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STATUTORY INSTRUMENTS

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**1998 No. 3132**

**The Civil Procedure Rules 1998**

**[<sup>F1</sup>PART 83**

**Writs and Warrants – General Provisions**

*SECTION II*

*Writs and Warrants*

**[<sup>F1</sup>Writs and warrants of control, writs of execution, warrants of delivery and warrants of possession – permission to issue certain writs or warrants**

**83.2.**—(1) This rule applies to—

- (a) writs and warrants of control;
- (b) writs of execution;
- (c) warrants of delivery;
- (d) warrants of possession.

(2) A writ or warrant to which this rule applies is referred to in this rule as a “relevant writ or warrant”.

(3) A relevant writ or warrant must not be issued without the permission of the court where—

- (a) six years or more have elapsed since the date of the judgment or order;
- (b) any change has taken place, whether by death or otherwise, in the parties—
  - (i) entitled to enforce the judgment or order; or
  - (ii) liable to have it enforced against them;
- (c) the judgment or order is against the assets of a deceased person coming into the hands of that person’s executors or administrators after the date of the judgment or order, and it is sought to issue execution against such assets;
- (d) any goods to be seized under a relevant writ or warrant are in the hands of a receiver appointed by a court or sequestrator;
- (e) under the judgment or order, any person is entitled to a remedy subject to the fulfilment of any condition, and it is alleged that the condition has been fulfilled; or
- (f) the permission sought is for a writ of control or writ of execution, and that writ is to be in aid of another writ of control or execution.

(4) An application for permission may be made in accordance with Part 23 and must—

- (a) identify the judgment or order to which the application relates;
- (b) if the judgment or order is for the payment of money, state the amount originally due and, if different, the amount due at the date the application notice is filed;

*Status: Point in time view as at 01/10/2017. This version of this provision has been superseded.*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 83.2. (See end of Document for details)*

- (c) where the case falls within paragraph (3)(a), state the reasons for the delay in enforcing the judgment or order;
  - (d) where the case falls within paragraph (3)(b), state the change which has taken place in the parties entitled or liable to execution since the date of the judgment or order;
  - (e) where the case falls within paragraph (3)(c) or (d), state that a demand to satisfy the judgment or order was made on the person liable to satisfy it and that that person has refused or failed to do so;
  - (f) give such other information as is necessary to satisfy the court that the applicant is entitled to proceed to execution on the judgment or order, and that the person against whom it is sought to issue execution is liable to execution on it.
- (5) An application for permission may be made without notice being served on any other party unless the court directs otherwise.
- (6) If because of one event, an applicant seeks permission under paragraph (3)(b) to enforce more than one judgment or order, the applicant need only make one application for permission.
- (7) Where paragraph (6) applies—
- (a) a schedule must be attached to the application for permission, specifying all the judgments or orders in respect of which the application for permission is made; and
  - (b) if the application notice is directed to be served on any person, it need set out only such part of the application as affects that person.
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- <sup>F2</sup>(7A) Where—
- (a) the court grants permission, under this rule or otherwise, for the issue of a writ of execution or writ of control (“the permission order”); and
  - (b) the writ is not issued within one year after the date of the permission order,
- the permission order will cease to have effect.
- (7B) Where a permission order has ceased to have effect, the court may grant a fresh permission order.]
- (8) Paragraph (3) is without prejudice to section 2 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 and any enactment, rule or direction by virtue of which a person is required to obtain the permission of the court for the issue of a warrant or to proceed to execution or otherwise to the enforcement of a judgment or order.]

#### Textual Amendments

- F1** Pt. 83 inserted (6.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rule 2(3), [Sch.](#) (with rule 41)
- F2** [Rule 83.2\(7A\)\(7B\)](#) inserted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, [17](#) (with rule 25)

**Status:**

Point in time view as at 01/10/2017. 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 83.2.