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STATUTORY INSTRUMENTS

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**1998 No. 3132**

**The Civil Procedure Rules 1998**

[<sup>F1</sup>PART 73

CHARGING ORDERS, STOP ORDERS AND STOP NOTICES

**SECTION 1—CHARGING ORDERS**

[<sup>F1</sup>Enforcement of charging order by sale

**73.10.**—(1) Subject to the provisions of any enactment, the court may, upon a claim by a person who has obtained a charging order over an interest in property, order the sale of the property to enforce the charging order.

(2) A claim for an order for sale under this rule should be made to the court which made the charging order, unless that court does not have jurisdiction to make an order for sale.

(A claim under this rule is a proceeding for the enforcement of a charge, and section 23(c) of the County Courts Act 1984 provides the extent of the county court's jurisdiction to hear and determine such proceedings.)

(3) The claimant must use the Part 8 procedure.

(4) A copy of the charging order must be filed with the claim form.

(5) The claimant's written evidence must include the information required by [<sup>F2</sup>Practice Direction 73].]

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**Textual Amendments**

- F1** Pt. 73 inserted (25.3.2002) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), [rule 1\(c\)](#), [Sch. 4](#) (with savings in [rule 24](#) and [S.I. 2001/4015](#), [rule 43\(2\)](#))
- F2** Words in [rule 73.10\(5\)](#) substituted (6.4.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2009 \(S.I. 2009/3390\)](#), [rules 1\(2\)](#), [47\(a\)\(i\)](#)

**Status:**

Point in time view as at 06/04/2010. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Section 73.10.