

**Rule 9.**—(1) Where costs are allowed to the judgment creditor on an application for an attachment of earnings order, there may be allowed—

- (a) a charge of a solicitor for attending the hearing and, if the court so directs, for serving the application;
- (b) if the court certifies that the case is fit for counsel, a fee to counsel; and
- (c) the court fee on the issue of the application.

(2) For the purpose of paragraph (1)(a) a solicitor who has prepared on behalf of the judgment creditor a witness statement or affidavit or request under rule 7 (8) shall be treated as having attended the hearing.

(3) The costs may be fixed and allowed without detailed assessment under CPR Part 47.

### **Contents and service of order**

**Rule 10.**—(1) An attachment of earnings order shall contain such of the following particulars relating to the debtor as are known to the court, namely—

- (a) his full name and address;
- (b) his place of work; and
- (c) the nature of his work and his works number, if any,

and those particulars shall be the prescribed particulars for the purposes of section 6 (3) of the Act of 1971.

(2) An attachment of earnings order and any order varying or discharging such an order shall be served on the debtor and on the person to whom the order is directed, and CPR Part 6 and CPR rules 40.4 and 40.5 shall apply with the further modification that where the order is directed to a

<sup>(53)</sup> 1971 c. 32; section 23(1) was amended by the Administration of Justice Act 1982 (c. 53), section 53(2).



corporation which has requested the court that any communication relating to the debtor or to the class of persons to whom he belongs shall be directed to the corporation at a particular address, service may, if the district judge thinks fit, be effected on the corporation at that address.

(3) Where an attachment of earnings order is made to enforce a judgment or order of the High Court or a magistrates' court, a copy of the attachment of earnings order and of any order discharging it shall be sent by the court officer of the county court to the court officer of the High Court, or, as the case may be, the [<sup>F279</sup>[<sup>F280</sup>designated officer] for] the magistrates' court.

#### Textual Amendments

**F279** Words in Sch. 2 CCR Order 27 rule 10(3) substituted (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rules 1(b), **27(b)**

**F280** Words in Sch. 2 CCR Order 27 rule 10(3) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) \(No. 2\) Order 2005 \(S.I. 2005/617\)](#), art. 1, **Sch. para. 176(b)**

#### Application to determine whether particular payments are earnings

**Rule 11** An application to the court under section 16 of the Act of 1971 to determine whether payments to the debtor of a particular class or description are earnings for the purpose of an attachment of earnings order may be made to the district judge in writing and the court officer shall thereupon fix a date and time for the hearing of the application by the court and give notice thereof to the persons mentioned in the said section 16 (2)(a), (b) and (c).

#### Notice of cesser

**Rule 12** Where an attachment of earnings order ceases to have effect under section 8 (4) of the Act of 1971, the court officer of the court in which the matter is proceeding shall give notice of the cesser to the person to whom the order was directed.

#### Variation and discharge by court of own motion

**Rule 13.**—(1) Subject to paragraph (9), the powers conferred by section 9 (1) of the Act of 1971 may be exercised by the court of its own motion in the circumstances mentioned in the following paragraphs.

(2) Where it appears to the court that a person served with an attachment of earnings order directed to him has not the debtor in his employment, the court may discharge the order.

(3) Where an attachment of earnings order which has lapsed under section 9 (4) of the Act of 1971 is again directed to a person who appears to the court to have the debtor in his employment, the court may make such consequential variations in the order as it thinks fit.

(4) Where, after making an attachment of earnings order, the court makes or is notified of the making of another such order in respect of the same debtor which is not to secure the payment of a judgment debt or payments under an administration order, the court may discharge or vary the first-mentioned order having regard to the priority accorded to the other order by paragraph 8 of Schedule 3 to the Act of 1971.

(5) Where, after making an attachment of earnings order, the court makes an order under section 4 (1)(b) of the Act of 1971<sup>(54)</sup> or makes an administration order, the court may discharge the attachment of earnings order or, if it exercises the power conferred by section 5 (3) of the said Act, may vary the order in such manner as it thinks fit.

<sup>(54)</sup> 1971 c. 32; section 4 was amended by the Insolvency Act 1976 (c. 60), section 13(2); and by the County Courts Act 1984 (c. 28), section 148(1), schedule 2, Part V, paragraph 40.

*Status: Point in time view as at 24/12/2010.*

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

(6) On making a consolidated attachment of earnings order the court may discharge any earlier attachment of earnings order made to secure the payment of a judgment debt by the same debtor.

(7) Where it appears to the court that a bankruptcy order has been made against a person in respect of whom an attachment of earnings order is in force to secure the payment of a judgment debt, the court may discharge the attachment of earnings order.

(8) Where an attachment of earnings order has been made to secure the payment of a judgment debt and the court grants permission to issue execution for the recovery of the debt, the court may discharge the order.

(9) Before varying or discharging an attachment of earnings order of its own motion under any of the foregoing paragraphs of this rule, the court shall, unless it thinks it unnecessary in the circumstances to do so, give the debtor and the person on whose application the order was made an opportunity of being heard on the question whether the order should be varied or discharged, and for that purpose the court officer may give them notice of a date, time and place at which the question will be considered.

### **Transfer of attachment order**

**Rule 14.**—(1) Where the court by which the question of making a consolidated attachment order falls to be considered is not the court by which any attachment of earnings order has been made to secure the payment of a judgment debt by the debtor, the district judge of the last-mentioned court shall, at the request of the district judge of the first-mentioned court, transfer to that court the matter in which the attachment of earnings order was made.

(2) Without prejudice to paragraph (1), if in the opinion of the judge or district judge of any court by which an attachment of earnings order has been made, the matter could more conveniently proceed in some other court, whether by reason of the debtor having become resident in the district of that court or otherwise, he may order the matter to be transferred to that court.

(3) The court to which proceedings arising out of an attachment of earnings are transferred under this rule shall have the same jurisdiction in relation to the order as if it has been made by that court.

### **Exercise of power to obtain statement of earnings etc.**

**Rule 15.**—(1) An order under section 14 (1) of the Act of 1971 shall be indorsed with or incorporate a notice warning the person to whom it is directed of the consequences of disobedience to the order and shall be served on him personally.

(2) Order 34, rule 2, shall apply, with the necessary modifications, in relation to any penalty for failure to comply with an order under the said section 14 (1) or, subject to the proviso to rule 5 (2), any penalty for failure to comply with a requirement mentioned in that rule, as it applies in relation to a fine under section 55 of the County Courts Act 1984(55).

### **Offences**

**Rule 16.**—(1) Where it is alleged that a person has committed any offence mentioned in section 23 (2)(a), (b), (d), (e) or (f) of the Act of 1971 in relation to proceedings in, or to an attachment of earnings order made by, a county court, the district judge shall, unless it is decided to proceed against the alleged offender summarily, issue a summons calling upon him to show cause why he should not be punished for the alleged offence.

The summons shall be served on the alleged offender personally not less than 14 days before the return day.

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(55) 1984 c. 28.

(2) Order 34, rules 3 and 4, shall apply, with the necessary modifications, to proceedings for an offence under section 23 (2) of the Act of 1971 as they apply to proceedings for offences under the County Courts Act 1984<sup>(56)</sup>.

### Maintenance orders

**Rule 17.**—(1) The foregoing rules of this Order shall apply in relation to maintenance payments as they apply in relation to a judgment debt, subject to the following paragraphs.

(2) An application for an attachment of earnings order to secure payments under a maintenance order made by a county court shall be made to that county court.

(3) Any application under section 32 of the Matrimonial Causes Act 1973<sup>(57)</sup> for permission to enforce the payment of arrears which became due more than 12 months before the application for an attachment of earnings order shall be made in that application.

[<sup>F281</sup>(3A) Notice of the application together with a form of reply in the appropriate form, shall be served on the debtor in the manner [<sup>F282</sup>set out in CPR rule [<sup>F283</sup>6.20]].]

[<sup>F284</sup>(3B) Service of the notice shall be effected not less than 21 days before the hearing, but service may be effected at any time before the hearing on the applicant satisfying the court by witness statement or affidavit that the respondent is about to remove from his address for service.]

[<sup>F285</sup>(3C)] <sup>F286</sup>... Rule 5 (2A) shall not apply.

(4) An application by the debtor for an attachment of earnings order to secure payments under a maintenance order may be made on the making of the maintenance order or an order varying the maintenance order, and rules 4 and 5 shall not apply.

(5) Rule 7 shall have effect as if for paragraphs (1) to (8) there were substituted the following paragraph—

“(1) An application for an attachment of earnings order may be heard and determined by the district judge, who shall hear the application in private.”

(6) Rule 9 shall apply as if for the reference to the amount payable under the relevant adjudication there were substituted a reference to the arrears due under the related maintenance order.

(7) Where an attachment of earnings order made by the High Court designates the court officer of a county court as the collecting officer, that officer shall, on receipt of a certified copy of the order from the court officer of the High Court, send to the person to whom the order is directed a notice as to the mode of payment.

(8) Where an attachment of earnings order made by a county court to secure payments under a maintenance order ceases to have effect and—

(a) the related maintenance order was made by that court; or

(b) the related maintenance order was an order of the High Court and—

(i) the court officer of the county court has received notice of the cessation from the court officer of the High Court; or

(ii) a committal order has been made in the county court for the enforcement of the related maintenance order,

the court officer of the county court shall give notice of the cessation to the person to whom the attachment of earnings order was directed.

(9) Where an attachment of earnings order has been made by a county court to secure payments under a maintenance order, notice under section 10 (2) of the Act of 1971 to the debtor and to the

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<sup>(56)</sup> 1984 c. 28.

<sup>(57)</sup> 1973 c. 18.

*Status: Point in time view as at 24/12/2010.*

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

person to whom the district judge is required to pay sums received under the order shall be in the form provided for that purpose, and if the debtor wishes to request the court to discharge the attachment of earnings order or to vary it otherwise than by making the appropriate variation, he shall apply to the court, within 14 days after the date of the notice, for the remedy desired.

(10) Rule 13 shall have effect as if for paragraphs (4) to (7) there were substituted the following paragraph:—

“(4) Where it appears to the court by which an attachment of earnings order has been made that the related maintenance order has ceased to have effect, whether by virtue of the terms of the maintenance order or under section 28 of the Matrimonial Causes Act 1973(58) or otherwise, the court may discharge or vary the attachment of earnings order.”

#### Textual Amendments

- F281** Sch. 2 CCR Order 27 rule 17(3A) substituted (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rules 1(b), **33(b)(i)**
- F282** Words in Sch. 2 CCR Order 27 rule 17(3A) substituted (25.3.2002) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), rules 1(c), **16** (with rule 24)
- F283** Word in Sch. 2 CCR Order 27 rule 17(3A) substituted (1.10.2008) by [The Civil Procedure \(Amendment\) Rules 2008 \(S.I. 2008/2178\)](#), rules 1(2), **40(b)**
- F284** Sch. 2 CCR Order 27 rule 17(3B) inserted (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rules 1(b), **33(b)(iii)**
- F285** Sch. 2 CCR Order 27 rule 17(3B) renumbered as Sch. 2 CCR Order 27 rule 17(3C) (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rules 1(b), **33(b)(ii)**
- F286** Words in Sch. 2 CCR Order 27 rule 17(3B) omitted (26.4.1999) by virtue of [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, **67**

## Part II—Consolidated Attachment of Earnings Orders

### Cases in which consolidated order may be made

**Rule 18** Subject to the provisions of rules 19 to 21, the court may make a consolidated attachment order where—

- (a) two or more attachment of earnings orders are in force to secure the payment of judgment debts by the same debtor; or
- (b) on an application for an attachment of earnings order to secure the payment of a judgment debt, or for a consolidated attachment order to secure the payment of two or more judgment debts, it appears to the court that an attachment of earnings order is already in force to secure the payment of a judgment debt by the same debtor.

### Application for consolidated order

**Rule 19.**—(1) An application for a consolidated attachment order may be made—

- (a) by the debtor in respect of whom the order is sought; or
- (b) by any person who has obtained or is entitled to apply for an attachment of earnings order to secure the payment of a judgment debt by that debtor.

(58) 1973 c. 18; section 28(1) was amended by the Matrimonial and Family Proceedings Act 1984 (c. 42), section 5.

*Status: Point in time view as at 24/12/2010.*

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

(2) An application under paragraph (1) may be made in the proceedings in which any attachment of earnings order (other than a priority order) is in force and rules 3, 4 and 5 of this Order shall not apply.

(3) Where the judgment which it is sought to enforce was not given by the court which made the attachment of earnings order, the judgment shall be automatically transferred to the court which made the attachment of earnings order.

(3A) An application under paragraph (1)(b) shall certify the amount of money remaining due under the judgment or order and that the whole or part of any instalment due remains unpaid.

(3B) Where an application for a consolidated attachment of earnings order is made, the court officer shall—

- (a) notify any party who may be affected by the application of its terms; and
- (b) require him to notify the court in writing, within 14 days of service of notification upon him, giving his reasons for any objection he may have to the granting of the application.

(3C) If notice of any objection is not given within the time stated, the court officer shall make a consolidated attachment of earnings order.

(3D) If any party objects to the making of a consolidated attachment of earnings order, the court officer shall refer the application to the district judge who may grant the application after considering the objection made and the reasons given.

(3E) In the foregoing paragraphs of this rule, a party affected by the application means—

- (a) where the application is made by the debtor, the creditor in the proceedings in which the application is made and any other creditor who has obtained an attachment of earnings order which is in force to secure the payment of a judgment debt by the debtor;
- (b) where the application is made by the judgment creditor, the debtor and every person who, to the knowledge of the applicant, has obtained an attachment of earnings order which is in force to secure the payment of a judgment debt by the debtor.

(4) A person to whom two or more attachment of earnings orders are directed to secure the payment of judgment debts by the same debtor may request the court in writing to make a consolidated attachment order to secure the payment of those debts, and on receipt of such a request paragraphs (3B) to (3E) shall apply, with the necessary modifications, as if the request were an application by the judgment creditor.

### **Making of consolidated order by court of its own motion**

**Rule 20** Where an application is made for an attachment of earnings order to secure the payment of a judgment debt by a debtor in respect of whom an attachment of earnings order is already in force to secure the payment of another judgment debt and no application is made for a consolidated attachment order, the court officer may make such an order of his own motion after giving all persons concerned an opportunity of submitting written objections.

### **Extension of consolidated order**

**Rule 21.**—(1) Where a consolidated attachment order is in force to secure the payment of two or more judgment debts, any creditor to whom another judgment debt is owed by the same judgment debtor may apply to the court by which the order was made for it to be extended so as to secure the payment of that debt as well as the first-mentioned debts and, if the application is granted, the court may either vary the order accordingly or may discharge it and make a new consolidated attachment order to secure payment of all the aforesaid judgment debts.

(2) An application under this rule shall be treated for the purposes of rules 19 and 20 as an application for a consolidated attachment order.

**Status:** Point in time view as at 24/12/2010.

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

## Payments under consolidated order

**Rule 22** Instead of complying with section 13 of the Act of 1971, a court officer who receives payments made to him in compliance with a consolidated attachment order shall, after deducting such court fees, if any, in respect of proceedings for or arising out of the order as are deductible from those payments, deal with the sums paid as he would if they had been paid by the debtor to satisfy the relevant adjudications in proportion to the amounts payable thereunder, and for that purpose dividends may from time to time be declared and distributed among the creditors entitled thereto.

## CCR ORDER 28

### JUDGMENT SUMMONSES

#### Application for judgment summons

**Rule 1.**—(1) An application for the issue of a judgment summons may be made to the court for the district in which the debtor resides or carries on business or, if the summons is to issue against two or more persons jointly liable under the judgment or order sought to be enforced, in the court for the district in which any of the debtors resides or carries on business.

(2) The judgment creditor shall make his application by filing a request in that behalf certifying the amount of money remaining due under the judgment or order, the amount in respect of which the judgment summons is to issue and that the whole or part of any instalment due remains unpaid.

[<sup>F287</sup>(3) The judgment creditor must file with the request all written evidence on which he intends to rely.]

#### Textual Amendments

**F287** Sch. 2 CCR Order 28 rule 1(3) inserted (25.3.2002) by [The Civil Procedure \(Amendment No. 5\) Rules 2001 \(S.I. 2001/4015\)](#), rules 1(c), **39(a)**

#### Mode of service

**Rule 2.**—(1) Subject to paragraph (2), a judgment summons shall be served personally on every debtor against whom it is issued.

(2) Where the judgment creditor or [<sup>F288</sup>the judgment creditor's] solicitor gives a certificate for postal service in respect of a debtor residing or carrying on business within the district of the court, [<sup>F289</sup>the judgment summons will], unless the district judge otherwise directs, be served on that debtor by <sup>F290</sup>... the court [<sup>F291</sup>sending it to the debtor] by first-class post at the address stated in the request for the judgment summons and, unless the contrary is shown, [<sup>F292</sup>the date of service is] deemed to be the seventh day after the date on which the judgment summons was sent to the debtor.

(3) Where a judgment summons has been served on a debtor in accordance with paragraph (2), no order of commitment shall be made against him unless—

(a) he appears at the hearing; or

[<sup>F293</sup>(b) it is made under section 110(2) of the Act.]

[<sup>F294</sup>(4) The written evidence on which the judgment creditor intends to rely must be served with the judgment summons.]

### Textual Amendments

- F288** Words in Sch. 2 CCR Order 28 rule 2(2) substituted (1.10.2008) by [The Civil Procedure \(Amendment\) Rules 2008 \(S.I. 2008/2178\)](#), rules 1(2), **41(a)(i)**
- F289** Words in Sch. 2 CCR Order 28 rule 2(2) substituted (1.10.2008) by [The Civil Procedure \(Amendment\) Rules 2008 \(S.I. 2008/2178\)](#), rules 1(2), **41(a)(ii)**
- F290** Words in Sch. 2 CCR Order 28 rule 2(2) omitted (1.10.2008) by virtue of [The Civil Procedure \(Amendment\) Rules 2008 \(S.I. 2008/2178\)](#), rules 1(2), **41(a)(iii)**
- F291** Words in Sch. 2 CCR Order 28 rule 2(2) substituted (1.10.2008) by [The Civil Procedure \(Amendment\) Rules 2008 \(S.I. 2008/2178\)](#), rules 1(2), **41(a)(iv)**
- F292** Words in Sch. 2 CCR Order 28 rule 2(2) substituted (1.10.2008) by [The Civil Procedure \(Amendment\) Rules 2008 \(S.I. 2008/2178\)](#), rules 1(2), **41(a)(v)**
- F293** Sch. 2 CCR Order 28 rule 2(3)(b) substituted (25.3.2002) by [The Civil Procedure \(Amendment No. 5\) Rules 2001 \(S.I. 2001/4015\)](#), rules 1(c), **39(b)(i)**
- F294** Sch. 2 CCR Order 28 rule 2(4) substituted (25.3.2002) by [The Civil Procedure \(Amendment No. 5\) Rules 2001 \(S.I. 2001/4015\)](#), rules 1(c), **39(b)(ii)**

### Time for service

**Rule 3.**—(1) [<sup>F295</sup>The judgment summons and written evidence must] be served not less than 14 days before the day fixed for the hearing.

(2) A notice of non-service [<sup>F296</sup>will] be sent pursuant to CPR rule [<sup>F297</sup>6.18] in respect of a judgment summons which has been sent by post under rule 2 (2) and has been returned to the court <sup>F298</sup>... undelivered.

(3) CPR rules 7.5 and 7.6 <sup>F299</sup>... apply, with the necessary modifications, to a judgment summons as they apply to a claim form.

### Textual Amendments

- F295** Words in Sch. 2 CCR Order 28 rule 3(1) substituted (25.3.2002) by [The Civil Procedure \(Amendment No. 5\) Rules 2001 \(S.I. 2001/4015\)](#), rules 1(c), **39(c)**
- F296** Word in Sch. 2 CCR Order 28 rule 3(2) substituted (1.10.2008) by [The Civil Procedure \(Amendment\) Rules 2008 \(S.I. 2008/2178\)](#), rules 1(2), **41(b)(i)(aa)**
- F297** Word in Sch. 2 CCR Order 28 rule 3(2) substituted (1.10.2008) by [The Civil Procedure \(Amendment\) Rules 2008 \(S.I. 2008/2178\)](#), rules 1(2), **41(b)(i)(bb)**
- F298** Word in Sch. 2 CCR Order 28 rule 3(2) omitted (1.10.2008) by virtue of [The Civil Procedure \(Amendment\) Rules 2008 \(S.I. 2008/2178\)](#), rules 1(2), **41(b)(i)(cc)**
- F299** Word in rule 3(3) omitted (1.10.2008) by virtue of [The Civil Procedure \(Amendment\) Rules 2008 \(S.I. 2008/2178\)](#), rules 1(2), **41(b)(ii)**

### Enforcement of debtor's attendance

**Rule 4.**—(1) Order 27, rules 7B and 8, shall apply, with the necessary modifications, to an order made under section 110 (1) of the Act for the attendance of the debtor at an adjourned hearing of a judgment summons as they apply to an order made under section 23 (1) of the Attachment of Earnings Act 1971(**59**) for the attendance of the debtor at an adjourned hearing of an application for an attachment of earnings order.

(59) 1971 c. 32; section 23(1) was amended by the Administration of Justice Act 1982 (c. 53), section 53(2).

*Status: Point in time view as at 24/12/2010.*

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

[<sup>F300</sup>(1A) An order made under section 110(1) of the Act must be served personally on the judgment debtor.

(1B) Copies of—

- (a) the judgment summons; and
- (b) the written evidence,

must be served with the order.]

(2) At the time of service of the order there shall be paid or tendered to the debtor a sum reasonably sufficient to cover his expenses in travelling to and from the court, unless such a sum was paid to him at the time of service of the judgment summons.

#### Textual Amendments

**F300** Sch. 2 CCR Order 28 rule 4(1A)(1B) inserted (25.3.2002) by [The Civil Procedure \(Amendment No. 5\) Rules 2001 \(S.I. 2001/4015\)](#), rules 1(c), **39(d)**

#### [<sup>F301</sup>Evidence

**Rule 5.**—(1) No person may be committed on an application for a judgment summons unless—

- (a) the order is made under section 110(2) of the Act; or
- (b) the judgment creditor proves that the debtor—
  - (i) has or has had since the date of the judgment or order the means to pay the sum in respect of which he has made default; and
  - (ii) has refused or neglected or refuses or neglects to pay that sum.

(2) The debtor may not be compelled to give evidence.]

#### Textual Amendments

**F301** Sch. 2 CCR Order 28 rule 5 substituted (25.3.2002) by [The Civil Procedure \(Amendment No. 5\) Rules 2001 \(S.I. 2001/4015\)](#), rules 1(c), **39(e)**

#### Suspension of committal order

**Rule 7.**—(1) If on the hearing of a judgment summons a committal order is made, the judge may direct execution of the order to be suspended to enable the debtor to pay the amount due.

(2) A note of any direction given under paragraph (1) shall be entered in the records of the court and notice of the suspended committal order shall be sent to the debtor.

(3) Where a judgment summons is issued in respect of one or more but not all of the instalments payable under a judgment or order for payment by instalments and a committal order is made and suspended under paragraph (1), the judgment or order shall, unless the judge otherwise orders, be suspended for so long as the execution of the committal order is suspended.

(4) Where execution of a committal order is suspended under paragraph (1) and the debtor subsequently desires to apply for a further suspension, the debtor shall attend at or write to the court office and apply for the suspension he desires, stating the reasons for his inability to comply with the terms of the original suspension, and the court shall fix a day for the hearing of the application by the judge and give at least 3 days' notice thereof to the judgment creditor and the debtor.



**Status:** Point in time view as at 24/12/2010.

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

(5) The district judge may suspend execution of the committal order pending the hearing of an application under paragraph (4).

**New order on judgment summons**

**Rule 8.**—(1) Where on the hearing of a judgment summons, the judge makes a new order for payment of the amount of the judgment debt remaining unpaid, there shall be included in the amount payable under the order for the purpose of any enforcement proceedings, otherwise than by judgment summons, any amount in respect of which a committal order has already been made and the debtor imprisoned.

(2) No judgment summons under the new order shall include any amount in respect of which the debtor was imprisoned before the new order was made, and any amount subsequently paid shall be appropriated in the first instance to the amount due under the new order.

**Notification of order on judgment of High Court**

**Rule 9.**—(1) Notice of the result of the hearing of a judgment summons on a judgment or order of the High Court shall be sent by the county court to the High Court.

[<sup>F302</sup>(2) If a committal order or a new order for payment is made on the hearing, the office copy of the judgment or order filed in the county court shall be deemed to be a judgment or order of the court in which the judgment summons is heard.]

**Textual Amendments**

**F302** Sch. 2 CCR Order 28 rule 9(2) substituted (25.3.2002) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), rules 1(c), 17 (with rule 24)

**Costs on judgment summons**

**Rule 10.**—(1) No costs shall be allowed to the judgment creditor on the hearing of a judgment summons unless—

- (a) a committal order is made; or
- (b) the sum in respect of which the judgment summons was issued is paid before the hearing.

(2) Where costs are allowed to the judgment creditor,

- (a) there may be allowed—
  - (i) a charge of the judgment creditor’s solicitor for attending the hearing and, if the judge so directs, for serving the judgment summons;
  - (ii) a fee to counsel if the court certifies that the case is fit for counsel;
  - (iii) any travelling expenses paid to the debtor, and
  - (iv) the court fee on the issue of the judgment summons;
- (b) the costs may be fixed and allowed without detailed assessment under CPR Part 47.

<sup>F303</sup>(3) .....

**Textual Amendments**

**F303** Sch. 2 CCR Order 28 rule 10(3) omitted (25.3.2002) by virtue of [The Civil Procedure \(Amendment No. 5\) Rules 2001 \(S.I. 2001/4015\)](#), rules 1(c), 39(f)

*Status: Point in time view as at 24/12/2010.*

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

### Issue of warrant of committal

**Rule 11.**—(1) A judgment creditor desiring a warrant to be issued pursuant to a committal order shall file a request in that behalf.

(2) Where two or more debtors are to be committed in respect of the same judgment or order, a separate warrant of committal shall be issued for each of them.

(3) Where a warrant of committal is sent to a foreign court for execution, that court shall indorse on it a notice as to the effect of section 122 (3) of the Act addressed to the governor of the prison of that court.

### Notification to foreign court of part payment before debtor lodged in prison

**Rule 12** Where, after a warrant of committal has been sent to a foreign court for execution but before the debtor is lodged in prison, the home court is notified that an amount which is less than the sum on payment of which the debtor is to be discharged has been paid, the home court shall send notice of the payment to the foreign court.

### Payment after debtor lodged in prison

**Rule 13.**—(1) Where, after the debtor has been lodged in prison under a warrant of committal, payment is made of the sum on payment of which the debtor is to be discharged, then—

- (a) if the payment is made to the court responsible for the execution of the warrant, [<sup>F304</sup>the court officer] shall make and sign a certificate of payment and send it by post or otherwise to the gaoler;
- (b) if the payment is made to the court which issued the warrant of committal after the warrant has been sent to a foreign court for execution, the home court shall send notice of the payment to the foreign court, [<sup>F305</sup>and the court officer at the foreign court shall make] and sign a certificate of payment and send it by post or otherwise to the gaoler;
- (c) if the payment is made to the gaoler, he shall sign a certificate of payment and send the amount to the court which made the committal order.

(2) Where, after the debtor has been lodged in prison under a warrant of committal, payment is made of an amount less than the sum on payment of which the debtor is to be discharged, then subject to paragraph (3), paragraph (1)(a) and (b) shall apply with the substitution of references to a notice of payment for the references to a certificate of payment and paragraph (1)(c) shall apply with the omission of the requirement to make and sign a certificate of payment.

(3) Where, after the making of a payment to which paragraph (2) relates, the balance of the sum on payment of which the debtor is to be discharged is paid, paragraph (1) shall apply without the modifications mentioned in paragraph (2).

#### Textual Amendments

**F304** Words in Sch. 2 CCR Order 28 rule 13(1)(a) substituted (26.4.1999) by [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, **68(a)**

**F305** Words in Sch. 2 CCR Order 28 rule 13(1)(b) substituted (26.4.1999) by [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, **68(b)**

### Discharge of debtor otherwise than on payment

**Rule 14.**—(1) Where the judgment creditor lodges with the district judge a request that a debtor lodged in prison under a warrant of committal may be discharged from custody, the district judge

shall make an order for the discharge of the debtor in respect of the warrant of committal and the court shall send the gaoler a certificate of discharge.

(2) Where a debtor who has been lodged in prison under a warrant of committal desires to apply for his discharge under section 121 of the Act, the application shall be made to the judge in writing and without notice showing the reasons why the debtor alleges that he is unable to pay the sum in respect of which he has been committed and ought to be discharged and stating any offer which he desires to make as to the terms on which his discharge is to be ordered, and Order 27, rule 8 (3) and (4), shall apply, with the necessary modifications, as it applies to an application by a debtor for his discharge from custody under section 23 (7) of the Attachment of Earnings Act 1971<sup>(60)</sup>.

(3) If in a case to which paragraph (2) relates the debtor is ordered to be discharged from custody on terms which include liability to re-arrest if the terms are not complied with, the judge may, on the application of the judgment creditor if the terms are not complied with, order the debtor to be re-arrested and imprisoned for such part of the term of imprisonment as remained unserved at the time of discharge.

(4) Where an order is made under paragraph (3), a duplicate warrant of committal shall be issued, indorsed with a certificate signed by the court officer as to the order of the judge.

## CCR ORDER 29

### COMMITTAL FOR BREACH OF ORDER OR UNDERTAKING

#### **Enforcement of judgment to do or abstain from doing any act**

**Rule 1.**—(1) Where a person required by a judgment or order to do an act refuses or neglects to do it within the time fixed by the judgment or order or any subsequent order, or where a person disobeys a judgment or order requiring him to abstain from doing an act, then, subject to the Debtors Acts 1869 and 1878<sup>(61)</sup> and to the provisions of these rules, the judgment or order may be enforced, by order of the judge, by a committal order against that person or, if that person is a body corporate, against any director or other officer of the body.

(2) Subject to paragraphs (6) and (7), a judgment or order shall not be enforced under paragraph (1) unless—

- (a) a copy of the judgment or order has been served personally on the person required to do or abstain from doing the act in question and also, where that person is a body corporate, on the director or other officer of the body against whom a committal order is sought, and
- (b) in the case of a judgment or 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 and was accompanied by a copy of any order, made between the date of the judgment or order and the date of service, fixing that time.

(3) Where a judgment or order enforceable by committal order under paragraph (1) has been given or made, the court officer shall, if the judgment or order is in the nature of an injunction, at the time when the judgment or order is drawn up, and in any other case on the request of the judgment creditor, issue a copy of the judgment or order, indorsed with or incorporating a notice as to the consequences of disobedience, for service in accordance with paragraph (2).

(4) If the person served with the judgment or order fails to obey it, the judgment creditor may issue a claim form or, as the case may be, an application notice seeking the committal for contempt of court of that person and subject to paragraph (7), the claim form or application notice shall be served on him personally.

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<sup>(60)</sup> 1971 c. 32.

<sup>(61)</sup> 1869 c. 62; 1878 c. 54.

*Status: Point in time view as at 24/12/2010.*

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

- (4A) The claim form or application notice (as the case may be) shall:—
- (a) identify the provisions of the injunction or undertaking which it is alleged have been disobeyed or broken;
  - (b) list the ways in which it is alleged that the injunction has been disobeyed or the undertaking has been broken.
  - (c) be supported by an affidavit stating the grounds on which the application is made, and unless service is dispensed with under paragraph (7), a copy of the affidavit shall be served with the claim form or application notice.
- (5) If a committal order is made, the order shall be for the issue of a warrant of committal and, unless the judge otherwise orders—
- (a) a copy of the order shall be served on the person to be committed either before or at the time of the execution of the warrant; or
  - (b) where the warrant has been signed by the judge, the order for issue of the warrant may be served on the person to be committed at any time within 36 hours after the execution of the warrant.
- [<sup>F306</sup>(5A) A warrant of committal shall not, without further order of the court, be enforced more than 2 years after the date on which the warrant is issued.]
- (6) A judgment or order requiring a person to abstain from doing an act may be enforced under paragraph (1) notwithstanding that service of a copy of the judgment or order has not been effected in accordance with paragraph (2) if the judge is satisfied that, pending such service, the person against whom it is sought to enforce the judgment or order has had notice [<sup>F307</sup>of the judgment or order] either—
- (a) by being present when the judgment or order was given or made, or
  - (b) by being notified of the terms of the judgment or order whether by telephone, [<sup>F308</sup>fax, e-mail] or otherwise.
- (7) Without prejudice to its powers under Part 6 of the CPR, the court may dispense with service of a copy of a judgment or order under paragraph (2) or a claim form or application notice under paragraph (4) if the court thinks it just to do so.
- (8) Where service of the claim form or application notice has been dispensed with under paragraph (7) and a committal order is made in the absence of the respondent, the judge may on his own initiative fix a date and time when the person to be committed is to be brought before him or before the court.

#### Textual Amendments

**F306** Sch. 2 CCR Order 29 rule (1)(5A) inserted (1.4.2004) by [The Civil Procedure \(Amendment No. 5\) Rules 2003 \(S.I. 2003/3361\)](#), rules 1(c), **33**

**F307** Words in Sch. 2 CCR Order 29 rule 1(6) substituted (1.10.2008) by [The Civil Procedure \(Amendment\) Rules 2008 \(S.I. 2008/2178\)](#), rules 1(2), **42(a)**

**F308** Words in Sch. 2 CCR Order 29 rule 1(6)(b) substituted (1.10.2008) by [The Civil Procedure \(Amendment\) Rules 2008 \(S.I. 2008/2178\)](#), rules 1(2), **42(b)**

#### Undertaking given by party

**Rule 1A** Rule 1 (except paragraph (6)) shall apply to undertakings as it applies to orders with the necessary modifications and as if—

- (a) for paragraph (2) of that rule there were substituted the following—

**Status:** Point in time view as at 24/12/2010.

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

“(2) A copy of the document recording the undertaking shall be delivered by the court officer to the party giving the undertaking—

- (a) by handing a copy of the document to him before he leaves the court building; or
- (b) where his place of residence is known, by posting a copy to him at his place of residence; or
- (c) through his solicitor,

and, where delivery cannot be effected in this way, the court officer shall deliver a copy of the document to the party for whose benefit the undertaking is given and that party shall cause it to be served personally as soon as is practicable.”

(b) in paragraph (7), the words from “a copy of” to “paragraph (2) or” were omitted.

**Solicitor’s undertaking**

**Rule 2.**—(1) An undertaking given by a solicitor in relation to any proceeding in a county court may be enforced, by order of the judge of that court, by committal order against the solicitor.

(2) Where it appears to the judge that a solicitor has failed to carry out any such undertaking, he may of his own initiative direct the court officer to issue a notice calling on the solicitor to show cause why he should not be committed to prison.

(3) Where any party to the proceedings desires to have the undertaking enforced by committal order, the court officer shall, on the application of the party supported by an affidavit setting out the facts on which the application is based, issue such a notice as is referred to in paragraph (2).

**Discharge of person in custody**

**Rule 3.**—(1) Where a person in custody under a warrant or order, other than a warrant of committal to which Order 27, rule 8, or Order 28, rule 4 or 14, relates, desires to apply to the court for his discharge, he shall make his application in writing attested by the governor of the prison (or any other officer of the prison not below the rank of principal officer) showing that he has purged or is desirous of purging his contempt and shall, not less than one day before the application is made, serve notice of it on the party, if any, at whose instance the warrant or order was issued.

(2) If the committal order—

- (a) does not direct that any application for discharge shall be made to a judge; or
- (b) was made by the district judge under section 118 of the Act(62),

any application for discharge may be made to the district judge.

(3) Nothing in paragraph (1) shall apply to an application made by the Official Solicitor in his official capacity for the discharge of a person in custody.

**CCR ORDER 30**

**GARNISHEE PROCEEDINGS**

**Attachment of debt due to judgment debtor**

<sup>F309</sup>**Rule 1** .....

(62) Section 118 was amended by the Statute Law (Repeals) Act 1986 (c. 12); and by the Courts and Legal Services Act 1990 (c. 41), section 74(6).

**Status:** Point in time view as at 24/12/2010.  
**Changes to legislation:** There are currently no known outstanding effects for the The Civil Procedure Rules 1998. (See end of Document for details)

**Textual Amendments**

**F309** Sch. 2 CCR Order 30 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**

**F309** **Rule 2** .....

**Textual Amendments**

**F309** Sch. 2 CCR Order 30 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)**)

**Preparation, service and effect of order to show cause**

**F309** **Rule 3** .....

**Textual Amendments**

**F309** Sch. 2 CCR Order 30 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)**)

**Notice by deposit-taking institution denying indebtedness**

**F309** **Rule 5** .....

**Textual Amendments**

**F309** Sch. 2 CCR Order 30 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 where no notice given etc.**

**F309** **Rule 7** .....

**Textual Amendments**

**F309** Sch. 2 CCR Order 30 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)**)

**Directions where dispute as to notice under rule 5**

**F309** **Rule 8** .....

**Status:** Point in time view as at 24/12/2010.

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

**Textual Amendments**

**F309** Sch. 2 CCR Order 30 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)**)

**Determination of liability in other cases**

**F309** **Rule 9** .....

**Textual Amendments**

**F309** Sch. 2 CCR Order 30 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)**)

**Transfer of proceedings**

**F309** **Rule 10** .....

**Textual Amendments**

**F309** Sch. 2 CCR Order 30 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**

**F309** **Rule 11** .....

**Textual Amendments**

**F309** Sch. 2 CCR Order 30 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**

**F309** **Rule 12** .....

**Textual Amendments**

**F309** Sch. 2 CCR Order 30 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 of judgment creditor**

**F309** **Rule 13** .....

*Status: Point in time view as at 24/12/2010.  
Changes to legislation: There are currently no known outstanding effects  
for the The Civil Procedure Rules 1998. (See end of Document for details)*

**Textual Amendments**

**F309** Sch. 2 CCR Order 30 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)**)

**Attachment of debt owed by firm**

<sup>F309</sup>**Rule 14** .....

**Textual Amendments**

**F309** Sch. 2 CCR Order 30 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)**)

**Powers of district judge**

<sup>F309</sup>**Rule 15** .....

**Textual Amendments**

**F309** Sch. 2 CCR Order 30 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)**)

**CCR ORDER 31**

**CHARGING ORDERS**

**Application for charging order**

<sup>F310</sup>**Rule 1** .....

**Textual Amendments**

**F310** Sch. 2 CCR Order 31 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 on further consideration of application for charging order**

<sup>F310</sup>**Rule 2** .....

**Textual Amendments**

**F310** Sch. 2 CCR Order 31 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 charging order etc.**

<sup>F310</sup>**Rule 3** .....

**Textual Amendments**  
**F310** Sch. 2 CCR Order 31 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**

<sup>F310</sup>**Rule 4** .....

**Textual Amendments**  
**F310** Sch. 2 CCR Order 31 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)**)

**CCR ORDER 33**

**INTERPLEADER PROCEEDINGS**

**Part I Under Execution**

**Notice of claim**

**Rule 1.**—(A1) In this Part of this Order “the interpleader claimant” means any person making a claim to or in respect of goods seized in execution or the proceeds or value thereof and “the interpleader claim” means that claim.

(1) The interpleader claimant shall deliver to the bailiff holding the warrant of execution, or file in the office of the court for the district in which the goods were seized, notice of his claim stating—

- (a) the grounds of the interpleader claim or, in the case of a claim for rent, the particulars required by section 102 (2) of the Act; and
- (b) the interpleader claimant’s full name and address.

(2) On receipt of an interpleader claim made under this rule, the court shall—

- (a) send notice thereof to the execution creditor; and
- (b) except where the interpleader claim is to the proceeds or value of the goods, send to the interpleader claimant a notice requiring him to make a deposit or give security in accordance with section 100 of the Act.

**Reply to interpleader claim**

**Rule 2.**—(1) Within 4 days after receiving notice of an interpleader claim under rule 1 (2) the execution creditor shall give notice to the court informing him whether he admits or disputes the interpleader claim or requests the district judge to withdraw from possession of the goods or money claimed.

(2) If, within the period aforesaid, the execution creditor gives notice to the court admitting the interpleader claim or requesting the district judge to withdraw from possession of the goods or

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money claimed, the execution creditor shall not be liable to the district judge for any fees or expenses incurred after receipt of the notice.

### Order protecting district judge

**Rule 3** Where the execution creditor gives the court such a notice as is mentioned in rule 2 (2), the district judge shall withdraw from possession of the goods or money claimed and may apply to the judge, on notice to the interpleader claimant, for an order restraining the bringing of a claim against the district judge for or in respect of his having taken possession of the goods or money and on the hearing of the application the judge may make such order as may be just.

### Issue of interpleader proceedings

**Rule 4.**—(1) Where the execution creditor gives notice under rule 2 (1) disputing an interpleader claim made under rule 1 or fails, within the period mentioned in rule 2 (1), to give the notice required by that rule, the district judge shall, unless the interpleader claim is withdrawn, issue an interpleader notice to the execution creditor and the interpleader claimant.

(2) On the issue of an interpleader notice under paragraph (1) the court officer shall enter the proceedings in the records of the court, fix a day for the hearing by the judge and prepare sufficient copies of the notice for service under this rule.

(3) Subject to paragraph (4) the notice shall be served on the execution creditor and the interpleader claimant in the manner [<sup>F311</sup>set out in CPR rule [<sup>F312</sup>6.20]].

(4) Service shall be effected not less than 14 days before the return day.

#### Textual Amendments

**F311** Words in Sch. 2 CCR Order 33 rule 4(3) substituted (25.3.2002) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), rules 1(c), **18** (with rule 24)

**F312** Word in Sch. 2 CCR Order 33 rule 4(3) substituted (1.10.2008) by [The Civil Procedure \(Amendment\) Rules 2008 \(S.I. 2008/2178\)](#), rules 1(2), **43**

### Claim for damages

**Rule 5** Where in interpleader proceedings under an execution the interpleader claimant claims from the execution creditor or the district judge, or the execution creditor claims from the district judge, damages arising or capable of arising out of the execution—

- (a) the party claiming damages shall, within 8 days after service of the notice on him under rule 4(3), give notice of this claim to the court and to any other party against whom the claim is made, stating the amount and the grounds of the claim; and
- (b) the party from whom damages are claimed may pay money into court in satisfaction of the claim as if the interpleader proceedings were a claim brought in accordance with CPR Part 7 by the person making the claim.

## Part II— Otherwise than under Execution

### Application for relief

**Rule 6.**—(1) Where a person (in this Part of this Order called “the applicant”) is under a liability in respect of a debt or any money or goods and he is, or expects to be, sued for or in respect of the debt, money or goods by two or more persons making adverse claims thereto (“the

interpleader claimants”), he may apply to the court, in accordance with these rules, for relief by way of interpleader.

(2) The application shall be made to the court in which the claim is pending against the applicant or, if no claim is pending against him, to the court in which he might be sued.

(3) The application shall be made by filing a witness statement or affidavit showing that—

- (a) the applicant claims no interest in the subject-matter in dispute other than for charges or costs;
- (b) the applicant does not collude with any of the interpleader claimants; and
- (c) the applicant is willing to pay or transfer the subject-matter into court or to dispose of it as the court may direct,

together with as many copies of the witness statement or affidavit as there are interpleader claimants.

### **Relief in pending claim**

**Rule 7** Where the applicant is a defendant in a pending claim—

- (a) the witness statement or affidavit and copies required by rule 6 (3) shall be filed within 14 days after service on him of the claim form;
- (b) the return day of the application shall be a day fixed for the pre-trial review of the claim including the interpleader proceedings and, if a day has already been fixed for the pre-trial review or hearing of the claim, the court shall, if necessary, postpone it;
- (c) the interpleader claimant, the applicant and the claimant in the claim shall be given notice of the application, which shall be prepared by the court together with sufficient copies for service;
- (d) the notice to the interpleader claimant shall be served on him, together with a copy of the witness statement or affidavit filed under rule 6 (3) and of the claim form and particulars of claim in the claim, not less than 21 days before the return day in the same manner as an interpleader notice in accordance with rule 4(3);
- (e) the notices to the applicant and the claimant shall be sent to them by the court and the notice to the claimant shall be accompanied by a copy of the said witness statement or affidavit.

### **Relief otherwise than in pending claim**

**Rule 8** Where the applicant is not a defendant in a pending claim—

- (a) the court shall enter the proceedings in the records of the court;
- (b) the court shall fix a day for the pre-trial review or, if the court so directs, a day for the hearing of the proceedings and shall prepare and issue an interpleader notice, together with sufficient copies for service;
- (c) the notice together with a copy of the witness statement or affidavit filed under rules 6 (3), shall be served on each of the claimants not less than 21 days before the return day in the same manner as an interpleader notice to be served under rule 4(3); and
- (d) the court shall deliver or send a notice of issue to the applicant.

### **Payment into court etc.**

**Rule 9** Before or after the court officer proceeds under rule 7 or 8 the district judge may direct the applicant to bring the subject-matter of the proceedings into court, or to dispose of it in such manner as the district judge thinks fit, to abide the order of the court.

*Status: Point in time view as at 24/12/2010.*

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

### **Reply by interpleader claimant**

**Rule 10.**—(1) An interpleader claimant shall, within 14 days after service on him of the notice under rule 7 (c) or the interpleader notice under rule 8 (c), file—

- (a) a notice that he makes no interpleader claim; or
- (b) particulars stating the grounds of his interpleader claim to the subject matter,

together in either case with sufficient copies for service under paragraph (2).

(2) The court shall send to each of the other parties a copy of any notice or particulars filed under paragraph (1).

(3) The court may, if it thinks fit, hear the proceedings although no notice or particulars have been filed.

### **Order barring interpleader claim etc.**

**Rule 11.**—(1) Where an interpleader claimant does not appear on any day fixed for a pre-trial review or the hearing of interpleader proceedings, or fails or refuses to comply with an order made in the proceedings, the court may make an order barring his interpleader claim.

(2) If, where the applicant is a defendant in a pending claim, the claimant does not appear on any day fixed for a pre-trial review or the hearing of the interpleader proceedings, the claim including the interpleader proceedings may be struck out.

(3) In any other case where a day is fixed for the hearing of interpleader proceedings, the court shall hear and determine the proceedings and give judgment finally determining the rights and claims of the parties.

(4) Where the court makes an order barring the interpleader claim of an interpleader claimant, the order shall declare the interpleader claimant, and all persons claiming under him, for ever barred from prosecuting his interpleader claim against the applicant and all persons claiming under him, but unless the interpleader claimant has filed a notice under rule 10 that he makes no interpleader claim, such an order shall not affect the rights of the interpleader claimants as between themselves.

## **CCR ORDER 34**

### **PENAL AND DISCIPLINARY PROVISIONS**

#### **Issue and service of summons for offence under s.14, 92 or 124 of the Act**

**Rule 1** Where—

- (a) it is alleged that any person has committed an offence under [<sup>F313</sup>section 14, 92 or 118] of the Act by assaulting an officer of the court while in the execution of his duty, or by rescuing or attempting to rescue any goods seized in execution, [<sup>F314</sup>or by wilfully insulting a judge, juror, witness or any officer of the court,] and the alleged offender has not been taken into custody and brought before the judge; or
- (b) a complaint is made against an officer of the court under section 124 of the Act for having lost the opportunity of levying execution,

the court officer shall issue a summons, which shall be served on the alleged offender personally not less than 8 days before the return day appointed in the summons.

**Status:** Point in time view as at 24/12/2010.

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

#### Textual Amendments

**F313** Words in Sch. 2 CCR Order 34 rule 1(a) substituted (14.1.2002) by [The Civil Procedure \(Amendment No. 5\) Rules 2001 \(S.I. 2001/4015\)](#), rules 1(a), **40(a)**

**F314** Words in Sch. 2 CCR Order 34 rule 1(a) inserted (14.1.2002) by [The Civil Procedure \(Amendment No. 5\) Rules 2001 \(S.I. 2001/4015\)](#), rules 1(a), **40(b)**

#### Committal under s.14, 92 or 118 of the Act

**Rule 1A** Rule 1 (5) of Order 29 shall apply, with the necessary modifications, where an order is made under section 14, 92 or 118 of the Act committing a person to prison.

#### Notice to show cause before or after fine under s.55 of the Act

**Rule 2** Before or after imposing a fine on any person under section 55 of the Act for disobeying a witness summons or refusing to be sworn or give evidence, the judge may direct the court officer to give to that person notice that if he has any cause to show why a fine should not be or should not have been imposed on him, he may show cause in person or by witness statement or affidavit or otherwise on a day named in the notice, and the judge after considering the cause shown may make such order as he thinks fit.

#### Non-payment of fine

**Rule 3.**—(1) If a fine is not paid in accordance with the order imposing it, the court officer shall forthwith report the matter to the judge.

(2) Where by an order imposing a fine, the amount of the fine is directed to be paid by instalments and default is made in the payment of any instalment, the same proceedings may be taken as if default had been made in payment of the whole of the fine.

(3) If the judge makes an order for payment of a fine to be enforced by warrant of execution, the order shall be treated as an application made to the district judge for the issue of the warrant at the time when the order was received by him.

#### Repayment of fine

**Rule 4** If, after a fine has been paid, the person on whom it was imposed shows cause sufficient to satisfy the judge that, if it had been shown at an earlier date, he would not have imposed a fine or would have imposed a smaller fine or would not have ordered payment to be enforced, the judge may order the fine or any part thereof to be repaid.

### **F315** CCR ORDER 35

#### ENFORCEMENT OF COUNTY COURT JUDGMENTS OUTSIDE ENGLAND AND WALES

#### Textual Amendments

**F315** Sch. 2 CCR Order 35 revoked (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rule 1(b), **Sch. 10**

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

**Part I—Enforcement outside United Kingdom**

**Interpretation of Part I**

<sup>F315</sup>**Rule 1** .....

**Application under s.10 of the Act of 1933 for certified copy of county court judgment**

<sup>F315</sup>**Rule 2** .....

**Application under s.12 of the Act of 1982 for certified copy of county court judgment**

<sup>F315</sup>**Rule 3** .....

**Application under Article 54 of the Council Regulation (EC) No. 44/2001 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters**

<sup>F315</sup>**Rule 3A.** .....

**Part II—Enforcement in other parts of the United Kingdom**

**Interpretation of Part II**

<sup>F315</sup>**Rule 4** .....

**Application for certificate of money provision**

<sup>F315</sup>**Rule 5** .....

**Application for certified copy of judgment containing non-money provision**

<sup>F315</sup>**Rule 6** .....

<sup>F316</sup>**CCR ORDER 37...**

**REHEARING, SETTING ASIDE AND APPEAL FROM DISTRICT JUDGE**

**Textual Amendments**

<sup>F316</sup> **Sch. 2** CCR Order 37 revoked (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rule 1(b), **Sch. 10**

**Rehearing**

<sup>F316</sup>**Rule 1** .....

**Appeal from district judge**

<sup>F316</sup>**Rule 6** .....

## Imposition of terms and stay of execution

<sup>F316</sup> **Rule 8** .....

## <sup>F317</sup> CCR ORDER 38

### COSTS

#### Textual Amendments

<sup>F317</sup> Sch. 2 CCR Order 38 revoked (1.4.2005) by [The Civil Procedure \(Amendment No. 4\) Rules 2004 \(S.I. 2004/3419\)](#), rules 1, **17(c)**

## Fixed costs

<sup>F317</sup> **Rule 18** .....

## <sup>F317</sup> APPENDIX B

### PART I

<sup>F317</sup> ...

### <sup>F317</sup> Part II

#### Judgments

<sup>F317</sup> ...

## <sup>F317</sup> PART III

### Miscellaneous Proceedings

<sup>F317</sup> ...

*Status: Point in time view as at 24/12/2010.*

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

## CCR ORDER 39

### ADMINISTRATION ORDERS

#### Exercise of powers by district judge

**Rule 1** Any powers conferred on the court by Part VI of the Act, section 4 of the Attachment of Earnings Act 1971(63) or this Order may be exercised by the district judge or, in the circumstances mentioned in this Order, by the court officer.

#### Request and list of creditors

**Rule 2.**—(1) A debtor who desires to obtain an administration order under Part VI of the Act shall file a request in that behalf in the court for the district in which he resides or carries on business.

(2) Where on his examination under [F318CPR Part 71], or otherwise, a debtor furnishes to the court on oath a list of his creditors and the amounts which he owes to them respectively and sufficient particulars of his resources and needs, the court may proceed as if the debtor had filed a request under paragraph (1).

(3) Where a debtor is ordered to furnish a list under section 4 (1)(b) of the said Act of 1971, then, unless otherwise directed, the list shall be filed within 14 days after the making of the order.

#### Textual Amendments

**F318** Words in [Sch. 2 CCR Order 39 rule 2\(2\)](#) substituted (25.3.2002) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), [rules 1\(c\)](#), [19](#) (with [rule 24](#))

#### Verification on oath

**Rule 3** The statements in the request mentioned in rule 2 (1) and the list mentioned in rule 2 (3) shall be verified by the debtor on oath.

#### Orders made by the court officer

**Rule 5.**—(1) The question whether an administration order should be made, and the terms of such an order, may be decided by the court officer in accordance with the provisions of this rule.

(2) On the filing of a request or list under rule 2, the court officer may, if he considers that the debtor's means are sufficient to discharge in full and within a reasonable period the total amount of the debts included in the list, determine the amount and frequency of the payments to be made under such an order ("the proposed rate") and—

- (a) notify the debtor of the proposed rate requiring him to give written reasons for any objection he may have to the proposed rate within 14 days of service of notification upon him;
- (b) send to each creditor mentioned in the list provided by the debtor a copy of the debtor's request or of the list together with the proposed rate;
- (c) require any such creditor to give written reasons for any objection he may have to the making of an administration order within 14 days of service of the documents mentioned in sub-paragraph (b) upon him.

(63) [1971 c. 32](#); section 4 was amended by the Insolvency Act [1976 \(c. 60\)](#), section 13(2); and by the County Courts Act [1984 \(c. 28\)](#), section 148(1), schedule 2, Part V, paragraph 40.



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Objections under sub-paragraph (c) may be to the making of an order, to the proposed rate or to the inclusion of a particular debt in the order.

(3) Where no objection under paragraph (2)(a) or (c) is received within the time stated, the court officer may make an administration order providing for payment in full of the total amount of the debts included in the list.

(4) Where the debtor or a creditor notifies the court of any objection within the time stated, the court officer shall fix a day for a hearing at which the district judge will decide whether an administration order should be made and the court officer shall give not less than 14 days' notice of the day so fixed to the debtor and to each creditor mentioned in the list provided by the debtor.

(5) Where the court officer is unable to fix a rate under paragraph (2) (whether because he considers that the debtor's means are insufficient or otherwise), he shall refer the request to the district judge.

(6) Where the district judge considers that he is able to do so without the attendance of the parties, he may fix the proposed rate providing for payment of the debts included in the list in full or to such extent and within such a period as appears practicable in the circumstances of the case.

(7) Where the proposed rate is fixed under paragraph (6), paragraphs (2) to (4) shall apply with the necessary modifications as if the rate had been fixed by the court officer.

(8) Where the district judge does not fix the proposed rate under paragraph (6), he shall direct the court officer to fix a day for a hearing at which the district judge will decide whether an administration order should be made and the court officer shall give not less than 14 days' notice of the day so fixed to the debtor and to each creditor mentioned in the list provided by the debtor.

(9) Where an administration order is made under paragraph (3), the court officer may exercise the power of the court under section 5 of the Attachment of Earnings Act 1971 to make an attachment of earnings order to secure the payments required by the administration order.

### **Notice of objection by creditor**

**Rule 6.**—(1) Any creditor to whom notice has been given under rule 5 (8) and who objects to any debt included in the list furnished by the debtor shall, not less than 7 days before the day of hearing, give notice of his objection, stating the grounds thereof, to the court officer, to the debtor and to the creditor to whose debt he objects.

(2) Except with the permission of the court, no creditor may object to a debt unless he has given notice of his objection under paragraph (1).

### **Procedure on day of hearing**

**Rule 7** On the day of the hearing—

- (a) any creditor, whether or not he is mentioned in the list furnished by the debtor, may attend and prove his debt or, subject to rule 6, object to any debt included in that list;
- (b) every debt included in that list shall be taken to be proved unless it is objected to by a creditor or disallowed by the court or required by the court to be supported by evidence;
- (c) any creditor whose debt is required by the court to be supported by evidence shall prove his debt;
- (d) the court may adjourn proof of any debt and, if it does so, may either adjourn consideration of the question whether an administration order should be made or proceed to determine the question, in which case, if an administration order is made, the debt, when proved, shall be added to the debts scheduled to the order;
- (e) any creditor whose debt is admitted or proved, and, with the permission of the court, any creditor the proof of whose debt has been adjourned, shall be entitled to be heard and to

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adduce evidence on the question whether an administration order should be made and, if so, in what terms.

#### **Direction for order to be subject to review**

**Rule 8.**—(1) The court may, on making an administration order or at any subsequent time, direct that the order shall be subject to review at such time or at such intervals as the court may specify.

(2) Where the court has directed that an administration order shall be subject to review, the court officer shall give to the debtor and to every creditor who appeared when the order was made not less than 7 days' notice of any day appointed for such a review.

(3) Nothing in this rule shall require the court officer to fix a day for a review under rule 13A.

#### **Service of order**

**Rule 9** Where an administration order is made, the court officer shall send a copy to—

- (a) the debtor;
- (b) every creditor whose name was included in the list furnished by the debtor;
- (c) any other creditor who has proved his debt; and
- (d) every other court in which, to the knowledge of the district judge, judgment has been obtained against the debtor or proceedings are pending in respect of any debt scheduled to the order.

#### **Subsequent objection by creditor**

**Rule 10.**—(1) After an administration order has been made, a creditor who has not received notice under rule 5 and who wishes to object to a debt scheduled to the order, or to the manner in which payment is directed to be made by instalments, shall give notice to the court officer of his objection and of the grounds thereof.

(2) On receipt of such notice the court shall consider the objection and may—

- (a) allow it;
- (b) dismiss it; or
- (c) adjourn it for hearing on notice being given to such persons and on such terms as to security for costs or otherwise as the court thinks fit.

(3) Without prejudice to the generality of paragraph (2), the court may dismiss an objection if it is not satisfied that the creditor gave notice of it within a reasonable time of his becoming aware of the administration order.

#### **Subsequent proof by creditor**

**Rule 11.**—(1) Any creditor whose debt is not scheduled to an administration order, and any person who after the date of the order became a creditor of the debtor, shall, if he wishes to prove his debt, send particulars of his claim to the court officer, who shall give notice of it to the debtor and to every creditor whose debt is so scheduled.

(2) If neither the debtor nor any creditor gives notice to the court officer, within 7 days after receipt of notice under paragraph (1), that he objects to the claim, then, unless it is required by the court to be supported by evidence, the claim shall be taken to be proved.

(3) If the debtor or a creditor gives notice of objection within the said period of 7 days or the court requires the claim to be supported by evidence, the court officer shall fix a day for consideration of the claim and give notice of it to the debtor, the creditor by whom the claim was made and the

creditor, if any, making the objection, and on the hearing the court may either disallow the claim or allow it in whole or in part.

(4) If a claim is taken to be proved under paragraph (2) or allowed under paragraph (3), the debt shall be added to the schedule to the order and a copy of the order shall then be sent to the creditor by whom the claim was made.

### **Permission to present bankruptcy petition**

**Rule 12** An application by a creditor under section 112 (4) of the Act<sup>(64)</sup> for permission to present or join in a bankruptcy petition shall be made on notice to the debtor in accordance with CPR Part 23, but the court may, if it thinks fit, order that notice be given to any other creditor whose debt is scheduled to the administration order.

### **Conduct of order**

**Rule 13.**—(1) The court manager or such other officer of the court as the court making an administration order shall from time to time appoint shall have the conduct of the order and shall take all proper steps to enforce the order (including exercising the power of the court under section 5 of the Attachment of Earnings Act 1971 to make an attachment of earnings order to secure payments required by the administration order) or to bring to the attention of the court any matter which may make it desirable to review the order.

(2) Without prejudice to section 115 of the Act, any creditor whose debt is scheduled to the order may, with the permission of the court, take proceedings to enforce the order.

(3) The debtor or, with the permission of the court, any such creditor may apply to the court to review the order.

(4) When on a matter being brought to its attention under paragraph (1) the court so directs or the debtor or a creditor applies for the review of an administration order, rule 8 (2) shall apply as if the order were subject to review under that rule.

(5) Nothing in this rule shall require the court officer to fix a day for a review under rule 13A.

### **Review by court officer in default of payment**

**Rule 13A.**—(1) Where it appears that the debtor is failing to make payments in accordance with the order, the court officer shall (either of his own initiative or on the application of a creditor whose debt is scheduled to the administration order) send a notice to the debtor—

- (a) informing him of the amounts which are outstanding; and
- (b) requiring him (within 14 days of service of the notice upon him) to
  - (i) make the payments as required by the order; or
  - (ii) explain his reasons for failing to make the payments; and
  - (iii) make a proposal for payment of the amounts outstanding, or
  - (iv) make a request to vary the order.

(2) If the debtor does not comply with paragraph (1)(b) within the time stated, the court officer shall revoke the administration order.

(3) The court officer shall refer a notice given by a debtor under paragraph (1)(b)(ii), (iii) or (iv) to the district judge who may—

- (a) without requiring the attendance of the parties—

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<sup>(64)</sup> Section 112 was amended by the Insolvency Act 1985 (c. 65), section 220(2).

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- (i) revoke the administration order or vary it so as to provide for payment of the debts included in the order in full or to such extent and within such a period as appears practicable in the circumstances of the case; or
  - (ii) suspend the operation of the administration order for such time and on such terms as he thinks fit; or
- (b) require the court officer to fix a day for the review of the administration order and to give to the debtor and to every creditor whose debt is scheduled to the administration order not less than 8 days' notice of the day so fixed.

(4) Any party affected by an order made under paragraph (2) or (3)(a) may, within 14 days of service of the order on him and giving his reasons, apply on notice for the district judge to consider the matter afresh and the court officer shall fix a day for the hearing of the application before the district judge and give to the debtor and to every creditor whose debt is scheduled to the administration order not less than 8 days' notice of the day so fixed.

(5) On hearing an application under paragraph (4), the district judge may confirm the order or set it aside and make such new order as he thinks fit and the order so made shall be entered in the records of the court.

#### **Review of order**

**Rule 14.**—(1) On the review of an administration order the court may—

- (a) if satisfied that the debtor is unable from any cause to pay any instalment due under the order, suspend the operation of the order for such time and on such terms as it thinks fit;
- (b) if satisfied that there has been a material change in any relevant circumstances since the order was made, vary any provision of the order made by virtue of section 112 (6) of the Act;
- (c) if satisfied that the debtor has failed without reasonable cause to comply with any provision of the order or that it is otherwise just and expedient to do so, revoke the order, either forthwith or on failure to comply with any condition specified by the court; or
- (d) make an attachment of earnings order to secure the payments required by the administration order or vary or discharge any such attachment of earnings order already made.

(2) The court officer shall send a copy of any order varying or revoking an administration order to the debtor, to every creditor whose debt is scheduled to the administration order and, if the administration order is revoked, to any other court to which a copy of the administration order was sent pursuant to rule 9.

#### **Discharge of attachment of earnings order**

**Rule 16** On the revocation of an administration order any attachment of earnings order made to secure the payments required by the administration order shall be discharged.

#### **Declaration of dividends**

**Rule 17.**—(1) The officer having the conduct of an administration order shall from time to time declare dividends and distribute them among the creditors entitled to them.

- (2) When a dividend is declared, notice shall be sent by the officer to each of the creditors.

**Creditors to rank equally**

**Rule 18** All creditors scheduled under section 113 (d) of the Act(65) before an administration order is superseded under section 117 (2) of the Act shall rank equally in proportion to the amount of their debts subject to the priority given by the said paragraph (d) to those scheduled as having been creditors before the date of the order, but no payment made to any creditor by way of dividend or otherwise shall be disturbed by reason of any subsequent proof by any creditor under the said paragraph (d).

**Change of debtor’s address**

**Rule 19.**—(1) A debtor who changes his residence shall forthwith inform the court of his new address.

(2) Where the debtor becomes resident in the district of another court, the court in which the administration order is being conducted may transfer the proceedings to that other court.

**CCR ORDER 42**

**PROCEEDINGS BY AND AGAINST THE CROWN**

**Application and interpretation**

<sup>F319</sup>**Rule 1** .....

**Textual Amendments**  
**F319** Sch. 2 CCR Order 42 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(b)**

**Particulars of claim in claim against the Crown**

<sup>F319</sup>**Rule 4** .....

**Textual Amendments**  
**F319** Sch. 2 CCR Order 42 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(b)**

**Subsequent procedure in claim**

<sup>F319</sup>**Rule 5** .....

**Textual Amendments**  
**F319** Sch. 2 CCR Order 42 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(b)**

(65) Section 113 was amended by the Administration of Justice Act 1985 (c. 61), section 67(2), schedule 8, Part II.

*Status: Point in time view as at 24/12/2010.  
Changes to legislation: There are currently no known outstanding effects  
for the The Civil Procedure Rules 1998. (See end of Document for details)*

## Subsequent procedure in fixed date claim

### <sup>F319</sup>Rule 6 .....

#### Textual Amendments

**F319** Sch. 2 CCR Order 42 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(b)**

## Service on the Crown

### <sup>F319</sup>Rule 7 .....

#### Textual Amendments

**F319** Sch. 2 CCR Order 42 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(b)**

## Special provisions regarding orders made by the Court of its own initiative against the Crown

### <sup>F319</sup>Rule 8 .....

#### Textual Amendments

**F319** Sch. 2 CCR Order 42 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(b)**

## Counterclaim in proceedings by or against the Crown

### <sup>F319</sup>Rule 9 .....

#### Textual Amendments

**F319** Sch. 2 CCR Order 42 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(b)**

## Adjustment of liability under judgment for taxes

### <sup>F319</sup>Rule 10 .....

#### Textual Amendments

**F319** Sch. 2 CCR Order 42 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(b)**

## Part 20 claim against the Crown where the Crown is not already a party

### <sup>F319</sup>Rule 11 .....

**Status:** Point in time view as at 24/12/2010.

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

**Textual Amendments**

**F319** Sch. 2 CCR Order 42 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(b)**

**Disclosure against the Crown**

**F319** **Rule 12** .....

**Textual Amendments**

**F319** Sch. 2 CCR Order 42 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(b)**

**Execution and satisfaction of orders against the Crown**

**F319** **Rule 13** .....

**Textual Amendments**

**F319** Sch. 2 CCR Order 42 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(b)**

**Attachment of debts etc.**

**F319** **Rule 14** .....

**Textual Amendments**

**F319** Sch. 2 CCR Order 42 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(b)**

**CCR ORDER 43**

**THE LANDLORD AND TENANT ACTS 1927, 1954, 1985 AND 1987**

**Interpretation**

**F320** **Rule 1** .....

**Textual Amendments**

**F320** Sch. 2 CCR Order 43 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 24/12/2010.  
**Changes to legislation:** There are currently no known outstanding effects for the The Civil Procedure Rules 1998. (See end of Document for details)

## Commencement of proceedings and answer

### <sup>F320</sup>Rule 2 .....

#### Textual Amendments

**F320** Sch. 2 CCR Order 43 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

### <sup>F320</sup>Rule 3 .....

#### Textual Amendments

**F320** Sch. 2 CCR Order 43 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 the Act of 1927

### <sup>F320</sup>Rule 4 .....

#### Textual Amendments

**F320** Sch. 2 CCR Order 43 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 the Act of 1954

### <sup>F320</sup>Rule 5 .....

#### Textual Amendments

**F320** Sch. 2 CCR Order 43 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 the Act of 1954

### <sup>F320</sup>Rule 6 .....

#### Textual Amendments

**F320** Sch. 2 CCR Order 43 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), [Sch. 3](#)

## Answer to application for new tenancy under section 24 of the Act of 1954

### <sup>F320</sup>Rule 7 .....



**Status:** Point in time view as at 24/12/2010.

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

**Textual Amendments**

**F320** Sch. 2 CCR Order 43 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**

**F320** **Rule 8** .....

**Textual Amendments**

**F320** Sch. 2 CCR Order 43 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 the Act of 1954**

**F320** **Rule 9** .....

**Textual Amendments**

**F320** Sch. 2 CCR Order 43 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

**Service of order in proceedings under Part II of the Act of 1954**

**F320** **Rule 10** .....

**Textual Amendments**

**F320** Sch. 2 CCR Order 43 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

**Proof of determination of rateable value**

**F320** **Rule 11** .....

**Textual Amendments**

**F320** Sch. 2 CCR Order 43 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

**Provisions as to assessors**

**F320** **Rule 13** .....

*Status: Point in time view as at 24/12/2010.  
Changes to legislation: There are currently no known outstanding effects  
for the The Civil Procedure Rules 1998. (See end of Document for details)*

**Textual Amendments**

**F320** Sch. 2 CCR Order 43 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), [Sch. 3](#)

**District judge’s jurisdiction**

**F320** **Rule 15** .....

**Textual Amendments**

**F320** Sch. 2 CCR Order 43 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), [Sch. 3](#)

**Application under section 12 (2) of the Act of 1985**

**F320** **Rule 16** .....

**Textual Amendments**

**F320** Sch. 2 CCR Order 43 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), [Sch. 3](#)

**Transfer to leasehold valuation tribunal**

**F320** **Rule 16A** .....

**Textual Amendments**

**F320** Sch. 2 CCR Order 43 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**

**F320** **Rule 17** .....

**Textual Amendments**

**F320** Sch. 2 CCR Order 43 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**

**F320** **Rule 18** .....

**Status:** Point in time view as at 24/12/2010.

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

**Textual Amendments**

**F320** Sch. 2 CCR Order 43 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**

**F320** **Rule 19** .....

**Textual Amendments**

**F320** Sch. 2 CCR Order 43 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**

**F320** **Rule 20** .....

**Textual Amendments**

**F320** Sch. 2 CCR Order 43 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

**Service of documents in proceedings under the Act of 1987**

**F320** **Rule 21** .....

**Textual Amendments**

**F320** Sch. 2 CCR Order 43 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

**Tenants' associations**

**F320** **Rule 22** .....

**Textual Amendments**

**F320** Sch. 2 CCR Order 43 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 24/12/2010.  
Changes to legislation: There are currently no known outstanding effects  
for the The Civil Procedure Rules 1998. (See end of Document for details)*

## CCR ORDER 44

### THE AGRICULTURAL HOLDINGS ACT 1986

#### Order to arbitrator to state case

<sup>F321</sup>**Rule 1** .....

##### Textual Amendments

**F321** Sch. 2 CCR Order 44 rules 1-3 revoked (19.10.2006) by [The Regulatory Reform \(Agricultural Tenancies\) \(England and Wales\) Order 2006 \(S.I. 2006/2805\)](#), art. 1(1)(b), **Sch. 3** (with art. 10)

#### Special case stated by arbitrator

<sup>F321</sup>**Rule 2** .....

##### Textual Amendments

**F321** Sch. 2 CCR Order 44 rules 1-3 revoked (19.10.2006) by [The Regulatory Reform \(Agricultural Tenancies\) \(England and Wales\) Order 2006 \(S.I. 2006/2805\)](#), art. 1(1)(b), **Sch. 3** (with art. 10)

#### Removal of arbitrator or setting aside award

<sup>F321</sup>**Rule 3** .....

##### Textual Amendments

**F321** Sch. 2 CCR Order 44 rules 1-3 revoked (19.10.2006) by [The Regulatory Reform \(Agricultural Tenancies\) \(England and Wales\) Order 2006 \(S.I. 2006/2805\)](#), art. 1(1)(b), **Sch. 3** (with art. 10)

#### Enforcement of order imposing penalty

**Rule 4.**—(1) When taking any proceedings for the enforcement in a county court of an order under section 27 of the Agricultural Holdings Act 1986, the party in whose favour the order was made shall file—

- (a) a certified copy of the order; and
- (b) a certificate specifying the amount due under the order and stating whether any previous proceedings have been taken for its enforcement and, if so, the nature of the proceedings and their result.

(2) Where it is desired to enforce the order by warrant of execution, the proceedings may be taken in any court in the district of which execution is to be levied.

**Status:** Point in time view as at 24/12/2010.

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

## CCR ORDER 45

### THE REPRESENTATION OF THE PEOPLE ACT 1983

#### Application for detailed assessment of returning officer's account

<sup>F322F323</sup>**Rule 1** .....

##### Textual Amendments

**F322** Sch. 2 CCR Order 45 revoked (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007 \(S.I. 2007/2204\)](#), rules 1, **20(d)**

**F323** Sch. 2 CCR Order 45 rule 1 revoked (6.4.2007) by [The Civil Procedure \(Amendment No.3\) Rules 2006 \(S.I. 2006/3435\)](#), rules 1, **15(f)**

#### Appeal from decision of registration officer

**Rule 2** <sup>F322</sup> .....

##### Textual Amendments

**F322** Sch. 2 CCR Order 45 revoked (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007 \(S.I. 2007/2204\)](#), rules 1, **20(d)**

#### Selected appeals

<sup>F322</sup>**Rule 3** .....

##### Textual Amendments

**F322** Sch. 2 CCR Order 45 revoked (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007 \(S.I. 2007/2204\)](#), rules 1, **20(d)**

## <sup>F324</sup>CCR ORDER 46

### THE LEGITIMACY ACT 1976

##### Textual Amendments

**F324** Sch. 2 CCR Order 46 revoked (6.4.2007) by [The Civil Procedure \(Amendment No.3\) Rules 2006 \(S.I. 2006/3435\)](#), rules 1, **15(g)**

#### Manner of application

<sup>F324</sup>**Rule 1** .....

*Status: Point in time view as at 24/12/2010.  
Changes to legislation: There are currently no known outstanding effects  
for the The Civil Procedure Rules 1998. (See end of Document for details)*

**Preliminary consideration and service**

<sup>F324</sup>**Rule 2** .....

**Answer**

<sup>F324</sup>**Rule 3** .....

<sup>F325</sup>**CCR ORDER 47**

**DOMESTIC AND MATRIMONIAL PROCEEDINGS**

**Textual Amendments**

<sup>F325</sup> Sch. 2 CCR Order 47 revoked (2.10.2006) by [The Civil Procedure \(Amendment\) Rules 2006 \(S.I. 2006/1689\)](#), rules 1, **12(f)**

**Family Law Reform Act 1969**

<sup>F325</sup>**Rule 5** .....

<sup>F326</sup>**CCR ORDER 48B**

[<sup>F327</sup>Enforcement of traffic penalties]

**Textual Amendments**

<sup>F326</sup> Sch. 2 CCR Order 48B revoked (1.10.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rules 1(a), **35**

<sup>F327</sup> Sch. 2 CCR Order 48B heading substituted (1.6.2001) by [The Civil Procedure \(Amendment No. 2\) Rules 2001 \(S.I. 2001/1388\)](#), rules 1(a), **17(a)**

**Application and interpretation**

<sup>F326</sup>**Rule 1** .....

**Establishment of the [<sup>F328</sup>traffic enforcement centre]**

<sup>F326</sup>**Rule 1A** .....

**Textual Amendments**

<sup>F328</sup> Words in Sch. 2 CCR Order 48B substituted (1.6.2001) by [The Civil Procedure \(Amendment No. 2\) Rules 2001 \(S.I. 2001/1388\)](#), rules 1(a), **17(b)**

**Requests for orders**

<sup>F326</sup>**Rule 2** .....

## Documents

<sup>F326</sup>**Rule 3** .....

## Functions of court officer

<sup>F326</sup>**Rule 4** .....

## Enforcement of orders

<sup>F326</sup>**Rule 5** .....

# CCR ORDER 48D

## ENFORCEMENT OF FIXED PENALTIES UNDER THE ROAD TRAFFIC (VEHICLE EMISSIONS) (FIXED PENALTY) REGULATIONS 1997

### Application and interpretation

<sup>F329</sup>**1.** .....

#### Textual Amendments

**F329** Sch. 2 CCR Order 48D revoked (6.10.2003) by [The Civil Procedure \(Amendment No. 4\) Rules 2003](#) (S.I. 2003/2113), rules 1(c), **19(c)**

### The traffic enforcement centre

<sup>F329</sup>**2.** .....

#### Textual Amendments

**F329** Sch. 2 CCR Order 48D revoked (6.10.2003) by [The Civil Procedure \(Amendment No. 4\) Rules 2003](#) (S.I. 2003/2113), rules 1(c), **19(c)**

### Requests for Orders and Warrants of Execution

<sup>F329</sup>**3.** .....

#### Textual Amendments

**F329** Sch. 2 CCR Order 48D revoked (6.10.2003) by [The Civil Procedure \(Amendment No. 4\) Rules 2003](#) (S.I. 2003/2113), rules 1(c), **19(c)**

## Documents

<sup>F329</sup>**4.** .....

*Status: Point in time view as at 24/12/2010.  
Changes to legislation: There are currently no known outstanding effects  
for the The Civil Procedure Rules 1998. (See end of Document for details)*

**Textual Amendments**

**F329** Sch. 2 CCR Order 48D revoked (6.10.2003) by [The Civil Procedure \(Amendment No. 4\) Rules 2003](#) (S.I. 2003/2113), rules 1(c), **19(c)**

**Enforcement of Orders**

<sup>F329</sup>**5.** .....

**Textual Amendments**

**F329** Sch. 2 CCR Order 48D revoked (6.10.2003) by [The Civil Procedure \(Amendment No. 4\) Rules 2003](#) (S.I. 2003/2113), rules 1(c), **19(c)**

**CCR ORDER 49**

**MISCELLANEOUS STATUTES**

**Access to Neighbouring Land Act 1992(66)**

<sup>F330</sup>**Rule 1** .....

**Textual Amendments**

**F330** Sch. 2 CCR Order 49 rule 1 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001](#) (S.I. 2001/256), rule 1(d), **Sch. 3**

**Administration of Justice Act 1970(67)**

<sup>F331</sup>**Rule 1A** .....

**Textual Amendments**

**F331** Sch. 2 CCR Order 49 rule 1A revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001](#) (S.I. 2001/256), rule 1(d), **Sch. 3**

**Chancel Repairs Act 1932(68)**

<sup>F332</sup>**Rule 2** .....

**Textual Amendments**

**F332** Sch. 2 CCR Order 49 rule 2 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001](#) (S.I. 2001/256), rule 1(d), **Sch. 3**

(66) [1992 c. 23.](#)  
(67) [1970 c. 31.](#)  
(68) [1932 c. 20.](#)



## Consumer Credit Act 1974(69)

### <sup>F333</sup>Rule 4 .....

#### Textual Amendments

**F333** Sch. 2 CCR Order 49 rule 4 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

## Applications under section 114, 204 and 231 of the Copyright, Designs and Patents Act 1988

### <sup>F334</sup>Rule 4A .....

#### Textual Amendments

**F334** Sch. 2 CCR Order 49 rule 4A revoked (6.10.2003) by [The Civil Procedure \(Amendment No. 4\) Rules 2003 \(S.I. 2003/2113\)](#), rules 1(c), **19(d)**

## Fair Trading Act 1973

### <sup>F335</sup>Rule 5 .....

#### Textual Amendments

**F335** Sch. 2 CCR Order 49 rule 5 revoked (6.10.2003) by [The Civil Procedure \(Amendment No. 4\) Rules 2003 \(S.I. 2003/2113\)](#), rules 1(c), **19(d)**

## Housing Act 1988: assured tenancies

### <sup>F336</sup>Rule 6 .....

#### Textual Amendments

**F336** Sch. 2 CCR Order 49 rule 6 revoked (2.10.2000) by [The Civil Procedure \(Amendment No. 4\) Rules 2000 \(S.I. 2000/2092\)](#), rules 1, **27**

## Housing Act 1988: assured shorthold tenancies

### <sup>F337</sup>Rule 6A .....

#### Textual Amendments

**F337** Sch. 2 CCR Order 49 rule 6A 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 24/12/2010.  
Changes to legislation: There are currently no known outstanding effects  
for the The Civil Procedure Rules 1998. (See end of Document for details)*

**Housing Act 1996: injunctions <sup>F338</sup>...**

**<sup>F339</sup>Rule 6B** .....

**Textual Amendments**

- F338** Words in [Sch. 2 CCR Order 49 rule 6B heading](#) omitted (15.10.2001) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), [rules 1\(b\), 23\(a\)](#) (with [rule 24](#))
- F339** [Sch. 2 CCR Order 49 rule 6B](#) revoked (30.6.2004) by [The Civil Procedure \(Amendment\) Rules 2004 \(S.I. 2004/1306\)](#), [rules 1\(b\), 21\(d\)](#) (with [rule 20\(2\)\(b\)](#))

**Injunctions to prevent environmental harm: Town and Country Planning Act 1990 etc.**

**<sup>F340</sup>Rule 7** .....

**Textual Amendments**

- F340** [Sch. 2 CCR Order 49 rule 7](#) revoked (6.4.2007) by [The Civil Procedure \(Amendment No.3\) Rules 2006 \(S.I. 2006/3435\)](#), [rules 1, 15\(h\)](#)

**Leasehold Reform Act 1967(70)**

**<sup>F341</sup>Rule 8** .....

**Textual Amendments**

- F341** [Sch. 2 CCR Order 49 rule 8](#) revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), [rule 1\(d\), Sch. 3](#)

**Leasehold Reform, Housing and Urban Development Act 1993(71)**

**<sup>F342</sup>Rule 9** .....

**Textual Amendments**

- F342** [Sch. 2 CCR Order 49 rule 9](#) revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), [rule 1\(d\), Sch. 3](#)

**Local Government Finance Act 1982(72)**

**<sup>F343</sup>Rule 10** .....

- (70) [1967 c. 88](#); section 11 was amended by the [Rentcharges Act 1977 \(c. \)](#), section 17(2), schedule 2. Section 21 was amended by the [Housing Act 1980 \(c. 51\)](#), sections 142, 152, schedule 22, Part II, paragraph 8, schedule 26; by the [County Courts Act 1984 \(c. 28\)](#), section 148(1), schedule 2, Part V, paragraph 31; by the [Leasehold Reform, Housing and Urban Development Act 1993 \(c. 28\)](#), section 187(1), schedule 21, paragraph 4; and by the [Housing Act 1996 \(c. 52\)](#), sections 115, 116, schedule 11, paragraph 1(2).
- (71) [1993 c. 28](#); section 26 was amended by the [Housing Act 1996 \(c. 52\)](#).
- (72) [1982 c. 32](#); sections 19 and 20 were amended by the [National Health Service and Community Care Act 1990 \(c. 19\)](#), section 20, schedule 4, paragraphs 9 and 10; by the [Education Reform Act 1988 \(c. 40\)](#), section 237(2), schedule 13, Part I; by the [Police and Magistrates' Courts Act 1994 \(c. 29\)](#), section 43, schedule 4, Part I, paragraphs 26 and 27;

**Status:** Point in time view as at 24/12/2010.

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

**Textual Amendments**

**F343** Sch. 2 CCR Order 49 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)

**Local Government (Miscellaneous Provisions) Act 1976(73)**

<sup>F344</sup>**Rule 11** .....

**Textual Amendments**

**F344** Sch. 2 CCR Order 49 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)

**Mental Health Act 1983(74)**

<sup>F345</sup>**Rule 12** .....

**Textual Amendments**

**F345** Sch. 2 CCR Order 49 rule 12 revoked (6.4.2007) by [The Civil Procedure \(Amendment No.3\) Rules 2006 \(S.I. 2006/3435\)](#), rules 1, **15(h)**

**Mobile Homes Act 1983(75)**

<sup>F346</sup>**Rule 13** .....

**Textual Amendments**

**F346** Sch. 2 CCR Order 49 rule 13 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

**[<sup>F347</sup>Postal Services Act 2000]**

<sup>F348</sup>**Rule 15** .....

**Textual Amendments**

**F347** Sch. 2 CCR Order 49 rule 15 heading substituted (26.3.2001) by [The Postal Services Act 2000 \(Consequential Modifications No. 1\) Order 2001 \(S.I. 2001/1149\)](#), art. 1(2), **Sch. 1 para. 123(3)(a)**

- by the [Police Act 1996 \(c. 16\)](#), section 103(1), schedule 7, Part 1, paragraph 1, and by the [Police Act 1997 \(c. 50\)](#), section 88, schedule 6, paragraphs 19 and 21; and by [S.I. 1991/724](#) and [1996/3141](#).
- (73) [1976 c. 57](#); section 23 was amended by [S.I. 1996/3071](#). Section 35 was amended by the [Local Government Act 1985 \(c. 51\)](#), section 102(2), schedule 17 and by [S.I. 1996/3071](#).
- (74) [1983 c. 20](#); section 145(1) was amended by the [Health Authorities Act 1995 \(c. 17\)](#), section 2(1), schedule 1, Part III, paragraph 107; by the [National Health Service and Community Care Act 1990 \(c. 19\)](#), section 66(1), schedule 9, paragraph 24(9); and by the [Mental Health \(Amendment\) Act 1994 \(c. 6\)](#), section 1.
- (75) [1983 c. 34](#).

*Status: Point in time view as at 24/12/2010.  
Changes to legislation: There are currently no known outstanding effects  
for the The Civil Procedure Rules 1998. (See end of Document for details)*

**F348** Sch. 2 CCR Order 49 rule 15 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(c)**

**Rentcharges Act 1977(76)**

**F349** **Rule 16** .....

**Textual Amendments**  
**F349** Sch. 2 CCR Order 49 rule 16 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

**[<sup>F350</sup>Sex Discrimination Act 1975, Race Relations Act 1976, Disability Discrimination Act 1995 and Disability Rights Commission Act 1999]**

**F351** **Rule 17** .....

**Textual Amendments**  
**F350** Sch. 2 CCR Order 49 rule 17 heading substituted (3.7.2000) by [The Civil Procedure \(Amendment No. 3\) Rules 2000 \(S.I. 2000/1317\)](#), rules 1, **38(a)** (with rule 39)  
**F351** Sch. 2 CCR Order 49 rule 17 revoked (2.10.2006) by [The Civil Procedure \(Amendment\) Rules 2006 \(S.I. 2006/1689\)](#), rules 1, **12(g)**

**Solicitors Act 1974(77)**

**F352** **Rule 18** .....

**Textual Amendments**  
**F352** Sch. 2 CCR Order 49 rule 18 omitted (26.4.1999) by virtue of [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, **73(f)**

**Telecommunications Act 1984(78)**

**Rule 18A.**—(1) CPR Rule 35.15 applies to proceedings under paragraph 5 of Schedule 2 to the Telecommunications Act 1984.

**Applications under section 19 of the Trade Marks Act 1994**

**F353** **Rule 18B** .....

(76) 1977 c. 30.  
(77) 1974 c. 47.  
(78) 1984 c. 12.

**Status:** Point in time view as at 24/12/2010.

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

**Textual Amendments**

**F353** Sch. 2 CCR Order 49 rule 18B revoked (6.10.2003) by [The Civil Procedure \(Amendment No. 4\) Rules 2003 \(S.I. 2003/2113\)](#), rules 1(c), **19(d)**

**Trade Union and Labour Relations Consolidation Act 1992(79)**

**Rule 19.**—(1) Where a complainant desires to have an order of the Certification Officer under section 82 of the Trade Union and Labour Relations Consolidation Act 1992 recorded in the county court, he shall produce the order and a copy thereof to the court for the district in which he resides or the head or main office of the trade union is situate.

(2) The order shall be recorded by filing it, and the copy shall be sealed and dated and returned to the complainant.

(3) The sealed copy shall be treated as if it were the notice of issue in a claim begun by the complainant.

(4) The costs, if any, allowed for recording the order shall be recoverable as if they were payable under the order.

(5) The order shall not be enforced until proof is given to the satisfaction of the court that the order has not been obeyed and, if the order is for payment of money, of the amount remaining unpaid.

**Trustee Act 1925, s.63(80)**

<sup>F354</sup>**Rule 20** .....

**Textual Amendments**

**F354** Sch. 2 CCR Order 49 rule 20 revoked (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rule 1(b), **Sch. 10**

(79) 1992 c. 52.

(80) 1925 c. 19; section 63 was amended by the Administration of Justice Act 1965 (c. 2), section 36(4), schedule 3.

**Status:**

Point in time view as at 24/12/2010.

**Changes to legislation:**

There are currently no known outstanding effects for the The Civil Procedure Rules 1998.