
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

[^{F1}PART 64

ESTATES, TRUSTS AND CHARITIES

[^{F1}SECTION II: CHARITY PROCEEDINGS

Textual Amendments

- F1** Pt. 64 inserted (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rule 1(b), [Sch. 5](#)

Scope of this Section and interpretation

64.5.—(1) This Section applies to charity proceedings.

(2) In this Section—

- (a) “the Act” means the Charities Act 1993(1);
- (b) “charity proceedings” has the same meaning as in section 33(8) of the Act; and
- (c) “the Commissioners” means the Charity Commissioners for England and Wales.

Application for permission to take charity proceedings

64.6.—(1) An application to the High Court under section 33(5) of the Act for permission to start charity proceedings must be made within 21 days after the refusal by the Commissioners of an order authorising proceedings.

(2) The application must be made by issuing a Part 8 claim form, which must contain the information specified in the practice direction.

(3) The Commissioners must be made defendants to the claim, but the claim form need not be served on them or on any other person.

(4) The judge considering the application may direct the Commissioners to file a written statement of their reasons for their decision.

(5) The court will serve on the applicant a copy of any statement filed under paragraph (4).

(6) The judge may either—

- (a) give permission without a hearing; or
- (b) fix a hearing.]

Status: Point in time view as at 02/12/2002.

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

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