
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

[^{F1}PART 85

Claims on Controlled Goods and Executed Goods

SECTION IV

Procedure for making a Claim against Executed Goods

[^{F1}Procedure for making a claim to executed goods where the claim is disputed

85.7.—(1) Where a creditor, or any other claimant to executed goods to whom a notice of claim to executed goods was given, gives notice under rule 85.6(3) that the claim to executed goods, or any part of it, is disputed, and wishes to maintain their claim, the following procedure will apply.

(2) The claimant to executed goods must make an application by application notice which must be supported by—

- (a) a witness statement—
 - (i) specifying any money;
 - (ii) describing any goods claimed; and
 - (iii) setting out the grounds upon which the claim to the executed goods is based; and
- (b) copies of any supporting documents that will assist the court to determine the claim.

(3) The claimant to executed goods must serve the application notice and supporting witness statements and exhibits on—

- (a) the creditor;
- (b) any other claimant to the executed goods of whom they are aware; and
- (c) the relevant enforcement officer.

(4) An application under paragraph (2) must be made to the court which issued the writ of execution.

(5) The application notice will be referred to a Master or District Judge of a District Registry.

(6) On receipt of an application for a claim to executed goods, the Master or District Judge may—

- (a) give directions for further evidence from any party;
- (b) list a hearing to give directions;
- (c) list a hearing of the application;
- (d) make directions for the retention, sale or disposal of the executed goods; and
- (e) give directions for determination of any issue raised by a claim to executed goods.

Status: Point in time view as at 01/10/2017.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 85.7. (See end of Document for details)

(Rule 83.3(11) provides that the validity of a writ of execution is automatically extended following an application under paragraph (2) until 12 months from the conclusion of the application proceedings.)]

Textual Amendments

F1 Pt. 85 inserted (6.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rule 2(3), [Sch.](#) (with [rule 41](#))

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Point in time view as at 01/10/2017.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 85.7.