Status: Point in time view as at 01/10/2017.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 61.7. (See end of Document for details)

STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

[F1PART 61

ADMIRALTY CLAIMS

[F1Cautions against arrest

61.7.—(1) Any person may file a request for a caution against arrest.

(2) When a request under paragraph (1) is filed the court will enter the caution in the Register if the request is in the form set out in [F2Practice Direction 61] and—

(a) the person filing the request undertakes—

(i) to file an acknowledgment of service; and

(ii) to give sufficient security to satisfy the claim with interest and costs; or

(b) where the person filing the request has constituted a limitation fund in accordance with Article 11 of the Convention on Limitation of Liability for Maritime Claims 1976 he—

(i) states that such a fund has been constituted; and

(ii) undertakes that the claimant will acknowledge service of the claim form by which any claim may be begun against the property described in the request.

(3) A caution against arrest—

(a) is valid for 12 months after the date it is entered in the Register; but

(b) may be renewed for a further 12 months by filing a further request.

(4) Paragraphs (1) and (2) apply to a further request under paragraph (3)(b).

(5) Property may be arrested if a caution against arrest has been entered in the Register but the court may order that—

(a) the arrest be discharged; and

(b) the party procuring the arrest pays compensation to the owner of or other persons interested in the arrested property.]

Textual Amendments

F1   Pt. 61 inserted (25.3.2002) by The Civil Procedure (Amendment No. 5) Rules 2001 (S.I. 2001/4015), rule 1(c), **Sch. 5**

F2   Words in rule 61.7(2) substituted (6.4.2010) by The Civil Procedure (Amendment No.2) Rules 2009 (S.I. 2009/3390), rules 1(2), **36(a)**