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STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

[^{F1}PART 65

PROCEEDINGS RELATING TO ANTI-SOCIAL BEHAVIOUR AND HARASSMENT

[^{F1}^{F2}III DEMOTION CLAIMS, PROHIBITED CONDUCT STANDARD CONTRACT ORDER CLAIMS (IN WALES), RELATED PROCEEDINGS AND APPLICATIONS (IN ENGLAND) TO SUSPEND THE RIGHT TO BUY]

Textual Amendments

- F1** Pt. 65 inserted (30.6.2004) by [The Civil Procedure \(Amendment\) Rules 2004 \(S.I. 2004/1306\)](#), rule 1(b), [Sch. 2](#) (with rule 20(2)(a))
- F2** Pt. 65 Section 3 heading substituted (1.12.2022) by [The Civil Procedure \(Amendment No. 2\) Rules 2022 \(S.I. 2022/783\)](#), rules 1(2), [29\(3\)](#)

Scope of this Section and interpretation

65.11.—(1) This Section applies to—

(a) claims by a landlord for an order under section 82A of the Housing Act 1985 or under section 6A of the Housing Act 1988 (“a demotion order”); ^{F3}...

[claims by a landlord for an order under section 121A of the Housing Act 1985 (“a ^{F4}(aa) suspension order”); ^{F5}...]

(b) proceedings relating to a tenancy created by virtue of a demotion order [^{F6}; and]

[claims by a landlord for an order under section 116 of the Renting Homes (Wales) Act ^{F7}(c) 2016.]

(2) In this Section—

[“the 2016 Act” means the Renting Homes (Wales) Act 2016;]

^{F8}(za)

(a) “a demotion claim” means a claim made by a landlord for a demotion order; ^{F9}...

(b) “a demoted tenancy” means a tenancy created by virtue of a demotion order ;

[“a dwelling” means a dwelling let under an occupation contract;

^{F10}(ba)

(bb) “a prohibited conduct standard contract” has the meaning provided by section 116(6) of the 2016 Act;

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- (bc) “a prohibited conduct standard contract order” is an order imposed under section 116 of the 2016 Act;
- (bd) “a prohibited conduct standard contract order claim” means a claim for a prohibited conduct standard contract order;
- (be) “a Renting Homes possession claim” means a claim for the recovery of possession of a dwelling under the 2016 Act;]
- [“suspension claim” means a claim made by a landlord for a suspension order; and
- ^{F11}(c)
- (d) “suspension period” means the period during which the suspension order suspends the right to buy in relation to the dwelling house.]

Textual Amendments

- F3** Word in rule 65.11(1)(a) omitted (1.10.2005) by virtue of [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **48(b)(i)**
- F4** Rule 65.11(1)(aa) inserted (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **48(b)(ii)**
- F5** Word in rule 65.11(1)(aa) omitted (1.12.2022) by virtue of [The Civil Procedure \(Amendment No. 2\) Rules 2022 \(S.I. 2022/783\)](#), rules 1(2), **29(4)(a)(i)**
- F6** Word in rule 65.11(1)(b) substituted for full stop (1.12.2022) by [The Civil Procedure \(Amendment No. 2\) Rules 2022 \(S.I. 2022/783\)](#), rules 1(2), **29(4)(a)(ii)**
- F7** Rule 65.11(1)(c) inserted (1.12.2022) by [The Civil Procedure \(Amendment No. 2\) Rules 2022 \(S.I. 2022/783\)](#), rules 1(2), **29(4)(a)(iii)**
- F8** Rule 65.11(2)(za) inserted (1.12.2022) by [The Civil Procedure \(Amendment No. 2\) Rules 2022 \(S.I. 2022/783\)](#), rules 1(2), **29(4)(b)(i)**
- F9** Word in rule 65.11(2)(a) omitted (1.10.2005) by virtue of [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **48(c)(i)**
- F10** Rules 65.11(2)(ba)-(be) inserted (1.12.2022) by [The Civil Procedure \(Amendment No. 2\) Rules 2022 \(S.I. 2022/783\)](#), rules 1(2), **29(4)(b)(ii)**
- F11** Rule 65.11(2)(c)(d) inserted (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **48(c)(ii)**

Demotion claims [^{F12}, prohibited conduct standard contract order claims][^{F13} or suspension claims] made in the alternative to possession claims

65.12.—[

^{F14}(1) Where a demotion order [^{F15} or suspension order (or both)] is claimed in the alternative to a possession order, the claimant must use the Part 55 procedure and Section I of Part 55 applies, except that the claim must be made [^{F16} in accordance with rule 55.3(1)].

[

^{F17}(2) Where a prohibited conduct standard contract order is claimed in the alternative to a possession order, the claimant must use the Part 55 procedure and Section IV of Part 55 applies.]

Textual Amendments

- F12** Words in rule 65.12 heading inserted (1.12.2022) by [The Civil Procedure \(Amendment No. 2\) Rules 2022 \(S.I. 2022/783\)](#), rules 1(2), **29(5)**
- F13** Words in rule 65.12 heading inserted (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **48(d)(i)**

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- F14** Rule 65.12 renumbered as rule 65.12(1) (1.12.2022) by The Civil Procedure (Amendment No. 2) Rules 2022 (S.I. 2022/783), rules 1(2), **29(6)**
- F15** Words in rule 65.12 inserted (1.10.2005) by The Civil Procedure (Amendment No.3) Rules 2005 (S.I. 2005/2292), rules 1(c), **48(d)(ii)**
- F16** Words in rule 65.12 substituted (22.4.2014) by The Civil Procedure (Amendment) Rules 2014 (S.I. 2014/407), rules 2(1), **28(c)**; S.I. 2014/954, art. 2(a)
- F17** Rule 65.12(2) inserted (1.12.2022) by The Civil Procedure (Amendment No. 2) Rules 2022 (S.I. 2022/783), rules 1(2), **29(7)**

Other demotion [^{F18}claims, prohibited conduct standard contract order claims][^{F19}or suspension] claims

65.13. Where a demotion claim [^{F20}or suspension claim (or both)][^{F21}, or a prohibited conduct standard contract order claim] is made other than in a possession claim [^{F22}or a Renting Homes possession claim], rules 65.14 to 65.19 apply.

Textual Amendments

- F18** Words in rule 65.13 heading inserted (1.12.2022) by The Civil Procedure (Amendment No. 2) Rules 2022 (S.I. 2022/783), rules 1(2), **29(8)**
- F19** Words in rule 65.13 heading inserted (1.10.2005) by The Civil Procedure (Amendment No.3) Rules 2005 (S.I. 2005/2292), rules 1(c), **48(e)(i)**
- F20** Words in rule 65.13 inserted (1.10.2005) by The Civil Procedure (Amendment No.3) Rules 2005 (S.I. 2005/2292), rules 1(c), **48(e)(ii)**
- F21** Words in rule 65.13 inserted (1.12.2022) by The Civil Procedure (Amendment No. 2) Rules 2022 (S.I. 2022/783), rules 1(2), **29(9)(a)**
- F22** Words in rule 65.13 inserted (1.12.2022) by The Civil Procedure (Amendment No. 2) Rules 2022 (S.I. 2022/783), rules 1(2), **29(9)(b)**

Starting a demotion [^{F23}claim, prohibited conduct standard contract order claim][^{F24}or suspension] claim

- (a) **65.14.** [^{F25}(1) (a) The claim may be made at any County Court hearing centre;
- (b) the claim will be issued by the hearing centre where the claim is made; and
- (c) if the claim is not made at the County Court hearing centre which serves the address where the property [^{F26}or dwelling] is situated, the claim, when it is issued, will be sent to that hearing centre.

(Practice Direction 65 makes further provision in respect of claims which are not made at the County Court hearing centre which serves the address where the property [^{F27}or dwelling] is situated.)]

(2) The claim form and form of defence sent with it must be in the forms set out in [^{F28}Practice Direction 65].

([^{F29}Part 16 and Practice Direction 65] provide details about the contents of the particulars of claim)

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Textual Amendments

- F23** Words in rule 65.14 heading inserted (1.12.2022) by [The Civil Procedure \(Amendment No. 2\) Rules 2022 \(S.I. 2022/783\), rules 1\(2\), 29\(10\)](#)
- F24** Words in rule 65.14 heading inserted (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\), rules 1\(c\), 48\(f\)\(i\)](#)
- F25** Rule 65.14(1) substituted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\), rules 2\(1\), 28\(d\); S.I. 2014/954, art. 2\(a\)](#)
- F26** Words in rule 65.14(1)(c) inserted (1.12.2022) by [The Civil Procedure \(Amendment No. 2\) Rules 2022 \(S.I. 2022/783\), rules 1\(2\), 29\(11\)](#)
- F27** Words in rule 65.14 inserted (1.12.2022) by [The Civil Procedure \(Amendment No. 2\) Rules 2022 \(S.I. 2022/783\), rules 1\(2\), 29\(12\)](#)
- F28** Words in rule 65.14(2) substituted (6.4.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2009 \(S.I. 2009/3390\), rules 1\(2\), 40\(a\)](#)
- F29** Words in rule 65.14(2) substituted (6.4.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2009 \(S.I. 2009/3390\), rules 1\(2\), 40\(b\)](#)

Particulars of claim

65.15. The particulars of claim must be filed and served with the claim form.

Hearing date

65.16.—(1) The court will fix a date for the hearing when it issues the claim form.

(2) The hearing date will be not less than 28 days from the date of issue of the claim form.

(3) The standard period between the issue of the claim form and the hearing will be not more than 8 weeks.

(4) The defendant must be served with the claim form and the particulars of claim not less than 21 days before the hearing date.

(Rule 3.1(2)(a) provides that the court may extend or shorten the time for compliance with any rule and rule 3.1(2)(b) provides that the court may adjourn or bring forward a hearing)

Defendant's response

65.17.—(1) An acknowledgement of service is not required and Part 10 does not apply.

(2) Where the defendant does not file a defence within the time specified in rule 15.4 he may take part in any hearing but the court may take his failure to do so into account when deciding what order to make about costs.

(3) Part 12 (default judgment) does not apply ^{F30}

Textual Amendments

- F30** Words in rule 65.17(3) omitted (1.10.2005) by virtue of [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\), rules 1\(c\), 48\(g\)](#)

The hearing

65.18.—(1) At the hearing fixed in accordance with rule 65.16(1) or at any adjournment of that hearing the court [^{F31} shall take appropriate steps to ensure that the respondent is aware of their

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entitlement to a reasonable opportunity to obtain legal representation and to apply for legal aid which may be available without any means test, and] may—

- (a) [^{F32}decide the claim]; or
- (b) give case management directions.

(2) Where [^{F33}the claim] is genuinely disputed on grounds which appear to be substantial, case management directions given under paragraph (1)(b) will include the allocation of [^{F33}the claim] to a track or directions to enable it to be allocated.

(3) Except where—

- (a) [^{F34}the claim] is allocated to the fast track or the multi-track; or
- (b) the court directs otherwise,

any fact that needs to be proved by the evidence of witnesses at a hearing referred to in paragraph (1) may be proved by evidence in writing.

(Rule 32.2(1) sets out the general rule about evidence. Rule 32.2(2) provides that rule 32.2(1) is subject to any provision to the contrary)

(4) All witness statements must be filed and served at least two days before the hearing.

(5) Where the claimant serves the claim form and particulars of claim, [^{F35}the claimant] must produce at the hearing a certificate of service of those documents and rule [^{F36}6.17(2)(a)] does not apply.

Textual Amendments

- F31** Words in rule 65.18(1) inserted (6.4.2022) by [The Civil Procedure \(Amendment\) Rules 2022 \(S.I. 2022/101\)](#), rules 1(1), **17(1)**
- F32** Words in rule 65.18(1)(a) substituted (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **48(h)(i)**
- F33** Words in rule 65.18(2) substituted (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **48(h)(ii)**
- F34** Words in rule 65.18(3)(a) substituted (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **48(h)(iii)**
- F35** Words in rule 65.18(5) substituted (1.10.2008) by [The Civil Procedure \(Amendment\) Rules 2008 \(S.I. 2008/2178\)](#), rules 1(2), **36(c)(i)**
- F36** Word in rule 65.18(5) substituted (1.10.2008) by [The Civil Procedure \(Amendment\) Rules 2008 \(S.I. 2008/2178\)](#), rules 1(2), **36(c)(ii)**

Allocation

65.19. When the court decides the track for [^{F37}the claim], the matters to which it shall have regard include—

- (a) the matters set out in rule 26.8; and
- (b) the nature and extent of the conduct alleged.

Textual Amendments

- F37** Words in rule 65.19 substituted (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **48(i)**

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Proceedings relating to demoted tenancies [^{F38}and prohibited conduct standard contract order claims]

65.20. A practice direction may make provision about proceedings relating to demoted tenancies [^{F39}or to prohibited conduct standard contracts].]

Textual Amendments

F38 Words in rule 65.20 heading inserted (1.12.2022) by [The Civil Procedure \(Amendment No. 2\) Rules 2022 \(S.I. 2022/783\)](#), rules 1(2), **29(13)**

F39 Words in rule 65.20 inserted (1.12.2022) by [The Civil Procedure \(Amendment No. 2\) Rules 2022 \(S.I. 2022/783\)](#), rules 1(2), **29(14)**

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