
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

[^{F1}PART 55

POSSESSION CLAIMS

***II—ACCELERATED POSSESSION CLAIMS OF PROPERTY
LET ON AN ASSURED SHORTHOLD TENANCY***

[^{F1}Consideration of the claim

55.16.—(1) After considering the claim and any defence, the judge will—

- (a) make an order for possession under rule 55.17;
- (b) where [^{F2}the judge] is not satisfied as to any of the matters set out in paragraph (2)—
 - (i) direct that a date be fixed for a hearing; and
 - (ii) give any appropriate case management directions; or
- (c) strike out the claim if the claim form discloses no reasonable grounds for bringing the claim.

[
^{F3}(1A) If—

- (a) the judge directs that a date be fixed for hearing in accordance either with paragraph (2) or rule 55.18(1); and
- (b) the claim has not been brought in the County Court hearing centre which serves the address where the land is situated,

the judge will direct that the proceedings should be transferred to that hearing centre.]

(2) The matters referred to in paragraph (1)(b) are that—

- (a) the claim form was served; and
- (b) the claimant has established that he is entitled to recover possession under section 21 of the 1988 Act against the defendant.

(3) The court will give all parties not less than 14 days' notice of a hearing fixed under paragraph (1)(b)(i).

(4) Where a claim is struck out under paragraph (1)(c)—

- (a) the court will serve its reasons for striking out the claim with the order; and
- (b) the claimant may apply to restore the claim within 28 days after the date the order was served on him.]

Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, Section 55.16. (See end of Document for details)

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)
- F2** Words in rule 55.16(1)(b) substituted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(1), [22\(d\)\(i\)](#); S.I. 2014/954, art. 2(a)
- F3** Rule 55.16(1A) inserted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(1), [22\(d\)\(ii\)](#); S.I. 2014/954, art. 2(a)

Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Section 55.16.