
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

[^{F1}PART 55

POSSESSION CLAIMS

I—GENERAL RULES

[^{F1}Possession claims relating to mortgaged residential property

55.10.—(1) This rule applies where a mortgagee seeks possession of land which consists of or includes residential property.

[^{F2}(2) Within 5 days of receiving notification of the date of the hearing by the court, the claimant must send a notice to—

- (a) the property, addressed to “the tenant or the occupier”; ^{F3}...
- (b) the housing department of the local authority within which the property is located [^{F4}; and]
- [^{F5}(c) any registered proprietor (other than the claimant) of a registered charge over the property.]]

(3) The notice referred to in [^{F6}paragraph (2)(a)] must—

- (a) state that a possession claim for the property has started;
- (b) show the name and address of the claimant, the defendant and the court which issued the claim form; and
- (c) give details of the hearing.

[
^{F7}(3A) The notice referred to in paragraph 2(b) must contain the information in paragraph (3) and must state the full address of the property.]

(4) The claimant must produce at the hearing—

- (a) a copy of the [^{F8}notices]; and
- (b) evidence that [^{F9}they have been sent].

[
^{F10}(4A) An unauthorised tenant of residential property may apply to the court for the order for possession to be suspended.]]

Textual Amendments

F1 Pt. 55 inserted (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), [Sch. 1](#) (with [rule 31](#))

Status: Point in time view as at 01/10/2017.

Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, Section 55.10. (See end of Document for details)

- F2** Rule 55.10(2) substituted (1.10.2009) by The Civil Procedure (Amendment) Rules 2009 (S.I. 2009/2092), rules 1(2), **11(a)**
- F3** Word in rule 55.10(2)(a) omitted (30.4.2010) by virtue of The Civil Procedure (Amendment) Rules 2010 (S.I. 2010/621), rules 1(2), **10(a)(i)**
- F4** Word in rule 55.10(2)(b) substituted (30.4.2010) by The Civil Procedure (Amendment) Rules 2010 (S.I. 2010/621), rules 1(2), **10(a)(ii)**
- F5** Rule 55.10(2)(c) inserted (30.4.2010) by The Civil Procedure (Amendment) Rules 2010 (S.I. 2010/621), rules 1(2), **10(a)(iii)**
- F6** Words in rule 55.10(3) substituted (1.10.2009) by The Civil Procedure (Amendment) Rules 2009 (S.I. 2009/2092), rules 1(2), **11(b)**
- F7** Rule 55.10(3A) inserted (1.10.2009) by The Civil Procedure (Amendment) Rules 2009 (S.I. 2009/2092), rules 1(2), **11(c)**
- F8** Words in rule 55.10(4)(a) substituted (1.10.2009) by The Civil Procedure (Amendment) Rules 2009 (S.I. 2009/2092), rules 1(2), **11(d)(i)**
- F9** Word in rule 55.10(4)(b) substituted (1.10.2009) by The Civil Procedure (Amendment) Rules 2009 (S.I. 2009/2092), rules 1(2), **11(d)(ii)**
- F10** Rule 55.10(4A) inserted (1.10.2010) by The Civil Procedure (Amendment No.2) Rules 2010 (S.I. 2010/1953), rules 1(2), **7**

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Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Section 55.10.