
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

[^{F1}PART 67

PROCEEDINGS RELATING TO SOLICITORS

[^{F1}Proceedings under Schedule 1 to the Act

67.4.—(1) Proceedings in the High Court under Schedule 1 to the Act must be brought—

- (a) in the Chancery Division; and
- (b) by Part 8 claim form, unless paragraph (4) below applies.

(2) The heading of the claim form must state that the claim relates to a solicitor and is made under Schedule 1 to the Act.

(3) Where proceedings are brought under paragraph 6(4) or 9(8) of Schedule 1 to the Act, the court will give directions and fix a date for the hearing immediately upon issuing the claim form.

(4) If the court has made an order under Schedule 1 to the Act, any subsequent application for an order under that Schedule which has the same parties may be made by a Part 23 application in the same proceedings.

(5) The table below sets out who must be made a defendant to each type of application under Schedule 1.

Defendants to applications under Schedule 1 to the Act

<i>Paragraph of Schedule 1 under which the application is made</i>	<i>Defendant to application</i>
Paragraph 5	if the application relates to money held on behalf of an individual solicitor, the solicitor if the application relates to money held on behalf of a firm, every partner in the firm if the application relates to money held on behalf of a LLP or other corporation, the LLP or other corporation
Paragraph 6(4) or 9(8)	the Law Society
Paragraph 8, 9(4), 9(5) or 9(6)	the person against whom the Law Society is seeking an order
Paragraph 9(10)	the person from whom the Law Society took possession of the documents which it wishes to dispose of or destroy

Status: Point in time view as at 01/10/2007.

Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, Section 67.4. (See end of Document for details)

<i>Paragraph of Schedule 1 under which the application is made</i>	<i>Defendant to application</i>
Paragraph 10	<p>if the application relates to postal packets addressed to an individual solicitor, the solicitor</p> <p>if the application relates to postal packets addressed to a firm, every partner in the firm</p> <p>if the application relates to postal packets addressed to a LLP or other corporation, the LLP or other corporation</p>
Paragraph 11	the trustee whom the Law Society is seeking to replace and, if he is a co-trustee, the other trustees of the trust

(6) At any time after the Law Society has issued an application for an order under paragraph 5 of Schedule 1 to the Act, the court may, on an application by the Society—

- (a) make an interim order under that paragraph to have effect until the hearing of the application; and
- (b) order the defendant, if he objects to the order being continued at the hearing, to file and serve written evidence showing cause why the order should not be continued.]

Textual Amendments

F1 Pt. 67 inserted (1.4.2005) by [The Civil Procedure \(Amendment No. 4\) Rules 2004 \(S.I. 2004/3419\)](#), rule 1, [Sch. 2](#)

Status:

Point in time view as at 01/10/2007.

Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Section 67.4.