

Status: Point in time view as at 01/10/2012.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

SCHEDULE 1 **E+W**

Rule 50(3)

Modifications etc. (not altering text)

- C1** Sch. 1, Sch. 2 applied (with modifications) (30.12.2005) by [The Family Procedure \(Adoption\) Rules 2005 \(S.I. 2005/2795\)](#), **rule 5(5)**
- C2** Sch. 1 applied (with modifications) (6.4.2011) by [The Family Procedure Rules 2010 \(S.I. 2010/2955\)](#), **rule 33.1(2)** (with [rules 2.1](#), [33.1\(1\)](#))

Commencement Information

- I1** Sch. 1 in force at 26.4.1999, see [Signature](#)

RSC ORDER 10 **E+W**

SERVICE OF ORIGINATING PROCESS: GENERAL PROVISIONS

Service of claim form in certain actions for possession of land **E+W**

^{F1}Rule 4

Textual Amendments

- F1** Sch. 1 RSC Order 10 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), [rule 1\(d\)](#), **Sch. 3**

RSC ORDER 11 **E+W**

SERVICE OF PROCESS, ETC., OUT OF THE JURISDICTION

Principal cases in which service of claim form out of jurisdiction is permissible **E+W**

^{F2}Rule 1

Textual Amendments

- F2** Sch. 1 RSC Order 11 revoked (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), [rule 1\(b\)](#), **Sch. 8** (with [rule 39\(b\)](#)) (as amended by [S.I. 2000/940](#), [rules 1](#), [2](#))

The period for filing an acknowledgment of service or filing or serving an admission where the claim form is served under rule 1(2) **E+W**

^{F2}Rule1A

Textual Amendments

- F2** Sch. 1 RSC Order 11 revoked (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), [rule 1\(b\)](#), **Sch. 8** (with [rule 39\(b\)](#)) (as amended by [S.I. 2000/940](#), [rules 1](#), [2](#))

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The period for filing a defence where the claim form is served under rule 1(2) E+W

F2 Rule 1B

Textual Amendments
F2 Sch. 1 RSC Order 11 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

E+W

F2

Textual Amendments
F2 Sch. 1 RSC Order 11 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

E+W

F2

Textual Amendments
F2 Sch. 1 RSC Order 11 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

E+W

F2

Textual Amendments
F2 Sch. 1 RSC Order 11 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

E+W

F2

Textual Amendments
F2 Sch. 1 RSC Order 11 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

E+W

F2

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Textual Amendments

F2 Sch. 1 RSC Order 11 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

E+W

F2

Textual Amendments

F2 Sch. 1 RSC Order 11 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

E+W

F2

Textual Amendments

F2 Sch. 1 RSC Order 11 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

E+W

F2

Textual Amendments

F2 Sch. 1 RSC Order 11 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

E+W

F2

Textual Amendments

F2 Sch. 1 RSC Order 11 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

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F3 RSC ORDER 15 E+W

CAUSES OF ACTION, COUNTERCLAIMS AND PARTIES

Textual Amendments

F3 Sch. 1 RSC Order 15 revoked (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rule 1(b), **Sch. 10**

Proceedings against estates E+W

F3 Rule 6A

Change of parties by reason of death, etc. E+W

F3 Rule 7

Failure to proceed after death of party E+W

F3 Rule 9

Relator actions E+W

F3 Rule 11

Representative proceedings E+W

F3 Rule 12

Derivative claims E+W

F3 Rule 12A

Representation of interested persons who cannot be ascertained, etc. E+W

F3 Rule 13

Notice of claim to non—parties E+W

F3 Rule 13A

Representation of beneficiaries by trustees, etc. E+W

F3 Rule 14

Representation of deceased person interested in proceedings E+W

F3 Rule 15

Declaratory judgment E+W

F3 Rule 16

Conduct of proceedings **E+W**

^{F3}**Rule 17**

RSC ORDER 17 **E+W**

INTERPLEADER

Entitlement to relief by way of interpleader **E+W**

Rule 1.—(1) Where—

- (a) a person is under a liability in respect of a debt or in respect of any money, goods or chattels and he is, or expects to be, sued for or in respect of that debt or money or those goods or chattels by two or more persons making adverse claims thereto; or
- (b) claim is made to any money, goods or chattels taken or intended to be taken by a sheriff in execution under any process, or to the proceeds or value of any such goods or chattels, by a person other than the person against whom the process is issued,

the person under liability as mentioned in sub-paragraph (a) or (subject to rule 2) the sheriff, may apply to the Court for relief by way of interpleader.

(2) References in this Order to a sheriff shall be construed as [^{F4}including references to—

- (a) an individual authorised to act as an enforcement officer under the Courts Act 2003; and
- (b) any other officer charged with the execution of process by or under the authority of the High Court.]

Textual Amendments

F4 Words in [Sch. 1 RSC Order 17 rule 1\(2\)](#) substituted (1.4.2004) by [The Civil Procedure \(Amendment No. 5\) Rules 2003 \(S.I. 2003/3361\)](#), [rules 1\(c\)](#), **19**

Claim to goods, etc., taken in execution **E+W**

Rule 2.—(1) Any person making a claim to or in respect of any money, goods or chattels taken or intended to be taken in execution under process of the Court, or to the proceeds or value of any such goods or chattels, must give notice of his claim to the sheriff charged with the execution of the process and must include in his notice a statement of his address, and that address shall be his address for service.

(2) On receipt of a claim made under this rule the sheriff must forthwith give notice thereof to the execution creditor and the execution creditor must, within seven days after receiving the notice, give notice to the sheriff informing him whether he admits or disputes the claim. An execution creditor who gives notice in accordance with this paragraph admitting a claim shall only be liable to the sheriff for any fees and expenses incurred by the sheriff before receipt of that notice.

(3) Where—

- (a) the sheriff receives a notice from an execution creditor under paragraph (2) disputing a claim, or the execution creditor fails, within the period mentioned in that paragraph, to give the required notice; and
- (b) the claim made under this rule is not withdrawn,

the sheriff may apply to the Court for relief under this Order.

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(4) A sheriff who receives a notice from an execution creditor under paragraph (2) admitting a claim made under this rule shall withdraw from possession of the money, goods or chattels claimed and may apply to the Court for relief under this Order of the following kind, that is to say, an order restraining the bringing of a claim against him for or in respect of his having taken possession of that money or those goods or chattels.

Claim in respect of goods protected from seizure **E+W**

Rule 2A.—(1) Where a judgment debtor whose goods have been seized, or are intended to be seized, by a sheriff under a writ of execution claims that such goods are not liable to execution by virtue of section 138(3A) of the Act⁽¹⁾, he must within 5 days of the seizure give notice in writing to the sheriff identifying all those goods in respect of which he makes such a claim and the grounds of such claim in respect of each item.

(2) Upon receipt of a notice of claim under paragraph (1), the sheriff must forthwith give notice thereof to the execution creditor and to any person who has made a claim to, or in respect of, the goods under rule 2 (1) and the execution creditor and any person who has made claim must, within 7 days of receipt of such notice, inform the sheriff in writing whether he admits or disputes the judgment debtor's claim in respect of each item.

(3) The sheriff shall withdraw from possession of any goods in respect of which the judgment debtor's claim is admitted or if the execution creditor or any person claiming under rule 2 (1) fails to notify him in accordance with paragraph (2) and the sheriff shall so inform the parties in writing.

(4) Where the sheriff receives notice from—

- (a) the execution creditor; or
- (b) any such person to whom notice was given under paragraph (2), that the claim or any part thereof is disputed, he must forthwith seek the directions of the Court and may include therein an application for an order restraining the bringing of any claim against him for, or in respect of, his having seized any of those goods or his having failed so to do.

(5) The sheriff's application for directions under paragraph (4) shall be made by an application in accordance with CPR Part 23 and, on the hearing of the application, the Court may—

- (a) determine the judgment debtor's claim summarily; or
- (b) give such directions for the determination of any issue raised by such claim as may be just.

(6) A master and a district judge of a district registry shall have power to make an order of the kind referred to in paragraph (4) and the reference to master shall be construed in accordance with rule 4.

Mode of application **E+W**

Rule 3.—(1) An application for relief under this Order must be made by claim form unless made in an existing claim, in which case it must be made by accordance with CPR Part 23.

(2) Where the applicant is a sheriff who has withdrawn from possession of money, goods or chattels taken in execution and who is applying for relief under rule 2 (4) the claim form must be served on any person who made a claim under that rule to or in respect of that money or those goods or chattels, and that person may attend the hearing of the application.

(4) Subject to paragraph (5) a claim form or application notice under this rule must be supported by evidence that the applicant—

- (a) claims no interest in the subject—matter in dispute other than for charges or costs;
- (b) does not collude with any of the claimants to that subject—matter; and

(1) Section 138 was amended by the Administration of Justice Act 1985 (c. 61), sections 55 and 67(2); and by the Courts and Legal Services Act 1990 (c. 41), section 125(2), schedule 17, paragraph 17.

(c) is willing to pay or transfer that subject—matter into Court or to dispose of it as the Court may direct.

(5) Where the applicant is a sheriff, he shall not provide such evidence as is referred to in paragraph (4) unless directed by the Court to do so.

(6) Any person who makes a claim under rule 2 and who is served with a claim form under this rule shall within 14 days serve on the execution creditor and the sheriff a witness statement or affidavit specifying any money and describing any goods and chattels claimed and setting out the grounds upon which such claim is based.

(7) Where the applicant is a sheriff a claim form under this rule must give notice of the requirement in paragraph (6).

To whom Sheriff may apply for relief **E+W**

Rule 4 An application to the Court for relief under this Order may, if the applicant is a sheriff, be made—

- (a) where the claim in question is proceeding in the Royal Courts of Justice, to a Master or, if the execution to which the application relates has been or is to be levied in the district of a District Registry, either to a Master or to the District Judge of that Registry;
- (b) where the claim in question is proceeding in a District Registry, to the District Judge of that Registry or, if such execution has been or is to be levied in the district of some other District Registry or outside the district of any District Registry, either to the said the District Judge or to the District Judge of that other Registry or to a Master as the case may be.

Where the claim in question is proceeding in the Admiralty Court or the Family Division, references in this rule to a Master shall be construed as references to the Admiralty Registrar or to a Registrar of that Division.

Powers of Court hearing claim **E+W**

Rule 5.—(1) Where on the hearing of a claim under this Order all the persons by whom adverse claims to the subject—matter in dispute (hereafter in this Order referred to as “the interpleader claimants”) appear, the Court may order—

- (a) that any interpleader claimant be made a defendant in any claim pending with respect to the subject—matter in dispute in substitution for or in addition to the applicant for relief under this Order; or
- (b) that an issue between the interpleader claimants be stated and tried and may direct which of the interpleader claimants is to be claimant and which defendant.

(2) Where—

- (a) the applicant under this Order is a sheriff; or
- (b) all the interpleader claimants consent or any of them so requests; or
- (c) the question at issue between the interpleader claimants is a question of law and the facts are not in dispute,

the Court may summarily determine the question at issue between the interpleader claimants and make an order accordingly on such terms as may be just.

(3) Where an interpleader claimant, having been duly served with a claim form under this Order, does not appear at the hearing or, having appeared, fails or refuses to comply with an order made in the proceedings, the Court may make an order declaring the interpleader claimant, and all persons claiming under him, for ever barred from prosecuting his claim against the applicant for such relief

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and all persons claiming under him, but such an order shall not affect the rights of the interpleader claimants as between themselves.

Power to order sale of goods taken in execution **E+W**

Rule 6 Where an application for relief under this Order is made by a sheriff who has taken possession of any goods or chattels in execution under any process, and an interpleader claimant alleges that he is entitled, under a bill of sale or otherwise, to the goods or chattels by way of security for debt, the Court may order those goods or chattels or any part thereof to be sold and may direct that the proceeds of sale be applied in such manner and on such terms as may be just and as may be specified in the order.

Power to stay proceedings **E+W**

Rule 7 Where a defendant to a claim applies for relief under this Order in the claim, the Court may by order stay all further proceedings in the claim.

Other powers **E+W**

Rule 8.—^[F5(1)] Subject to the foregoing rules of this Order, the Court may in or for the purposes of any interpleader proceedings make such order as to costs or any other matter as it thinks just.

^[F6(2)] Where the interpleader claimant fails to appear at the hearing, the Court may direct that the sheriff's and execution creditor's costs shall be assessed by a master or, where the hearing was heard in a district registry, by a district judge of that registry and the following CPR rules shall apply—

- (a) 44.4 (basis of assessment);
- (b) 44.5 (factors to be taken into account in deciding the amount of costs);
- (c) 48.4 (limitations on court's power to award costs in favour of trustee or personal representative); and
- (d) 48.6 (litigants in person).

(3) Where the claim in question is proceeding in the Admiralty Court or the Family Division, references in this rule to a Master shall be construed as references to the Admiralty Registrar or to a Registrar of that Division.]

Textual Amendments

- F5** Sch. 1 RSC Order 17 rule 8 renumbered as RSC Order 17 rule 8(1) (26.4.1999) by [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, **27(a)**
- F6** Sch. 1 RSC Order 17 rule 8(2)(3) inserted (26.4.1999) by [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, **27(b)**

One order in several proceedings **E+W**

Rule 9 Where the Court considers it necessary or expedient to make an order in any interpleader proceedings in several proceedings pending in several Divisions, or before different Judges of the same Division, the Court may make such an order; and the order shall be entitled in all those causes or matters and shall be binding on all the parties to them.

Disclosure **E+W**

Rule 10 CPR Parts 31 and 18 shall, with the necessary modifications, apply in relation to an interpleader issue as they apply in relation to any other proceedings.

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Trial of interpleader issue E+W

Rule 11.—(1) CPR Part 39 shall, with the necessary modifications, apply to the trial of an interpleader issue as it applies to the trial of a claim.

(2) The Court by whom an interpleader issue is tried may give such judgment or make such order as finally to dispose of all questions arising in the interpleader proceedings.

RSC ORDER 23 E+W

SECURITY FOR COSTS

Order to apply to High Court and County Court E+W

^{F7}**Rule A1**

Textual Amendments

F7 Sch.1 RSC Order 23 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Security for costs of proceedings, etc. E+W

^{F7}**Rule 1**

Textual Amendments

F7 Sch.1 RSC Order 23 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Manner of giving security E+W

^{F7}**Rule 2**

Textual Amendments

F7 Sch.1 RSC Order 23 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Saving for enactments E+W

^{F7}**Rule 3**

Textual Amendments

F7 Sch.1 RSC Order 23 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

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F8 RSC ORDER 30 E+W
RECEIVERS

Textual Amendments
F8 Sch. 1 RSC Order 30 revoked (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rule 1(b), **Sch. 10**

Order to apply to High Court and County Court E+W

F8 Rule A1

Application for receiver and injunction E+W

F8 Rule 1

Giving of security by receiver E+W

F8 Rule 2

Remuneration of receiver E+W

F8 Rule 3

Service of order and notice E+W

F8 Rule 4

Receiver's accounts E+W

F8 Rule 5

Payment into Court by receiver E+W

F8 Rule 6

Default by receiver E+W

F8 Rule 7

Directions to receivers E+W

F8 Rule 8

F⁹RSC ORDER 31 E+W

**SALES, ETC. OF LAND BY ORDER OF COURT:
CONVEYANCING COUNSEL OF THE COURT**

Textual Amendments

F⁹ Sch. 1 RSC Order 31 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Order to apply to High Court and County Court E+W

F⁹Rule A1

I. Sales, etc. of Land by Order of Court E+W

Power to order sale of land E+W

F⁹Rule 1

Manner of carrying out sale E+W

F⁹Rule 2

Certifying result of sale E+W

F⁹Rule 3

Mortgage, exchange or partition under order of the Court E+W

F⁹Rule 4

II. Conveyancing Counsel of the Court E+W

Reference of matters to conveyancing counsel of Court E+W

F⁹Rule 5

Objection to conveyancing counsel's opinion E+W

F⁹Rule 6

Obtaining counsel's opinion on reference E+W

F⁹Rule 8

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F10 RSC ORDER 44 E+W

PROCEEDINGS UNDER JUDGMENTS AND ORDERS: CHANCERY DIVISION

Textual Amendments
F10 Sch. 1 RSC Order 44 revoked (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rule 1(b), **Sch. 10**

Application to Orders E+W

F10 Rule 1

Service of notice of judgment on person not a party E+W

F10 Rule 2

Directions by the Court E+W

F10 Rule 3

Application of rules 5 to 8 E+W

F10 Rule 4

Advertisements for creditors and other claimants E+W

F10 Rule 5

Examination of claims E+W

F10 Rule 6

Adjudication on claims E+W

F10 Rule 7

Notice of adjudication E+W

F10 Rule 8

Interest on debts E+W

F10 Rule 9

Interest on legacies E+W

F10 Rule 10

Master's order E+W

F10 Rule 11

Appeal against Master’s order **E+W**

^{F10}Rule 12

RSC ORDER 45 **E+W**

ENFORCEMENT OF JUDGMENTS AND ORDERS: GENERAL

Modifications etc. (not altering text)

C3 Sch. 1 RSC Order 45 applied (with modifications) (1.10.2007) by [The Court of Protection Rules 2007 \(S.I. 2007/1744\)](#), rules 1, **184(b)**

[^{F11}Interpretation **E+W**

Rule 1A. In this Order, and in RSC Orders 46 and 47—

- (a) “enforcement officer” means an individual who is authorised to act as an enforcement officer under the Courts Act 2003; and
- (b) “relevant enforcement officer” means—
 - (i) in relation to a writ of execution which is directed to an single enforcement officer, that officer;
 - (ii) in relation to a writ of execution which is directed to two or more enforcement officers, the officer to whom the writ is allocated.]

Textual Amendments

F11 Sch. 1 RSC Order 45 rule 1A inserted (1.4.2004) by [The Civil Procedure \(Amendment No. 5\) Rules 2003 \(S.I. 2003/3361\)](#), rules 1(c), **20**

Enforcement of judgment, etc., for payment of money **E+W**

Rule 1.—^{F12}(1)

^{F13}(2)

^{F14}(3)

(4) In this Order references to any writ shall be construed as including references to any further writ in aid of the first mentioned writ.

Textual Amendments

F12 Sch. 1 RSC Order 45 rule 1(1) revoked (25.3.2002) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), rule 1(c), **Sch. 5** (with savings in rule 24 and S.I. 2001/4015, rules 1(c), **43(2)**)

F13 Sch. 1 RSC Order 45 rule 1(2) revoked (25.3.2002) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), rule 1(c), **Sch. 5** (with savings in rule 24 and S.I. 2001/4015, rules 1(c), **43(2)**)

F14 Sch. 1 RSC Order 45 rule 1(3) revoked (25.3.2002) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), rule 1(c), **Sch. 5** (with savings in rule 24 and S.I. 2001/4015, rules 1(c), **43(2)**)

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Notice of seizure **E+W**

Rule 2 When first executing a writ of fieri facias, the Sheriff or his officer [^{F15}or the relevant enforcement officer] shall deliver to the debtor or leave at each place where execution is levied a notice in Form No. 55 in [^{F16}Practice Direction 4] informing the debtor of the execution.

Textual Amendments

- F15** Words in Sch. 1 RSC Order 45 rule 2 inserted (1.4.2004) by [The Civil Procedure \(Amendment No. 5\) Rules 2003 \(S.I. 2003/3361\)](#), rules 1(c), **21**
- F16** Words in Sch. 1 RSC Order 45 rule 2 substituted (6.4.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2009 \(S.I. 2009/3390\)](#), rules 1(2), **53**

Enforcement of judgment for possession of land **E+W**

Rule 3.—(1) Subject to the provisions of these rules, a judgment or order for the giving of possession of land may be enforced by one or more of the following means, that is to say—

- (a) writ of possession;
- (b) in a case in which [^{F17}rule 81.4] applies, an order of committal;
- (c) [^{F18}in a case in which rule 81.20 applies], writ of sequestration.

(2) A writ of possession to enforce a judgment or order for the giving of possession of any land shall not be issued without the permission of the Court except where the judgment or order was given or made in ^{F19}... [^{F20}proceedings by a mortgagee or mortgagor or by any person having the right to foreclose or redeem any mortgage, being proceedings in which there is a claim for—

- (a) payment of moneys secured by the mortgage;
- (b) sale of the mortgaged property;
- (c) foreclosure;
- (d) delivery of possession (whether before or after foreclosure or without foreclosure) to the mortgagee by the mortgagor or by any other person who is alleged to be in possession of the property;
- (e) redemption;
- (f) reconveyance of the land or its release from the security; or
- (g) delivery of possession by the mortgagee]

[^{F21}(2A) In paragraph (2) “mortgage” includes a legal or equitable mortgage and a legal or equitable charge, and reference to a mortgagor, a mortgagee and mortgaged land is to be interpreted accordingly.]

(3) Such permission [^{F22}as is referred to in paragraph (2)] shall not be granted unless it is shown—

- (a) that every person in actual possession of the whole or any part of the land has received such notice of the proceedings as appears to the Court sufficient to enable him to apply to the Court for any relief to which he may be entitled; and
- (b) if the operation of the judgment or order is suspended by subsection (2) of section 16 of the Landlord and Tenant Act, 1954(2), that the applicant has not received notice in writing from the tenant that he desires that the provisions of paragraphs (a) and (b) of that subsection shall have effect.

(4) A writ of possession may include provision for enforcing the payment of any money adjudged or ordered to be paid by the judgment or order which is to be enforced by the writ.

Textual Amendments

- F17** Words in Sch. 1 RSC Order 45 rule 3(1)(b) substituted (1.10.2012) by [The Civil Procedure \(Amendment No.2\) Rules 2012 \(S.I. 2012/2208\)](#), rules 1, **18(a)(i)(aa)** (with art. 20)
- F18** Words in Sch. 1 RSC Order 45 rule 3(1)(c) substituted (1.10.2012) by [The Civil Procedure \(Amendment No.2\) Rules 2012 \(S.I. 2012/2208\)](#), rules 1, **18(a)(i)(bb)** (with art. 20)
- F19** Words in Sch. 1 RSC Order 45 rule 3(2) omitted (15.10.2001) by virtue of [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rules 1(d), **20(a)(i)**
- F20** Words in Sch. 1 RSC Order 45 rule 3(2) inserted (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rules 1(d), **20(a)(ii)**
- F21** Sch. 1 RSC Order 45 rule 3(2A) inserted inserted (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rules 1(d), **20(b)**
- F22** Words in Sch. 1 RSC Order 45 rule 3(3) inserted (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rules 1(d), **20(c)**

Enforcement of judgment for delivery of goods **E+W**

Rule 4.—(1) Subject to the provisions of these rules, a judgment or order for the delivery of any goods which does not give a person against whom the judgment is given or order made the alternative of paying the assessed value of the goods may be enforced by one or more of the following means, that is to say—

- (a) writ of delivery to recover the goods without alternative provision for recovery of the assessed value thereof (hereafter in this rule referred to as a “writ of specific delivery”);
- (b) in a case in which [^{F23}rule 81.4] applies, an order of committal;
- (c) [^{F24}in a case in which rule 81.20 applies], writ of sequestration.

(2) Subject to the provisions of these rules, a judgment or order for the delivery of any goods or payment of their assessed value may be enforced by one or more of the following means, that is to say—

- (a) writ of delivery to recover the goods or their assessed value;
- (b) by order of the Court, writ of specific delivery;
- (c) in a case in which [^{F25}rule 81.20] applies, writ of sequestration.

An application for an order under sub-paragraph (b) shall be made in accordance with CPR Part 23, which must be served on the defendant against whom the judgment or order sought to be enforced was given or made.

(3) A writ of specific delivery, and a writ of delivery to recover any goods or their assessed value, may include provision for enforcing the payment of any money adjudged or ordered to be paid by the judgment or order which is to be enforced by the writ.

(4) A judgment or order for the payment of the assessed value of any goods may be enforced by the same means as any other judgment or order for the payment of money.

Textual Amendments

- F23** Words in Sch. 1 RSC Order 45 rule 4(1)(b) substituted (1.10.2012) by [The Civil Procedure \(Amendment No.2\) Rules 2012 \(S.I. 2012/2208\)](#), rules 1, **18(a)(ii)(aa)** (with rule 20)

Status: Point in time view as at 01/10/2012.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

- F24** Words in Sch. 1 RSC Order 45 rule 4(1)(c) substituted (1.10.2012) by [The Civil Procedure \(Amendment No.2\) Rules 2012 \(S.I. 2012/2208\)](#), rules 1, **18(a)(ii)(bb)** (with rule 20)
- F25** Words in Sch. 1 RSC Order 45 rule 4(2)(c) substituted (1.10.2012) by [The Civil Procedure \(Amendment No.2\) Rules 2012 \(S.I. 2012/2208\)](#), rules 1, **18(a)(iii)** (with rule 20)

Enforcement of judgment to do or abstain from doing any act **E+W**

^{F26}**Rule 5**

Textual Amendments

- F26** Sch. 1 RSC Order 45 rule 5 omitted (1.10.2012) by virtue of [The Civil Procedure \(Amendment No.2\) Rules 2012 \(S.I. 2012/2208\)](#), rules 1, **18(a)(iv)(aa)** (with rule 20)

Judgment, etc. requiring act to be done: order fixing time for doing it **E+W**

^{F27}**Rule 6**

Textual Amendments

- F27** Sch. 1 RSC Order 45 rule 6 omitted (1.10.2012) by virtue of [The Civil Procedure \(Amendment No.2\) Rules 2012 \(S.I. 2012/2208\)](#), rules 1, **18(a)(iv)(bb)** (with rule 20)

Service of copy of judgment, etc., prerequisite to enforcement under r.5 **E+W**

^{F28}**Rule 7**

Textual Amendments

- F28** Sch. 1 RSC Order 45 rule 7 omitted (1.10.2012) by virtue of [The Civil Procedure \(Amendment No.2\) Rules 2012 \(S.I. 2012/2208\)](#), rules 1, **18(a)(iv)(cc)** (with rule 20)

Court may order act to be done at expense of disobedient party **E+W**

Rule 8 If ^{F29}... a mandatory order, an injunction or a judgment or order for the specific performance of a contract is not complied with, then, without prejudice to its powers under section 39 of the Act and its powers to punish the disobedient party for contempt, the Court may direct that the act required to be done may, so far as practicable, be done by the party by whom the order or judgment was obtained or some other person appointed by the Court, at the cost of the disobedient party, and upon the act being done the expenses incurred may be ascertained in such manner as the Court may direct and execution may issue against the disobedient party for the amount so ascertained and for costs.

Textual Amendments

- F29** Words in Sch. 1 RSC Order 45 rule 8 omitted (1.5.2004) by virtue of [The Civil Procedure \(Amendment No. 5\) Rules 2003 \(S.I. 2003/3361\)](#), rules 1(d), **22**

Execution by or against person not being a party **E+W**

^{F30}**Rule 9**

Textual Amendments

F30 Sch. 1 RSC Order 45 rule 9 revoked (25.3.2002) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), rule 1(c), **Sch. 5** (with savings in rule 24 and S.I. 2001/4015, rules 1(c), **43(2)**)

Conditional judgment: waiver **E+W**

^{F31}**Rule 10**

Textual Amendments

F31 Sch. 1 RSC Order 45 rule 10 revoked (25.3.2002) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), rule 1(c), **Sch. 5** (with rule 24) (with savings in rule 24 and S.I. 2001/4015, rules 1(c), **43(2)**)

Matters occurring after judgment: stay of execution, etc. **E+W**

Rule 11 Without prejudice to Order 47, rule 1, a party against whom a judgment has been given or an order made may apply to the Court for a stay of execution of the judgment or order or other relief on the ground of matters which have occurred since the date of the judgment or order, and the Court may by order grant such relief, and on such terms, as it thinks just.

Forms of writs **E+W**

Rule 12.—(1) A writ of fieri facias must be in such of the Forms Nos. 53 to 63 in [^{F32}Practice Direction 4] as is appropriate in the particular case.

(2) A writ of delivery must be in Form No. 64 or 65 in [^{F32}Practice Direction 4], whichever is appropriate.

(3) A writ of possession must be in Form No. 66 or 66A in [^{F32}Practice Direction 4], whichever is appropriate.

^{F33}(4)

Textual Amendments

F32 Words in Sch. 1 RSC Order 45 rule 12(1)–(4) substituted (6.4.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2009 \(S.I. 2009/3390\)](#), rules 1(2), **53**

F33 Sch. 1 RSC Order 45 rule 12(4) omitted (1.10.2012) by virtue of [The Civil Procedure \(Amendment No.2\) Rules 2012 \(S.I. 2012/2208\)](#), rules 1, **18(a)(iv)(dd)** (with rule 20)

Enforcement of judgments and orders for recovery of money, etc. **E+W**

^{F34}**Rule 13**

Status: Point in time view as at 01/10/2012.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

F34 Sch. 1 RSC Order 45 rule 13 revoked (25.3.2002) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), rule 1(c), **Sch. 5** (with rule 24) (with savings in rule 24 and S.I. 2001/4015, rules 1(c), **43(2)**)

Enforcement of decisions of Value Added Tax Tribunals **E+W**

^{F35}**Rule 14**

Textual Amendments

F35 Sch. 1 RSC Order 45 rule 14 revoked (25.3.2002) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), rule 1(c), **Sch. 5** (with savings in rule 24 and S.I. 2001/4015, rules 1(c), **43(2)**)

RSC ORDER 46 **E+W**

WRITS OF EXECUTION: GENERAL

Modifications etc. (not altering text)

C4 Sch. 1 RSC Order 46 applied (with modifications) (1.10.2007) by [The Court of Protection Rules 2007 \(S.I. 2007/1744\)](#), rules 1, **184(b)**

Definition **E+W**

Rule 1 In this Order, unless the context otherwise requires, “writ of execution” includes a writ of fieri facias, a writ of possession, a writ of delivery, a writ of sequestration and any further writ in aid of any of the aforementioned writs.

When permission to issue any writ of execution is necessary **E+W**

Rule 2.—(1) A writ of execution to enforce a judgment or order may not issue without the permission of the Court in the following cases, that is to say:—

- (a) where six years or more have elapsed since the date of the judgment or order;
- (b) where any change has taken place, whether by death or otherwise, in the parties entitled or liable to execution under the judgment or order;
- (c) where the judgment or order is against the assets of a deceased person coming to the hands of his executors or administrators after the date of the judgment or order, and it is sought to issue execution against such assets;
- (d) where under the judgment or order any person is entitled to a remedy subject to the fulfilment of any condition which it is alleged has been fulfilled;
- (e) where any goods sought to be seized under a writ of execution are in the hands of a receiver appointed by the Court or a sequestrator.

Status: Point in time view as at 01/10/2012.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

(2) Paragraph (1) is without prejudice to section 2 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951(3), or any other enactment or rule by virtue of which a person is required to obtain the permission of the Court for the issue of a writ of execution or to proceed to execution on or otherwise to the enforcement of a judgment or order.

(3) Where the Court grants permission, whether under this rule or otherwise, for the issue of a writ of execution and the writ is not issued within one year after the date of the order granting such permission, the order shall cease to have effect, without prejudice, however, to the making of a fresh order.

Permission required for issue of writ in aid of other writ **E+W**

Rule 3 A writ of execution in aid of any other writ of execution shall not issue without the permission of the Court.

Application for permission to issue writ **E+W**

Rule 4.—(1) An application for permission to issue a writ of execution may be made in accordance with CPR Part 23 but the application notice need not be served on the respondent unless the Court directs.

(2) Such an application must be supported by a witness statement or affidavit—

- (a) identifying the judgment or order to which the application relates and, if the judgment or order is for the payment of money, stating the amount originally due thereunder and the amount due thereunder at the date the application notice is filed;
- (b) stating, where the case falls within rule 2 (1)(a) the reasons for the delay in enforcing the judgment or order;
- (c) stating where the case falls within rule 2 (1)(b) the change which has taken place in the parties entitled or liable to execution since the date of the judgment or order;
- (d) stating, where the case falls within rule 2 (1)(c) or (d) that a demand to satisfy the judgment or order was made on the person liable to satisfy it and that he has refused or failed to do so;
- (e) giving such other information as is necessary to satisfy the Court that the applicant is entitled to proceed to execution on the judgment or order in question and that the person against whom it is sought to issue execution is liable to execution on it.

(3) The Court hearing such application may grant permission in accordance with the application or may order that any issue or question, a decision on which is necessary to determine the rights of the parties, be tried in any manner in which any question of fact or law arising in proceedings may be tried and, in either case, may impose such terms as to costs or otherwise as it thinks just.

Application for permission to issue writ of sequestration **E+W**

[^{F36}**Rule 5** Notwithstanding anything in rules 2 and 4, an application for permission to issue a writ of sequestration must be made in accordance with Part 81 and in particular Section 7 of that Part.]

Textual Amendments

F36 Sch. 1 RSC Order 46 rule 5 substituted (1.10.2012) by [The Civil Procedure \(Amendment No.2\) Rules 2012 \(S.I. 2012/2208\)](#), rules 1, **18(b)** (with rule 20)

Status: Point in time view as at 01/10/2012.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Issue of writ of execution **E+W**

Rule 6.—(1) Issue of a writ of execution takes place on its being sealed by a court officer of the appropriate office.

(2) Before such a writ is issued a praecipe for its issue must be filed.

(3) The praecipe must be signed by or on behalf of the solicitor of the person entitled to execution or, if that person is acting in person, by him.

(4) No such writ shall be sealed unless at the time of the tender thereof for sealing—

(a) the person tendering it produces—

(i) the judgment or order on which the writ is to issue, or an office copy thereof;

(ii) where the writ may not issue without the permission of the Court, the order granting such permission or evidence of the granting of it;

(iii) where judgment on failure to acknowledge service has been entered against a State, as defined in section 14 of the State Immunity Act 1978⁽⁴⁾, evidence that the State has been served in accordance with CPR rule 40.10 and that the judgment has taken effect; and

(b) the court officer authorised to seal it is satisfied that the period, if any, specified in the judgment or order for the payment of any money or the doing of any other act thereunder has expired.

(5) Every writ of execution shall bear the date of the day on which it is issued.

(6) In this rule “the appropriate office” means—

(a) where the proceedings in which execution is to issue are in a District Registry, that Registry;

(b) where the proceedings are in the Principal Registry of the Family Division, that Registry;

(c) where the proceedings are Admiralty proceedings or commercial proceedings which are not in a District Registry, the Admiralty and Commercial Registry;

(ca) where the proceedings are in the Chancery Division, Chancery Chambers;

(d) in any other case, the Central Office of the [^{F37}Senior Courts].

Textual Amendments

F37 Words in [Sch. 1 RSC Order 46 rule 6\(6\)\(d\)](#) substituted (1.10.2009) by [The Civil Procedure \(Amendment\) Rules 2009 \(S.I. 2009/2092\)](#), [rules 1\(2\)](#), [19](#)

Modifications etc. (not altering text)

C5 [Sch. 1 RSC Order 46 rule 6](#) applied (with modifications) (23.12.2011) by [The Legal Services Act 2007 \(Designation as a Licensing Authority\) \(No. 2\) Order 2011 \(S.I. 2011/2866\)](#), [arts. 1\(2\)](#), [8\(1\)\(2\)](#), [Sch. 2](#)

Duration and renewal of writ of execution **E+W**

Rule 8.—(1) For the purpose of execution, a writ of execution is valid in the first instance for 12 months beginning with the date of its issue.

(2) Where a writ has not been wholly executed the Court may by order extend the validity of the writ from time to time for a period of 12 months at any one time beginning with the day on which

(4) [1978 c. 33](#).

the order is made, if an application for extension is made to the Court before the day next following that on which the writ would otherwise expire or such later day, if any, as the Court may allow.

(3) Before a writ the validity of which had been extended under paragraph (2) is executed either the writ must be sealed with the seal of the office out of which it was issued showing the date on which the order extending its validity was made or the applicant for the order must serve a notice (in Form No. 71 in [^{F38}Practice Direction 4]) sealed as aforesaid, on the sheriff to whom the writ is directed [^{F39}or the relevant enforcement officer] informing him of the making of the order and the date thereof.

(4) The priority of a writ, the validity of which has been extended under this rule, shall be determined by reference to the date on which it was originally delivered to the sheriff [^{F40}or relevant enforcement officer].

(5) The production of a writ of execution, or of such a notice as is mentioned in paragraph (3) purporting in either case to be sealed as mentioned in that paragraph, shall be evidence that the validity of that writ, or, as the case may be, of the writ referred to in that notice, has been extended under paragraph (2).

(6) If, during the validity of a writ of execution, an interpleader summons is issued in relation to an execution under that writ, the validity of the writ shall be extended until the expiry of 12 months from the conclusion of the interpleader proceedings.

Textual Amendments

- F38** Words in Sch. 1 RSC Order 46 rule 8(3) substituted (6.4.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2009 \(S.I. 2009/3390\)](#), rules 1(2), **54**
- F39** Words in Sch. 1 RSC Order 46 rule 8(3) inserted (1.4.2004) by [The Civil Procedure \(Amendment No. 5\) Rules 2003 \(S.I. 2003/3361\)](#), rules 1(c), **23(a)**
- F40** Words in Sch. 1 RSC Order 46 rule 8(4) inserted (1.4.2004) by [The Civil Procedure \(Amendment No. 5\) Rules 2003 \(S.I. 2003/3361\)](#), rules 1(c), **23(b)**

Return to writ of execution **E+W**

Rule 9.—(1) Any party at whose instance or against whom a writ of execution was issued may serve a notice on the sheriff to whom the writ was directed [^{F41}or the relevant enforcement officer] requiring him, within such time as may be specified in the notice, to indorse on the writ a statement of the manner in which he has executed it and to send to that party a copy of the statement.

(2) If a sheriff [^{F42}or enforcement officer] on whom such a notice is served fails to comply with it the party by whom it was served may apply to the Court for an order directing the sheriff [^{F42}or enforcement officer] to comply with the notice.

Textual Amendments

- F41** Words in Sch. 1 RSC Order 46 rule 9(1) inserted (1.4.2004) by [The Civil Procedure \(Amendment No. 5\) Rules 2003 \(S.I. 2003/3361\)](#), rules 1(c), **24(a)**
- F42** Words in Sch. 1 RSC Order 46 rule 9(2) inserted (1.4.2004) by [The Civil Procedure \(Amendment No. 5\) Rules 2003 \(S.I. 2003/3361\)](#), rules 1(c), **24(b)**

Status: Point in time view as at 01/10/2012.

*Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)*

RSC ORDER 47 **E+W** WRITS OF FIERI FACIAS

Modifications etc. (not altering text)

C6 Sch. 1 RSC Order 47 applied (with modifications) (1.10.2007) by [The Court of Protection Rules 2007 \(S.I. 2007/1744\)](#), rules 1, **184(b)**

Power to stay execution by writ of fieri facias **E+W**

Rule 1.—(1) Where a judgment is given or an order made for the payment by any person of money, and the Court is satisfied, on an application made at the time of the judgment or order, or at any time thereafter, by the judgment debtor or other party liable to execution—

- (a) that there are special circumstances which render it inexpedient to enforce the judgment or order; or
- (b) that the applicant is unable from any cause to pay the money,

then, notwithstanding anything in rule 2 or 3, the Court may by order stay the execution of the judgment or order by writ of fieri facias either absolutely or for such period and subject to such conditions as the Court thinks fit.

(2) An application under this rule, if not made at the time the judgment is given or order made, must be made in accordance with CPR Part 23 and may be so made notwithstanding that the party liable to execution did not acknowledge service of the claim form or serve a defence or take any previous part in the proceedings.

(3) The grounds on which an application under this rule is made must be set out in the application notice and be supported by a witness statement or affidavit made by or on behalf of the applicant substantiating the said grounds and, in particular, where such application is made on the grounds of the applicant’s inability to pay, disclosing his income, the nature and value of any property of his and the amount of any other liabilities of his.

(4) The application notice and a copy of the supporting witness statement or affidavit must, not less than 4 clear days before the hearing, be served on the party entitled to enforce the judgment or order.

(5) An order staying execution under this rule may be varied or revoked by a subsequent order.

Two or more writs of fieri facias **E+W**

^{F43}**Rule 2**

Textual Amendments

F43 Sch. 1 RSC Order 47 rule 2 revoked (1.4.2004) by [The Civil Procedure \(Amendment No. 5\) Rules 2003 \(S.I. 2003/3361\)](#), rules 1(c), **25**

Separate writs to enforce payment of costs, etc. **E+W**

Rule 3.—(1) Where only the payment of money, together with costs to be assessed in accordance with CPR Part 47 (detailed costs assessment), is adjudged or ordered, then, if when the money becomes payable under the judgment or order the costs have not been assessed, the party entitled to enforce that judgment or order may issue a writ of fieri facias to enforce payment of the sum (other

than for costs) adjudged or ordered and, not less than 8 days after the issue of that writ, he may issue a second writ to enforce payment of the assessed costs.

(2) A party entitled to enforce a judgment or order for the delivery of possession of any property (other than money) may, if he so elects, issue a separate writ of fieri facias to enforce payment of any damages or costs awarded to him by that judgment or order.

No expenses of execution in certain cases **E+W**

Rule 4 Where a judgment or order is for less than £600 and does not entitle the claimant to costs against the person against whom the writ of fieri facias to enforce the judgment or order is issued, the writ may not authorise the sheriff [^{F44}or enforcement officer] to whom it is directed to levy any fees, poundage or other costs of execution.

Textual Amendments

F44 Words in Sch. 1 RSC Order 47 rule 4 inserted (1.4.2004) by [The Civil Procedure \(Amendment No. 5\) Rules 2003 \(S.I. 2003/3361\)](#), rules 1(c), **26**

Writ of fieri facias de bonis ecclesiasticis, etc. **E+W**

Rule 5.—(1) Where it appears upon the return of any writ of fieri facias that the person against whom the writ was issued has no goods or chattels in the county of the sheriffs to whom the writ was directed [^{F45}or the district of the relevant enforcement officer] but that he is the incumbent of a benefice named in the return, then, after the writ and return have been filed, the party by whom the writ of fieri facias was issued may issue a writ of fieri facias de bonis ecclesiasticis or a writ of sequestrari de bonis ecclesiasticis directed to the bishop of the diocese within which that benefice is.

(2) Any such writ must be delivered to the bishop to be executed by him.

(3) Only such fees for the execution of any such writ shall be taken by or allowed to the bishop or any diocesan officer as are for the time being authorised by or under any enactment, including any measure of the General Synod.

Textual Amendments

F45 Words in Sch. 1 RSC Order 47 rule 5(1) inserted (1.4.2004) by [The Civil Procedure \(Amendment No. 5\) Rules 2003 \(S.I. 2003/3361\)](#), rules 1(c), **27**

Order for sale otherwise than by auction **E+W**

Rule 6.—^{F46}(1) An order of the court under paragraph 10 of Schedule 7 to the Courts Act 2003 that a sale of goods seized under an execution may be made otherwise than by public auction may be made on the application of—

- (a) the person at whose instance the writ of execution under which the sale is to be made was issued;
- (b) the person against whom that writ was issued (in this rule referred to as “the judgment debtor”);
- (c) if the writ was directed to a sheriff, that sheriff; and
- (d) if the writ was directed to one or more enforcement officers, the relevant enforcement officer.]

Status: Point in time view as at 01/10/2012.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

(2) Such an application must be made in accordance with CPR Part 23 and the application notice must contain a short statement of the grounds of the application.

[^{F47}(3) Where the applicant for an order under this rule is not the sheriff or enforcement officer, the sheriff or enforcement officer must, on the demand of the applicant, send to the applicant a list stating—

- (a) whether he has notice of the issue of another writ or writs of execution against the goods of the judgment debtor; and
- (b) so far as is known to him, the name and address of every creditor who has obtained the issue of another such writ of execution,

and where the sheriff or enforcement officer is the applicant, he must prepare such a list.]

(4) Not less than 4 clear days before the hearing the applicant must serve the application notice on each of the other persons by whom the application might have been made and on every person named in [^{F48}the list under paragraph (3)].

[^{F49}(5) Service of the application notice on a person named in the list under paragraph (3) is notice to him for the purpose of paragraph 10(3) of Schedule 7 to the Courts Act 2003.

(Paragraph 10(3) provides that if the person who seized the goods has notice of another execution or other executions, the court must not consider an application for leave to sell privately until the notice prescribed by Civil Procedure Rules has been given to the other execution creditor or creditors)]

(6) The applicant must produce [^{F50}the list under paragraph (3)] to the Court on the hearing of the application.

(7) Every person on whom the application notice was served may attend and be heard on the hearing of the application.

Textual Amendments

- F46** Sch. 1 RSC Order 47 rule 6(1) substituted (1.4.2004) by [The Civil Procedure \(Amendment No. 5\) Rules 2003 \(S.I. 2003/3361\)](#), rules 1(c), **28(a)**
- F47** Sch. 1 RSC Order 47 rule 6(3) substituted (1.4.2004) by [The Civil Procedure \(Amendment No. 5\) Rules 2003 \(S.I. 2003/3361\)](#), rules 1(c), **28(b)**
- F48** Words in Sch. 1 RSC Order 47 rule 6(4) substituted (1.4.2004) by [The Civil Procedure \(Amendment No. 5\) Rules 2003 \(S.I. 2003/3361\)](#), rules 1(c), **28(c)**
- F49** Sch. 1 RSC Order 47 rule 6(5) substituted (1.4.2004) by [The Civil Procedure \(Amendment No. 5\) Rules 2003 \(S.I. 2003/3361\)](#), rules 1(c), **28(d)**
- F50** Words in Sch. 1 RSC Order 47 rule 6(6) substituted (1.4.2004) by [The Civil Procedure \(Amendment No. 5\) Rules 2003 \(S.I. 2003/3361\)](#), rules 1(c), **28(e)**

RSC ORDER 48 **E+W**

EXAMINATION OF JUDGMENT DEBTOR, ETC.

Order for examination of judgment debtor **E+W**

^{F51}Rule 1

Status: Point in time view as at 01/10/2012.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

F51 Sch. 1 RSC Order 48 revoked (25.3.2002) by The Civil Procedure (Amendment No. 4) Rules 2001 (S.I. 2001/2792), rule 1(c), Sch. 5 (with savings in rule 24 and S.I. 2001/4015, rules 1(c), 43(2))

Examination of party liable to satisfy other judgment **E+W**

F51 Rule 2

Textual Amendments

F51 Sch. 1 RSC Order 48 revoked (25.3.2002) by The Civil Procedure (Amendment No. 4) Rules 2001 (S.I. 2001/2792), rule 1(c), Sch. 5 (with savings in rule 24 and S.I. 2001/4015, rules 1(c), 43(2))

Examiner to make record of debtor’s statement **E+W**

F51 Rule 3

Textual Amendments

F51 Sch. 1 RSC Order 48 revoked (25.3.2002) by The Civil Procedure (Amendment No. 4) Rules 2001 (S.I. 2001/2792), rule 1(c), Sch. 5 (with savings in rule 24 and S.I. 2001/4015, rules 1(c), 43(2))

RSC ORDER 49 **E+W**

GARNISHEE PROCEEDINGS

Attachment of debt due to judgment debtor **E+W**

F52 Rule 1

Textual Amendments

F52 Sch. 1 RSC Order 49 revoked (25.3.2002) by The Civil Procedure (Amendment No. 4) Rules 2001 (S.I. 2001/2792), rule 1(c), Sch. 5 (with savings in rule 24 and S.I. 2001/4015, rules 1(c), 43(2))

Application for order **E+W**

F52 Rule 2

Textual Amendments

F52 Sch. 1 RSC Order 49 revoked (25.3.2002) by The Civil Procedure (Amendment No. 4) Rules 2001 (S.I. 2001/2792), rule 1(c), Sch. 5 (with savings in rule 24 and S.I. 2001/4015, rules 1(c), 43(2))

Status: Point in time view as at 01/10/2012.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Service and effect of order to show cause **E+W**

^{F52}**Rule 3**

.....
Textual Amendments
F52 Sch. 1 RSC Order 49 revoked (25.3.2002) by The Civil Procedure (Amendment No. 4) Rules 2001 (S.I. 2001/2792), rule 1(c), Sch. 5 (with savings in rule 24 and S.I. 2001/4015, rules 1(c), 43(2))

No appearance or dispute of liability by garnishee **E+W**

^{F52}**Rule 4**

.....
Textual Amendments
F52 Sch. 1 RSC Order 49 revoked (25.3.2002) by The Civil Procedure (Amendment No. 4) Rules 2001 (S.I. 2001/2792), rule 1(c), Sch. 5 (with savings in rule 24 and S.I. 2001/4015, rules 1(c), 43(2))

Dispute of liability by garnishee **E+W**

^{F52}**Rule 5**

.....
Textual Amendments
F52 Sch. 1 RSC Order 49 revoked (25.3.2002) by The Civil Procedure (Amendment No. 4) Rules 2001 (S.I. 2001/2792), rule 1(c), Sch. 5 (with savings in rule 24 and S.I. 2001/4015, rules 1(c), 43(2))

Claims of third persons **E+W**

^{F52}**Rule 6**

.....
Textual Amendments
F52 Sch. 1 RSC Order 49 revoked (25.3.2002) by The Civil Procedure (Amendment No. 4) Rules 2001 (S.I. 2001/2792), rule 1(c), Sch. 5 (with savings in rule 24 and S.I. 2001/4015, rules 1(c), 43(2))

Discharge of garnishee **E+W**

^{F52}**Rule 8**

.....
Textual Amendments
F52 Sch. 1 RSC Order 49 revoked (25.3.2002) by The Civil Procedure (Amendment No. 4) Rules 2001 (S.I. 2001/2792), rule 1(c), Sch. 5 (with savings in rule 24 and S.I. 2001/4015, rules 1(c), 43(2))

Money in Court **E+W**

^{F52}**Rule 9**

Status: Point in time view as at 01/10/2012.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

F52 Sch. 1 RSC Order 49 revoked (25.3.2002) by The Civil Procedure (Amendment No. 4) Rules 2001 (S.I. 2001/2792), rule 1(c), **Sch. 5** (with savings in rule 24 and S.I. 2001/4015, rules 1(c), **43(2)**)

Costs **E+W**

^{F52}**Rule 10**

Textual Amendments

F52 Sch. 1 RSC Order 49 revoked (25.3.2002) by The Civil Procedure (Amendment No. 4) Rules 2001 (S.I. 2001/2792), rule 1(c), **Sch. 5** (with savings in rule 24 and S.I. 2001/4015, rules 1(c), **43(2)**)

RSC ORDER 50 **E+W**

CHARGING ORDERS, STOP ORDERS, ETC.

Order imposing a charge on a beneficial interest **E+W**

^{F53}**Rule 1**

Textual Amendments

F53 Sch. 1 RSC Order 50 revoked (25.3.2002) by The Civil Procedure (Amendment No. 4) Rules 2001 (S.I. 2001/2792), rule 1(c), **Sch. 5** (with savings in rule 24 and S.I. 2001/4015, rules 1(c), **43(2)**)

Service of notice of order to show cause **E+W**

^{F53}**Rule 2**

Textual Amendments

F53 Sch. 1 RSC Order 50 revoked (25.3.2002) by The Civil Procedure (Amendment No. 4) Rules 2001 (S.I. 2001/2792), rule 1(c), **Sch. 5** (with savings in rule 24 and S.I. 2001/4015, rules 1(c), **43(2)**)

Order made on further considerations **E+W**

^{F53}**Rule 3**

Textual Amendments

F53 Sch. 1 RSC Order 50 revoked (25.3.2002) by The Civil Procedure (Amendment No. 4) Rules 2001 (S.I. 2001/2792), rule 1(c), **Sch. 5** (with savings in rule 24 and S.I. 2001/4015, rules 1(c), **43(2)**)

*Status: Point in time view as at 01/10/2012.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)*

Order imposing a charge on an interest held by a trustee **E+W**

^{F53}**Rule 4**

.....
Textual Amendments
F53 Sch. 1 RSC Order 50 revoked (25.3.2002) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), rule 1(c), **Sch. 5** (with savings in [rule 24](#) and [S.I. 2001/4015](#), rules 1(c), **43(2)**)

Effect of order in relation to securities out of Court **E+W**

^{F53}**Rule 5**

.....
Textual Amendments
F53 Sch. 1 RSC Order 50 revoked (25.3.2002) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), rule 1(c), **Sch. 5** (with savings in [rule 24](#) and [S.I. 2001/4015](#), rules 1(c), **43(2)**)

Effect of order in relation to funds in Court **E+W**

^{F53}**Rule 6**

.....
Textual Amendments
F53 Sch. 1 RSC Order 50 revoked (25.3.2002) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), rule 1(c), **Sch. 5** (with savings in [rule 24](#) and [S.I. 2001/4015](#), rules 1(c), **43(2)**)

Discharge, etc., of charging order **E+W**

^{F53}**Rule 7**

.....
Textual Amendments
F53 Sch. 1 RSC Order 50 revoked (25.3.2002) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), rule 1(c), **Sch. 5** (with savings in [rule 24](#) and [S.I. 2001/4015](#), rules 1(c), **43(2)**)

Jurisdiction of Master, etc., to grant injunction **E+W**

^{F53}**Rule 9**

.....
Textual Amendments
F53 Sch. 1 RSC Order 50 revoked (25.3.2002) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), rule 1(c), **Sch. 5** (with savings in [rule 24](#) and [S.I. 2001/4015](#), rules 1(c), **43(2)**)

Enforcement of charging order by sale **E+W**

^{F53}**Rule 9A**

Status: Point in time view as at 01/10/2012.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

F53 Sch. 1 RSC Order 50 revoked (25.3.2002) by The Civil Procedure (Amendment No. 4) Rules 2001 (S.I. 2001/2792), rule 1(c), Sch. 5 (with savings in rule 24 and S.I. 2001/4015, rules 1(c), 43(2))

Funds in Court: stop order **E+W**

F53 **Rule 10**

Textual Amendments

F53 Sch. 1 RSC Order 50 revoked (25.3.2002) by The Civil Procedure (Amendment No. 4) Rules 2001 (S.I. 2001/2792), rule 1(c), Sch. 5 (with savings in rule 24 and S.I. 2001/4015, rules 1(c), 43(2))

Securities not in Court: stop notice **E+W**

F53 **Rule 11**

Textual Amendments

F53 Sch. 1 RSC Order 50 revoked (25.3.2002) by The Civil Procedure (Amendment No. 4) Rules 2001 (S.I. 2001/2792), rule 1(c), Sch. 5 (with savings in rule 24 and S.I. 2001/4015, rules 1(c), 43(2))

Effect of stop notice **E+W**

F53 **Rule 12**

Textual Amendments

F53 Sch. 1 RSC Order 50 revoked (25.3.2002) by The Civil Procedure (Amendment No. 4) Rules 2001 (S.I. 2001/2792), rule 1(c), Sch. 5 (with savings in rule 24 and S.I. 2001/4015, rules 1(c), 43(2))

Amendment of stop notice **E+W**

F53 **Rule 13**

Textual Amendments

F53 Sch. 1 RSC Order 50 revoked (25.3.2002) by The Civil Procedure (Amendment No. 4) Rules 2001 (S.I. 2001/2792), rule 1(c), Sch. 5 (with savings in rule 24 and S.I. 2001/4015, rules 1(c), 43(2))

Withdrawal etc. of stop notice **E+W**

F53 **Rule 14**

Status: Point in time view as at 01/10/2012.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

F53 Sch. 1 RSC Order 50 revoked (25.3.2002) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), rule 1(c), **Sch. 5** (with savings in [rule 24](#) and [S.I. 2001/4015](#), rules 1(c), **43(2)**)

Order prohibiting transfer, etc. of securities **E+W**

^{F53}**Rule 15**

Textual Amendments

F53 Sch. 1 RSC Order 50 revoked (25.3.2002) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), rule 1(c), **Sch. 5** (with savings in [rule 24](#) and [S.I. 2001/4015](#), rules 1(c), **43(2)**)

^{F54}**RSC ORDER 51** **E+W**

RECEIVERS: EQUITABLE EXECUTION

Textual Amendments

F54 Sch. 1 RSC Order 51 revoked (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rule 1(b), **Sch. 10**

Order to apply to High Court and County Courts **E+W**

^{F54}**Rule A1.**

Appointment of receiver by way of equitable execution **E+W**

^{F54}**Rule 1**

Masters etc. may appoint receiver **E+W**

^{F54}**Rule 2**

Application of rules as to appointment of receiver, etc. **E+W**

^{F54}**Rule 3**

RSC ORDER 52 **E+W**

COMMITTAL

Committal for contempt of court **E+W**

^{F55}**Rule 1**

Status: Point in time view as at 01/10/2012.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

F55 Sch. 1 RSC Order 52 omitted (1.10.2012) by virtue of [The Civil Procedure \(Amendment No.2\) Rules 2012 \(S.I. 2012/2208\)](#), rules 1, **18(c)** (with rule 20)

Application to Divisional Court **E+W**

F55 **Rule 2**

Textual Amendments

F55 Sch. 1 RSC Order 52 omitted (1.10.2012) by virtue of [The Civil Procedure \(Amendment No.2\) Rules 2012 \(S.I. 2012/2208\)](#), rules 1, **18(c)** (with rule 20)

Application for order after leave to apply granted **E+W**

F55 **Rule 3**

Textual Amendments

F55 Sch. 1 RSC Order 52 omitted (1.10.2012) by virtue of [The Civil Procedure \(Amendment No.2\) Rules 2012 \(S.I. 2012/2208\)](#), rules 1, **18(c)** (with rule 20)

Application to Court other than Divisional Court **E+W**

F55 **Rule 4**

Textual Amendments

F55 Sch. 1 RSC Order 52 omitted (1.10.2012) by virtue of [The Civil Procedure \(Amendment No.2\) Rules 2012 \(S.I. 2012/2208\)](#), rules 1, **18(c)** (with rule 20)

Saving for power to commit without application for purpose **E+W**

F55 **Rule 5**

Textual Amendments

F55 Sch. 1 RSC Order 52 omitted (1.10.2012) by virtue of [The Civil Procedure \(Amendment No.2\) Rules 2012 \(S.I. 2012/2208\)](#), rules 1, **18(c)** (with rule 20)

Provisions as to hearing **E+W**

F55 **Rule 6**

Status: Point in time view as at 01/10/2012.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

F55 Sch. 1 RSC Order 52 omitted (1.10.2012) by virtue of [The Civil Procedure \(Amendment No.2\) Rules 2012 \(S.I. 2012/2208\)](#), rules 1, **18(c)** (with rule 20)

Power to suspend execution of committal order **E+W**

^{F55}**Rule 7**

Textual Amendments

F55 Sch. 1 RSC Order 52 omitted (1.10.2012) by virtue of [The Civil Procedure \(Amendment No.2\) Rules 2012 \(S.I. 2012/2208\)](#), rules 1, **18(c)** (with rule 20)

Warrant for arrest **E+W**

^{F55}**Rule 7A.**

Textual Amendments

F55 Sch. 1 RSC Order 52 omitted (1.10.2012) by virtue of [The Civil Procedure \(Amendment No.2\) Rules 2012 \(S.I. 2012/2208\)](#), rules 1, **18(c)** (with rule 20)

Discharge of person committed **E+W**

Rule 8 ^{F55}

(RSC Order 46, rule 5 contains rules relating to writs of sequestration)

Textual Amendments

F55 Sch. 1 RSC Order 52 omitted (1.10.2012) by virtue of [The Civil Procedure \(Amendment No.2\) Rules 2012 \(S.I. 2012/2208\)](#), rules 1, **18(c)** (with rule 20)

Saving for other powers **E+W**

^{F55}**Rule 9**

Textual Amendments

F55 Sch. 1 RSC Order 52 omitted (1.10.2012) by virtue of [The Civil Procedure \(Amendment No.2\) Rules 2012 \(S.I. 2012/2208\)](#), rules 1, **18(c)** (with rule 20)

^{F56}RSC ORDER 53 APPLICATIONS FOR JUDICIAL REVIEW **E+W**

Textual Amendments

F56 Sch. 1 RSC Order 53 revoked (2.10.2000) by [The Civil Procedure \(Amendment No. 4\) Rules 2000 \(S.I. 2000/2092\)](#), rules 1, **23** (with rule 30)

Cases appropriate for application for judicial review **E+W**

Rule 1 ^{F56}

Joinder of claims for relief **E+W**

Rule 2 ^{F56}

Grant of leave to apply for judicial review **E+W**

Rule 3 ^{F56}

Delay in applying for relief **E+W**

Rule 4 ^{F56}

Mode of applying for judicial review **E+W**

Rule 5 ^{F56}

Statements and evidence **E+W**

Rule 6 ^{F56}

Claim for damages **E+W**

Rule 7 ^{F56}

Application for disclosure, further information, cross—examination, etc. **E+W**

Rule 8 ^{F56}

Hearing of application for judicial review **E+W**

Rule 9 ^{F56}

Saving for person acting in obedience to mandamus **E+W**

Rule 10 ^{F56}

Proceedings for disqualification of member of local authority **E+W**

Rule 11 ^{F56}

*Status: Point in time view as at 01/10/2012.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)*

Consolidation of applications E+W

Rule 12 ^{F56}

Appeal from Judge’s order E+W

Rule 13 ^{F56}

Meaning of “Court” E+W

Rule 14 ^{F56}

RSC ORDER 54 E+W

APPLICATIONS FOR WRIT OF HABEAS CORPUS

Application for writ of habeas corpus ad subjiciendum E+W

Rule 1.—(1) Subject to rule 11, an application for a writ of habeas corpus ad subjiciendum shall be made to a judge in Court, except that—

- (a) it shall be made to a Divisional Court of the Queen’s Bench Division if the Court so directs;
- (b) it may be made to a judge otherwise than in court at any time when no judge is sitting in court; and
- (c) any application on behalf of a child must be made in the first instance to a judge otherwise than in court.

(2) An application for such writ may be made without notice being served on any other party and, subject to paragraph (3) must be supported by a witness statement or affidavit by the person restrained showing that it is made at his instance and setting out the nature of the restraint.

(3) Where the person restrained is unable for any reason to make the witness statement or affidavit required by paragraph (2) the witness statement or affidavit may be made by some other person on his behalf and that witness statement or affidavit must state that the person restrained is unable to make the witness statement or affidavit himself and for what reason.

Power of Court to whom application made without notice being served on any other party E+W

Rule 2.—(1) The Court or judge to whom an application under rule 1 is made without notice being served on any other party may make an order forthwith for the writ to issue, or may—

- (a) where the application is made to a judge otherwise than in court, direct the issue of a claim form seeking the writ, or that an application therefor be made by claim form to a Divisional Court or to a judge in court;
- (b) where the application is made to a judge in court, adjourn the application so that notice thereof may be given, or direct that an application be made by claim form to a Divisional Court;
- (c) where the application is made to a Divisional Court, adjourn the application so that notice thereof may be given.

(2) The claim form must be served on the person against whom the issue of the writ is sought and on such other persons as the Court or judge may direct, and, unless the Court or judge otherwise

directs, there must be at least 8 clear days between the service of the claim form and the date named therein for the hearing of the application.

Copies of witness statement or affidavits to be supplied E+W

Rule 3 Every party to an application under rule 1 must supply to every other party on demand and on payment of the proper charges copies of the witness statement or affidavits which he proposes to use at the hearing of the application.

Power to order release of person restrained E+W

Rule 4.—(1) Without prejudice to rule 2 (1), the Court or judge hearing an application for a writ of habeas corpus ad subjiciendum may in its or his discretion order that the person restrained be released, and such order shall be a sufficient warrant to any governor of a prison, constable or other person for the release of the person under restraint.

(2) Where such an application in criminal proceedings is heard by a judge and the judge does not order the release of the person restrained, he shall direct that the application be made by claim form to a Divisional Court of the Queen’s Bench Division.

Directions as to return to writ E+W

Rule 5 Where a writ of habeas corpus ad subjiciendum is ordered to issue, the Court or judge by whom the order is made shall give directions as to the Court or judge before whom, and the date on which, the writ is returnable.

Service of writ and notice E+W

Rule 6.—(1) Subject to paragraphs (2) and (3), a writ of habeas corpus ad subjiciendum must be served personally on the person to whom it is directed.

(2) If it is not possible to serve such writ personally, or if it is directed to a governor of a prison or other public official, it must be served by leaving it with a servant or agent of the person to whom the writ is directed at the place where the person restrained is confined or restrained.

(3) If the writ is directed to more than one person, the writ must be served in manner provided by this rule on the person first named in the writ, and copies must be served on each of the other persons in the same manner as the writ.

(4) There must be served with the writ a notice (in Form No. 90 in [^{F57}Practice Direction 4]) stating the Court or judge before whom and the date on which the person restrained is to be brought and that in default of obedience proceedings for committal of the party disobeying will be taken.

Textual Amendments

F57 Words in Sch. 1 RSC Order 54 rule 6(4) substituted (6.4.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2009 \(S.I. 2009/3390\)](#), rules 1(2), 55

Return to the writ E+W

Rule 7.—(1) The return to a writ of habeas corpus ad subjiciendum must be indorsed on or annexed to the writ and must state all the causes of the detainer of the person restrained.

(2) The return may be amended, or another return substituted therefor, by permission of the Court or judge before whom the writ is returnable.

Status: Point in time view as at 01/10/2012.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Procedure at hearing of writ **E+W**

Rule 8 When a return to a writ of habeas corpus ad subjiciendum is made, the return shall first be read, and motion then made for discharging or remanding the person restrained or amending or quashing the return, and where that person is brought up in accordance with the writ, his counsel shall be heard first, then the counsel for the Crown, and then one counsel for the person restrained in reply.

Bringing up prisoner to give evidence, etc. **E+W**

Rule 9.—(1) An application for a writ of habeas corpus ad testificandum or of habeas corpus ad respondendum must be made on witness statement or affidavit to a Judge ^{F58}

(2) An application for an order to bring up a prisoner, otherwise than by writ of habeas corpus, to give evidence in any proceedings, civil or criminal, before any Court, tribunal or justice, must be made on witness statement or affidavit to a Judge ^{F59}

Textual Amendments

F58 Words in Sch. 1 RSC Order 11 52 rule 9(1) omitted (26.4.1999) by virtue of The Civil Procedure (Amendment) Rules 1999 (S.I. 1999/1008), rules 1, 62(a)

F59 Words in Sch. 1 RSC Order 11 52 rule 9(2) omitted (26.4.1999) by virtue of The Civil Procedure (Amendment) Rules 1999 (S.I. 1999/1008), rules 1, 62(a)

Form of writ **E+W**

Rule 10 A writ of habeas corpus must be in Form No. 89, 91 or 92 in [^{F60}Practice Direction 4], whichever is appropriate.

Textual Amendments

F60 Words in Sch. 1 RSC Order 54 rule 10 substituted (6.4.2010) by The Civil Procedure (Amendment No.2) Rules 2009 (S.I. 2009/3390), rules 1(2), 55

Applications relative to the custody, etc., of child **E+W**

Rule 11 An application by a parent or guardian of a child for a writ of habeas corpus ad subjiciendum relative to the custody, care or control of the child must be made in the Family Division, and this Order shall accordingly apply to such applications with the appropriate modifications.

RSC ORDER 55 **E+W**

**APPEALS TO HIGH COURT FROM COURT,
TRIBUNAL OR PERSON: GENERAL**

Application **E+W**

^{F61}**Rule 1**

Status: Point in time view as at 01/10/2012.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

F61 Sch. 1 RSC Order 55 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Court to hear appeal **E+W**

F61 **Rule 2.**

Textual Amendments

F61 Sch. 1 RSC Order 55 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Bringing of appeal **E+W**

F61 **Rule 3**

Textual Amendments

F61 Sch. 1 RSC Order 55 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Service of notice of appeal and entry of appeal **E+W**

F61 **Rule 4**

Textual Amendments

F61 Sch. 1 RSC Order 55 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Date of hearing of appeal **E+W**

F61 **Rule 5**

Textual Amendments

F61 Sch. 1 RSC Order 55 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Amendment of grounds of appeal, etc. **E+W**

F61 **Rule 6**

Status: Point in time view as at 01/10/2012.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

F61 Sch. 1 RSC Order 55 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Interlocutory applications **E+W**

^{F61}**Rule 6A**

Textual Amendments

F61 Sch. 1 RSC Order 55 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Powers of Court hearing appeal **E+W**

^{F61}**Rule 7**

Textual Amendments

F61 Sch. 1 RSC Order 55 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Right of Minister, etc., to appear and be heard **E+W**

^{F61}**Rule 8**

Textual Amendments

F61 Sch. 1 RSC Order 55 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

RSC ORDER 56 **E+W**

APPEALS, ETC., TO HIGH COURT BY CASE STATED: GENERAL

Appeals from the Crown Court by case stated **E+W**

^{F62}**Rule 1**

Textual Amendments

F62 Sch. 1 RSC Order 56 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Notice of entry of appeal **E+W**

^{F62}**Rule 4**

Textual Amendments

F62 Sch. 1 RSC Order 56 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Appeals relating to affiliation proceedings and care proceedings **E+W**

^{F62}**Rule 4A**

Textual Amendments

F62 Sch. 1 RSC Order 56 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Appeal from Magistrates' Court by case stated **E+W**

^{F62}**Rule 5**

Textual Amendments

F62 Sch. 1 RSC Order 56 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Case stated by Magistrates' Court: filing case, etc. **E+W**

^{F62}**Rule 6**

Textual Amendments

F62 Sch. 1 RSC Order 56 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Case stated by Ministers, tribunal, etc. **E+W**

^{F62}**Rule 7**

Textual Amendments

F62 Sch. 1 RSC Order 56 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Application for order to state a case **E+W**

^{F62}**Rule 8**

*Status: Point in time view as at 01/10/2012.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)*

Textual Amendments

F62 Sch. 1 RSC Order 56 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Signing and service of case **E+W**

^{F62}**Rule 9**

Textual Amendments

F62 Sch. 1 RSC Order 56 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Proceedings for determination of case **E+W**

^{F62}**Rule 10**

Textual Amendments

F62 Sch. 1 RSC Order 56 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Amendment of case **E+W**

^{F62}**Rule 11**

Textual Amendments

F62 Sch. 1 RSC Order 56 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Right of Minister to appear and be heard **E+W**

^{F62}**Rule 12**

Textual Amendments

F62 Sch. 1 RSC Order 56 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Extradition **E+W**

^{F62}**Rule 12A**

Textual Amendments

F62 Sch. 1 RSC Order 56 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Interlocutory applications **E+W**

F62 **Rule 13**

Textual Amendments

F62 Sch. 1 RSC Order 56 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

F63 **RSC ORDER 57 DIVISIONAL COURT PROCEEDINGS,
ETC.: SUPPLEMENTARY PROVISIONS** **E+W**

Textual Amendments

F63 Sch. 1 RSC Order 57 revoked (2.10.2000) by The Civil Procedure (Amendment No. 4) Rules 2000 (S.I. 2000/2092), rules 1, **24**

Application **E+W**

Rule 1 ^{F63}

Entry of claims **E+W**

Rule 2 ^{F63}

Issue, etc., of claim form **E+W**

Rule 3 ^{F63}

Filing of witness statement or affidavits and drawing up of orders **E+W**

Rule 4 ^{F63}

Issue of writs **E+W**

Rule 5 ^{F63}

Custody of records **E+W**

Rule 6 ^{F63}

*Status: Point in time view as at 01/10/2012.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)*

RSC ORDER 58 **E+W**

APPEALS FROM MASTERS, REGISTRARS, REFEREES AND JUDGES

Appeals from certain decisions of Masters, etc. to Judge sitting in private **E+W**

^{F64}Rule 1

Textual Amendments

F64 Sch. 1 RSC Order 58 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Appeals from certain decisions of Masters, etc., to Court of Appeal **E+W**

^{F64}Rule 2

Textual Amendments

F64 Sch. 1 RSC Order 58 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Appeals from District Judges **E+W**

^{F64}Rule 3

Textual Amendments

F64 Sch. 1 RSC Order 58 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Appeals from Judge of the Technology and Construction Court **E+W**

^{F64}Rule 4

Textual Amendments

F64 Sch. 1 RSC Order 58 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

RSC ORDER 59 **E+W**

APPEALS TO THE COURT OF APPEAL

Application of Order to appeals **E+W**

^{F65}Rule 1

Status: Point in time view as at 01/10/2012.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

F65 Sch. 1 RSC Order 59 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Classes of case where permission to appeal is required **E+W**

F65 **Rule 1B**

Textual Amendments

F65 Sch. 1 RSC Order 59 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Application of Order to applications for new trial **E+W**

F65 **Rule 2**

Textual Amendments

F65 Sch. 1 RSC Order 59 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Interpretation **E+W**

F65 **Rule 2A**

Textual Amendments

F65 Sch. 1 RSC Order 59 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

General Provisions as to Appeals **E+W**

Who may exercise the powers of the Court of Appeal **E+W**

F65 **Rule 2B**

Textual Amendments

F65 Sch. 1 RSC Order 59 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Variation of time **E+W**

F65 **Rule 2C**

Status: Point in time view as at 01/10/2012.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

F65 Sch. 1 RSC Order 59 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Notice of appeal **E+W**

F65 **Rule 3**

Textual Amendments

F65 Sch. 1 RSC Order 59 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Time for appealing **E+W**

F65 **Rule 4**

Textual Amendments

F65 Sch. 1 RSC Order 59 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Setting down appeal **E+W**

F65 **Rule 5**

Textual Amendments

F65 Sch. 1 RSC Order 59 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Respondent’s notice **E+W**

F65 **Rule 6**

Textual Amendments

F65 Sch. 1 RSC Order 59 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Amendment of notice of appeal and respondent’s notice **E+W**

F65 **Rule 7**

Status: Point in time view as at 01/10/2012.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

F65 Sch. 1 RSC Order 59 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Directions of the Court as to service **E+W**

F65 **Rule 8**

Textual Amendments

F65 Sch. 1 RSC Order 59 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Documents to be filed by appellant **E+W**

F65 **Rule 9**

Textual Amendments

F65 Sch. 1 RSC Order 59 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

General powers of the Court **E+W**

F65 **Rule 10**

Textual Amendments

F65 Sch. 1 RSC Order 59 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Powers of the Court as to new trials **E+W**

F65 **Rule 11**

Textual Amendments

F65 Sch. 1 RSC Order 59 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Evidence on appeal **E+W**

F65 **Rule 12**

Status: Point in time view as at 01/10/2012.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

F65 Sch. 1 RSC Order 59 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Non—disclosure of payment into Court **E+W**

^{F65}**Rule 12A**

Textual Amendments

F65 Sch. 1 RSC Order 59 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Stay of execution, etc. **E+W**

^{F65}**Rule 13**

Textual Amendments

F65 Sch. 1 RSC Order 59 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Applications to Court of Appeal **E+W**

^{F65}**Rule 14**

Textual Amendments

F65 Sch. 1 RSC Order 59 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Extension of time **E+W**

^{F65}**Rule 15**

Textual Amendments

F65 Sch. 1 RSC Order 59 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Special Provisions as to Particular Appeals **E+W**

Appeal against decree nisi **E+W**

^{F65}**Rule 16**

Status: Point in time view as at 01/10/2012.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

F65 Sch. 1 RSC Order 59 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Appeal against order for revocation of patent **E+W**

F65 **Rule 17**

Textual Amendments

F65 Sch. 1 RSC Order 59 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Appeal from Patents Court on appeal from Comptroller **E+W**

F65 **Rule 18**

Textual Amendments

F65 Sch. 1 RSC Order 59 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Appeal from county court **E+W**

F65 **Rule 19**

Textual Amendments

F65 Sch. 1 RSC Order 59 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Appeals in cases of contempt of court **E+W**

F65 **Rule 20**

Textual Amendments

F65 Sch. 1 RSC Order 59 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Appeals from Social Security Commissioners **E+W**

F65 **Rule 21**

Status: Point in time view as at 01/10/2012.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

F65 Sch. 1 RSC Order 59 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Appeals from Value Added Tax Tribunals **E+W**

^{F65}**Rule 22**

Textual Amendments

F65 Sch. 1 RSC Order 59 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Dismissal of patient’s appeal by consent **E+W**

^{F65}**Rule 23**

Textual Amendments

F65 Sch. 1 RSC Order 59 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Appeals from Immigration Appeals Tribunal **E+W**

^{F65}**Rule 24**

Textual Amendments

F65 Sch. 1 RSC Order 59 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Appeals from Special Commissioners **E+W**

^{F65}**Rule 25**

Textual Amendments

F65 Sch. 1 RSC Order 59 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Status: Point in time view as at 01/10/2012.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

RSC ORDER 60 **E+W**

APPEALS TO COURT OF APPEAL FROM THE RESTRICTIVE PRACTICES COURT

Appeal to be brought by notice of appeal **E+W**

^{F66}Rule 1

Textual Amendments

F66 Sch. 1 RSC Order 60 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Service of notice of appeal **E+W**

^{F66}Rule 2

Textual Amendments

F66 Sch. 1 RSC Order 60 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Entry, etc. of appeal **E+W**

^{F66}Rule 3

Textual Amendments

F66 Sch. 1 RSC Order 60 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Powers of Court of Appeal **E+W**

^{F66}Rule 4

Textual Amendments

F66 Sch. 1 RSC Order 60 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

RSC ORDER 61 **E+W**

APPEALS FROM TRIBUNALS TO COURT OF APPEAL BY CASE STATED

Statement of case by Lands Tribunal **E+W**

^{F67}Rule 1

Status: Point in time view as at 01/10/2012.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments
F67 Sch. 1 RSC Order 61 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), Sch. 8 (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Statement of case by other tribunals E+W

F67 Rule 2

Textual Amendments
F67 Sch. 1 RSC Order 61 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), Sch. 8 (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Proceedings on case stated E+W

F67 Rule 3

Textual Amendments
F67 Sch. 1 RSC Order 61 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), Sch. 8 (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

F68 RSC ORDER 62 E+W

COSTS

Textual Amendments
F68 Sch. 1 RSC Order 62 revoked (1.4.2005) by The Civil Procedure (Amendment No. 4) Rules 2004 (S.I. 2004/3419), rules 1, 17(a)

APPENDIX 3

Fixed Costs

F68 ...

Part II

Costs on judgment without trial for possession of land E+W

F68 1

F68 2

Part III

Miscellaneous

F68 ...

RSC ORDER 64 **E+W**

SITTINGS, VACATIONS AND OFFICE HOURS

Divisional Court business during vacation **E+W**

^{F69}**Rule 4**

Textual Amendments

F69 Sch. 1 RSC Order 64 omitted (1.10.2012) by virtue of [The Civil Procedure \(Amendment No.2\) Rules 2012 \(S.I. 2012/2208\)](#), rules 1, **18(d)** (with rule 20)

^{F70}**RSC ORDER 51** **E+W**

RECEIVERS: EQUITABLE EXECUTION

Textual Amendments

F70 Sch. 1 RSC Order 69 revoked (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rule 1(b), **Sch. 10**

Order to apply to High Court and County Courts **E+W**

^{F70}**Rule A1**

Appointment of receiver by way of equitable execution **E+W**

^{F70}**Rule 1**

Masters etc. may appoint receiver **E+W**

^{F70}**Rule 2**

Application of rules as to appointment of receiver, etc. **E+W**

^{F70}**Rule 3**

Status: Point in time view as at 01/10/2012.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

^{F71}RSC ORDER 70 **E+W**

Application of rules as to appointment of receiver, etc.

.....
Textual Amendments

F71 Sch. 1 RSC Order 70 revoked (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rule 1(b), **Sch. 10**

Interpretation and exercise of jurisdiction **E+W**

^{F71}**Rule 1**

Application for order **E+W**

^{F71}**Rule 2**

Application by Treasury Solicitor in certain cases **E+W**

^{F71}**Rule 3.**

Person to take and manner of taking examination **E+W**

^{F71}**Rule 4**

Dealing with deposition **E+W**

^{F71}**Rule 5**

Claim to privilege **E+W**

^{F71}**Rule 6**

^{F72}RSC ORDER 71 **E+W**

RECIPROCAL ENFORCEMENT OF JUDGMENTS AND ENFORCEMENT OF
EUROPEAN COMMUNITY JUDGMENTS AND RECOMMENDATIONS ETC.
UNDER THE MERCHANT SHIPPING (LINER CONFERENCES) ACT 1982

.....
Textual Amendments

F72 Sch. 1 RSC Order 71 revoked (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rule 1(b), **Sch. 10**

***I. Reciprocal Enforcement: the Administration of Justice Act 1920(2)
and the Foreign Judgments (Reciprocal Enforcement) Act 1933***

Powers under relevant Acts exercisable by judge or master **E+W**

^{F72}**Rule 1**

Application for registration **E+W**

^{F72}**Rule 2**

Evidence in support of application **E+W**

^{F72}**Rule 3**

Security for costs **E+W**

^{F72}**Rule 4**

Order for registration **E+W**

^{F72}**Rule 5**

Register of judgments **E+W**

^{F72}**Rule 6**

Notice of registration **E+W**

^{F72}**Rule 7**

Application to set aside registration **E+W**

^{F72}**Rule 9**

Issue of execution **E+W**

^{F72}**Rule 10**

Determination of certain questions **E+W**

^{F72}**Rule 11**

Rules to have effect subject to Orders in Council **E+W**

^{F72}**Rule 12**

Certified copy of High Court judgment **E+W**

^{F72}**Rule 13**

*Status: Point in time view as at 01/10/2012.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)*

II. Enforcement of European Community Judgments

Interpretation E+W

^{F72}Rule 15

Functions under Order in Council exercisable by judge or master E+W

^{F72}Rule 16

Application for registration of Community judgment, etc. E+W

^{F72}Rule 17

Evidence in support of application E+W

^{F72}Rule 18

Register of judgments and orders E+W

^{F72}Rule 19

Notice of registration E+W

^{F72}Rule 20

Issue of execution E+W

^{F72}Rule 21

Application to vary or cancel registration E+W

^{F72}Rule 22

Application for registration of suspension order E+W

^{F72}Rule 23

Application for enforcement of Euratom inspection order E+W

^{F72}Rule 24

III. Reciprocal Enforcement: the Civil Jurisdiction and Judgments Act 1982

Interpretation E+W

^{F72}Rule 25

Assignment of business and exercise of powers E+W

^{F72}Rule 26

Application for registration **E+W**

^{F72}Rule 27

Evidence in support of application **E+W**

^{F72}Rule 28

Security for costs **E+W**

^{F72}Rule 29

Order for registration **E+W**

^{F72}Rule 30

Register of judgments registered under s.4 of the Act of 1982 **E+W**

^{F72}Rule 31

Notice of registration **E+W**

^{F72}Rule 32

Appeals **E+W**

^{F72}Rule 33

Issue of execution **E+W**

^{F72}Rule 34

Application for recognition **E+W**

^{F72}Rule 35

Enforcement of High Court judgments in other Contracting States **E+W**

^{F72}Rule 36

Enforcement of United Kingdom judgments in other parts of the United Kingdom: money provisions **E+W**

^{F72}Rule 37

Enforcement of United Kingdom judgments in other parts of the United Kingdom: non-money provisions **E+W**

^{F72}Rule 38

Register of United Kingdom judgments **E+W**

^{F72}Rule 39

*Status: Point in time view as at 01/10/2012.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)*

Authentic Instruments and Court Settlements **E+W**

^{F72}Rule 39A

*IV. Enforcement of Recommendations etc. Under the
Merchant Shipping (Liner Conferences) Act 1982*

Exercise of powers **E+W**

^{F72}Rule 40

Application for registration **E+W**

^{F72}Rule 41

Evidence in support of application **E+W**

^{F72}Rule 42

Order for registration **E+W**

^{F72}Rule 43

Register of recommendations etc. **E+W**

^{F72}Rule 44

*V. RECIPROCAL ENFORCEMENT: COUNCIL REGULATION (EC) NO. 44/2001
OF 22ND DECEMBER 2000 ON JURISDICTION AND THE RECOGNITION AND
ENFORCEMENT OF JUDGMENTS IN CIVIL AND COMMERCIAL MATTERS*

Interpretation **E+W**

^{F72}Rule 45.

Assignment of business and exercise of powers **E+W**

^{F72}Rule 46.

Application for registration **E+W**

^{F72}Rule 47.

Evidence in support of application **E+W**

^{F72}Rule 48.

Order for registration **E+W**

^{F72}Rule 49.

Register of judgments registered under the Judgments Regulation **E+W**

^{F72}**Rule 50.**

Notice of registration **E+W**

^{F72}**Rule 51.**

Appeals **E+W**

^{F72}**Rule 52.**

Enforcement **E+W**

^{F72}**Rule 53.**

Application for recognition **E+W**

^{F72}**Rule 54.**

Enforcement of High Court Judgments in other Regulation States **E+W**

^{F72}**Rule 55.**

Register of certificates **E+W**

^{F72}**Rule 56.**

Authentic instruments and court settlements **E+W**

^{F72}**Rule 57.**

RSC ORDER 74 **E+W**

**APPLICATIONS AND APPEALS UNDER
THE MERCHANT SHIPPING ACT 1995**

Assignment of proceedings **E+W**

^{F73}**Rule 1**

Textual Amendments

F73 Sch. 1 RSC Order 74 revoked (25.3.2002) by The Civil Procedure (Amendment No. 5) Rules 2001 (S.I. 2001/4015), rules 1(c), 36

Appeals and re-hearings **E+W**

^{F73}**Rule 2**

Status: Point in time view as at 01/10/2012.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

F73 Sch. 1 RSC Order 74 revoked (25.3.2002) by [The Civil Procedure \(Amendment No. 5\) Rules 2001 \(S.I. 2001/4015\)](#), rules 1(c), **36**

RSC ORDER 77 **E+W**

PROCEEDINGS BY AND AGAINST THE CROWN

Application and interpretation **E+W**

^{F74}**Rule 1**

Textual Amendments

F74 Sch. 1 RSC Order 77 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(a)**

Transfer of proceedings **E+W**

^{F74}**Rule 2**

Textual Amendments

F74 Sch. 1 RSC Order 77 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(a)**

Particulars to be included in claim form **E+W**

^{F74}**Rule 3**

Textual Amendments

F74 Sch. 1 RSC Order 77 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(a)**

Service on the Crown **E+W**

^{F74}**Rule 4**

Textual Amendments

F74 Sch. 1 RSC Order 77 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(a)**

Counterclaim and set-off **E+W**

^{F74}**Rule 6**

Textual Amendments

F74 Sch. 1 RSC Order 77 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(a)**

Summary judgment **E+W**

^{F74}**Rule 7**

Textual Amendments

F74 Sch. 1 RSC Order 77 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(a)**

Summary applications to the Court in certain revenue matters **E+W**

^{F74}**Rule 8**

Textual Amendments

F74 Sch. 1 RSC Order 77 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(a)**

Joinder of [^{F75}Commissioners for HM Revenue and Customs] **E+W**

^{F74}**Rule 8A**

Textual Amendments

F74 Sch. 1 RSC Order 77 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(a)**

F75 Words in RSC Order 77 rule 8A substituted (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **53**

Judgment in default **E+W**

^{F74}**Rule 9**

Textual Amendments

F74 Sch. 1 RSC Order 77 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(a)**

Status: Point in time view as at 01/10/2012.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Third party notices **E+W**

^{F74}**Rule 10**

.....
Textual Amendments
F74 Sch. 1 RSC Order 77 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(a)**

Interpleader: application for order against Crown **E+W**

^{F74}**Rule 11**

.....
Textual Amendments
F74 Sch. 1 RSC Order 77 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(a)**

Disclosure and further information **E+W**

^{F74}**Rule 12**

.....
Textual Amendments
F74 Sch. 1 RSC Order 77 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(a)**

Place of trial **E+W**

^{F74}**Rule 13**

.....
Textual Amendments
F74 Sch. 1 RSC Order 77 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(a)**

Evidence **E+W**

^{F74}**Rule 14**

.....
Textual Amendments
F74 Sch. 1 RSC Order 77 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(a)**

Execution and satisfaction of orders **E+W**

^{F74}**Rule 15**

Status: Point in time view as at 01/10/2012.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

F74 Sch. 1 RSC Order 77 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(a)**

Attachment of debts, etc. E+W

^{F74}**Rule 16**

Textual Amendments

F74 Sch. 1 RSC Order 77 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(a)**

Proceedings relating to postal packets E+W

^{F74}**Rule 17**

Textual Amendments

F74 Sch. 1 RSC Order 77 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(a)**

Applications under ss.17 and 29 of Crown Proceedings Act E+W

^{F74}**Rule 18**

Textual Amendments

F74 Sch. 1 RSC Order 77 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(a)**

RSC ORDER 79 E+W

CRIMINAL PROCEEDINGS

Estreat of recognizances E+W

Rule 8.—(1) No recognizance acknowledged in or removed into the Queen’s Bench Division shall be estreated without the order of a judge.

(2) Every application to estreat a recognizance in the Queen’s Bench Division must be made by claim form and will be heard by a judge ^{F76}...and must be supported by a witness statement or affidavit showing in what manner the breach has been committed and proving that the claim form was duly served.

(2A) When it issues the claim form the court will fix a date for the hearing of the application.

(3) A claim form under this rule must be served at least 2 clear days before the day named therein for the hearing.

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Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

(4) On the hearing of the application the judge may, and if requested by any party shall, direct any issue of fact in dispute to be tried by a jury.

(5) If it appears to the judge that a default has been made in performing the conditions of the recognizance, the judge may order the recognizance to be estreated.

Textual Amendments

F76 Words in Sch. 1 RSC Order 79 rule 8(2) omitted (26.4.1999) by virtue of [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, **62(f)**

Bail **E+W**

Rule 9.—(1) Subject to the provisions of this rule, every application to the High Court in respect of bail in any criminal proceeding—

- (a) where the defendant is in custody, must be made by claim form to a judge ^{F77}... to show cause why the defendant should not be granted bail;
- (b) where the defendant has been admitted to bail, must be made by claim form to a judge ^{F77}... to show cause why the variation in the arrangements for bail proposed by the applicant should not be made.

(2) Subject to paragraph (5), the claim form (in Form No. 97 or 97A in [^{F78}Practice Direction 4]) must, at least 24 hours before the day named therein for the hearing, be served—

- (a) where the application was made by the defendant, on the prosecutor and on the Director of Public Prosecutions, if the prosecution is being carried on by him;
- (b) where the application was made by the prosecutor or a constable under section 3 (8) of the Bail Act 1976⁽⁵⁾, on the defendant.

(3) Subject to paragraph (5), every application must be supported by witness statement or affidavit.

(4) Where a defendant in custody who desires to apply for bail is unable through lack of means to instruct a solicitor, he may give notice in writing to the [^{F79}court] stating his desire to apply for bail and requesting that the official solicitor shall act for him in the application, and the [^{F80}court may] assign the official solicitor to act for the applicant accordingly.

(5) Where the official solicitor has been so assigned the [^{F81}court may] dispense with the requirements of paragraphs (1) to (3) and deal with the application in a summary manner.

(6) Where the [^{F82}court] grants the defendant bail, the order must be in Form No. 98 in [^{F83}Practice Direction 4] and a copy of the order shall be transmitted forthwith—

- (a) where the proceedings in respect of the defendant have been transferred to the Crown Court for trial or where the defendant has been committed to the Crown Court to be sentenced or otherwise dealt with, to the appropriate officer of the Crown Court;
- (b) in any other case, to the [^{F84}[^{F85}designated officer] for] the court which committed the defendant.

(6A) The recognizance of any surety required as a condition of bail granted as aforesaid may, where the defendant is in a prison or other place of detention, be entered into before the governor or keeper of the prison or place as well as before the persons specified in section 8 (4) of the Bail Act 1976.

(5) 1976 c. 63; section 3(8) was amended by the Criminal Law Act 1977 (c. 45), section 65(4), schedule 12.

(6B) Where under section 3 (5) or (6) of the Bail Act 1976(6)^{F86} [the court] imposes a requirement to be complied with before a person's release on bail, ^{F87}it] may give directions as to the manner in which and the person or persons before whom the requirement may be complied with.

(7) A person who in pursuance of an order for the grant of bail made by ^{F88}the court] under this rule proposes to enter into a recognizance or give security must, unless ^{F89}the court] otherwise directs, give notice (in Form No. 100 in ^{F90}Practice Direction 4]) to the prosecutor at least 24 hours before he enters into the recognizance or complies with the requirements as aforesaid.

(8) Where in pursuance of such an order as aforesaid a recognizance is entered into or requirement complied with before any person, it shall be the duty of that person to cause the recognizance or, as the case may be, a statement of the requirement complied with to be transmitted forthwith—

- (a) where the proceedings in respect of the defendant have been transferred to the Crown Court for trial or where the defendant has been committed to the Crown Court to be sentenced or otherwise dealt with, to the appropriate officer of the Crown Court;
- (b) in any other case, to the ^{F91}^{F92}designated officer] for] the court which committed the defendant

and a copy of such recognizance or statement shall at the same time be sent to the governor or keeper of the prison or other place of detention in which the defendant is detained, unless the recognizance was entered into or the requirement complied with before such governor or keeper.

(10) An order ^{F93}... varying the arrangements under which the defendant has been granted bail shall be in Form 98A in ^{F94}Practice Direction 4] and a copy of the order shall be transmitted forthwith—

- (a) where the proceedings in respect of the defendant have been transferred to the Crown Court for trial or where the defendant has been committed to the Crown Court to be sentenced or otherwise dealt with, to the appropriate officer of the Crown Court;
- (b) in any other case, to the ^{F95}^{F96}designated officer] for] the court which committed the defendant.

(11) Where in pursuance of an order of ^{F97}the High Court or the Crown Court] a person is released on bail in any criminal proceeding pending the determination of an appeal to the High Court or ^{F98}the Supreme Court] or an application for ^{F99}a quashing order], then, upon the abandonment of the appeal or application, or upon the decision of the High Court or ^{F98}the Supreme Court] being given, any justice (being a justice acting for the same petty sessions area as the magistrates' court by which that person was convicted or sentenced) may issue process for enforcing the decision in respect of which such appeal or application was brought or, as the case may be, the decision of the High Court or ^{F98}the Supreme Court].

(12) If an applicant to the High Court in any criminal proceedings is refused bail ^{F100}..., the applicant shall not be entitled to make a fresh application for bail to any other judge or to a Divisional Court.

(13) The record required by section 5 of the Bail Act 1976(7) to be made by the High Court shall be made by including in the file relating to the case in question a copy of the relevant order of the Court and shall contain the particulars set out in Form No. 98 or 98A in ^{F101}Practice Direction 4], whichever is appropriate, except that in the case of a decision to withhold bail the record shall be

(6) 1976 c. 63; section 3(6) was amended by the Criminal Justice and Public Order Act 1994 (c. 33), sections 27(2), 168(3), schedule 11.

(7) 1976 c. 63; section 5 was amended by the Criminal Justice Act 1982 (c. 48), section 60; and by the Criminal Law Act 1977 (c. 45), section 65(4), schedule 12; and by the Criminal Justice and Public Order Act 1994 (c. 33), section 27(4), schedule 3, paragraph 1.

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made by inserting a statement of the decision on the Court's copy of the relevant claim form and including it in the file relating to the case in question.

(14) In the case of a person whose return or surrender is sought under the Extradition Act 1989(8), this rule shall apply as if references to the defendant were references to that person and references to the prosecutor were references to the State seeking the return or surrender of that person.

Textual Amendments

- F77** Words in Sch. 1 RSC Order 79 rule 9 omitted (26.4.1999) by virtue of [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, **62(f)**
- F78** Words in Sch. 1 RSC Order 79 rule 9(2) substituted (6.4.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2009 \(S.I. 2009/3390\)](#), rules 1(2), **56(a)**
- F79** Word in Sch. 1 RSC Order 79 rule 9(4) substituted (26.4.1999) by [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, **40(a)**
- F80** Words in Sch. 1 Order 79 rule 9(4) substituted (26.4.1999) by [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, **40(b)**
- F81** Words in Sch. 1 Order 79 rule 9(5) substituted (26.4.1999) by [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, **40(b)**
- F82** Word in Sch. 1 RSC Order 79 rule 9(6) substituted (26.4.1999) by [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, **40(c)**
- F83** Words in Sch. 1 RSC Order 79 rule 9(6) substituted (6.4.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2009 \(S.I. 2009/3390\)](#), rules 1(2), **56(b)**
- F84** Words in Sch. 1 RSC Order 79 rule 9(6)(b) substituted (1.4.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rules 1(b), **22**
- F85** Words in Sch. 1 RSC Order 79 rule 9(6)(b) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) \(No. 2\) Order 2005 \(S.I. 2005/617\)](#), art. 1, **Sch. para. 175**
- F86** Words in Sch. 1 RSC Order 79 rule 9(6B) substituted (26.4.1999) by [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, **40(d)(i)**
- F87** Word in Sch. 1 RSC Order 79 rule 9(6B) substituted (26.4.1999) by [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, **40(d)(ii)**
- F88** Words in Sch. 1 RSC Order 79 rule 9(7) substituted (26.4.1999) by [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, **40(e)(i)**
- F89** Words in Sch. 1 RSC Order 79 rule 9(7) substituted (26.4.1999) by [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, **40(e)(ii)**
- F90** Words in Sch. 1 RSC Order 79 rule 9(7) substituted (6.4.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2009 \(S.I. 2009/3390\)](#), rules 1(2), **56(b)**
- F91** Words in Sch. 1 RSC Order 79 rule 9(8)(b) substituted (1.4.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rules 1(b), **22**
- F92** Words in Sch. 1 RSC Order 79 rule 9(8)(b) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) \(No. 2\) Order 2005 \(S.I. 2005/617\)](#), art. 1, **Sch. para. 175**
- F93** Words in Sch. 1 RSC Order 79 rule 9(10) omitted (26.4.1999) by virtue of [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, **40(f)**
- F94** Words in Sch. 1 RSC Order 79 rule 9(10) substituted (6.4.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2009 \(S.I. 2009/3390\)](#), rules 1(2), **56(a)**
- F95** Words in Sch. 1 RSC Order 79 rule 9(10)(b) substituted (1.4.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rules 1(b), **22**
- F96** Words in Sch. 1 RSC Order 79 rule 9(10)(b) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) \(No. 2\) Order 2005 \(S.I. 2005/617\)](#), art. 1, **Sch. para. 175**
- F97** Words in Sch. 1 RSC Order 79 rule 9(11) substituted (26.4.1999) by [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, **40(g)**

(8) 1989 c. 33.

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Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

- F98** Words in Sch. 1 RSC Order 79 rule 9(11) substituted (1.10.2009) by [The Civil Procedure \(Amendment\) Rules 2009 \(S.I. 2009/2092\)](#), rules 1(2), **20**
- F99** Words in Sch. 1 RSC Order 79 rule 9(11) substituted (1.5.2004) by [The Civil Procedure \(Amendment No. 5\) Rules 2003 \(S.I. 2003/3361\)](#), rules 1(d), **30**
- F100** Words in Sch. 1 RSC Order 79 rule 9(12) omitted (26.4.1999) by virtue of [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, **40(h)**
- F101** Words in Sch. 1 RSC Order 79 rule 9(13) substituted (6.4.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2009 \(S.I. 2009/3390\)](#), rules 1(2), **56(b)**

Modifications etc. (not altering text)

- C7** Sch. 1 RSC Order 79 rule 9 applied (with modifications) (23.12.2011) by [The Legal Services Act 2007 \(Designation as a Licensing Authority\) \(No. 2\) Order 2011 \(S.I. 2011/2866\)](#), arts. 1(2), 8(1)(2), **Sch. 2**

Issue of witness summonses, etc. **E+W**

^{F102}**Rule 10**

Textual Amendments

- F102** Sch. 1 RSC Order 79 rules 10, 11 omitted (26.4.1999) by virtue of [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, **41**

Application for warrant to arrest witness **E+W**

^{F102}**Rule 11**

Textual Amendments

- F102** Sch. 1 RSC Order 79 rules 10, 11 omitted (26.4.1999) by virtue of [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, **41**

^{F103}**RSC ORDER 81** **E+W**

PARTNERS

Textual Amendments

- F103** Sch. 1 RSC Order 81 revoked (2.10.2006) by [The Civil Procedure \(Amendment\) Rules 2006 \(S.I. 2006/1689\)](#), rules 1, **12(a)**

Claims by and against firms within jurisdiction **E+W**

^{F103}**Rule 1**

Disclosure of partners' names **E+W**

^{F103}**Rule 2**

*Status: Point in time view as at 01/10/2012.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)*

Acknowledgment of service in a claim against firm **E+W**

^{F103}**Rule 4**

Enforcing judgment or order against firm **E+W**

^{F103}**Rule 5**

Enforcing judgment or order in actions between partners, etc. **E+W**

^{F103}**Rule 6**

Attachment of debts owed by firm **E+W**

^{F103}**Rule 7**

Application to person carrying on business in another name **E+W**

^{F103}**Rule 9**

Applications for orders charging partner’s interest in partnership property, etc. **E+W**

^{F103}**Rule 10**

^{F104}**RSC ORDER 82** **E+W**

DEFAMATION CLAIMS

Textual Amendments
F104 Sch. 1 RSC Order 82 revoked (28.2.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rules 1(a), **40**

Application **E+W**

Rule 1 ^{F104}

Indorsement of claim in libel claim **E+W**

Rule 2 ^{F104}

Obligation to give particulars **E+W**

Rule 3 ^{F104}

Ruling on meaning **E+W**

Rule 3A ^{F104}

Provisions as to payment into Court **E+W**

Rule 4 ^{F104}

Statement in open Court **E+W**

Rule 5 ^{F104}

Further information not allowed in certain cases **E+W**

Rule 6 ^{F104}

Fulfilment of offer of amends under s.4 of the Defamation Act 1952 **E+W**

Rule 8 ^{F104}

^{F105}**RSC ORDER 85** **E+W**

ADMINISTRATION AND SIMILAR ACTIONS

Textual Amendments

F105 Sch. 1 RSC Order 85 revoked (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rule 1(b), **Sch. 10**

Interpretation **E+W**

^{F105}**Rule 1**

Determination of questions, etc., without administration **E+W**

^{F105}**Rule 2**

Parties **E+W**

^{F105}**Rule 3**

Judgments and orders in administration claims **E+W**

^{F105}**Rule 5**

Conduct of sale of trust property **E+W**

^{F105}**Rule 6**

Status: Point in time view as at 01/10/2012.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

F106 RSC ORDER 87 E+W

DEBENTURE HOLDERS' CLAIMS : RECEIVER'S REGISTER

Textual Amendments

F106 Sch. 1 RSC Order 87 revoked (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rule 1(b), **Sch. 10**

Receiver's register E+W

F106 Rule 1

Registration of transfers, etc. E+W

F106 Rule 2

Application for rectification of receiver's register E+W

F106 Rule 3

Receiver's register evidence of transfers, etc. E+W

F106 Rule 4

Proof of title of holder of bearer debenture, etc. E+W

F106 Rule 5

Requirements in connection with payments E+W

F106 Rule 6

RSC ORDER 88 E+W

MORTGAGE CLAIMS

Application and Interpretation E+W

F107 Rule 1

Textual Amendments

F107 Sch. 1 RSC Order 88 rules 1-5 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

Assignment of certain actions to Chancery Division E+W

F107 Rule 2

Status: Point in time view as at 01/10/2012.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

F107 Sch. 1 RSC Order 88 rules 1-5 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), [Sch. 3](#)

Commencement of claim **E+W**

F107 **Rule 3**

Textual Amendments

F107 Sch. 1 RSC Order 88 rules 1-5 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), [Sch. 3](#)

Claim for possession: failure by a defendant to acknowledge service **E+W**

F107 **Rule 4**

Textual Amendments

F107 Sch. 1 RSC Order 88 rules 1-5 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), [Sch. 3](#)

Claim in Chancery Division for possession or payment: evidence **E+W**

F107 **Rule 5**

Textual Amendments

F107 Sch. 1 RSC Order 88 rules 1-5 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), [Sch. 3](#)

Claim for the enforcement of charging order by sale **E+W**

F108 **Rule 5A**

Textual Amendments

F108 Sch. 1 RSC Order 88 rule 5A revoked (25.3.2002) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), rule 1(c), [Sch. 5](#) (with savings in rule 24 and S.I. 2001/4015, rules 1(c), [43\(2\)](#))

Foreclosure in redemption claim **E+W**

F109 **Rule 7**

Status: Point in time view as at 01/10/2012.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

F109 Sch. 1 RSC Order 88 rule 7 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

RSC ORDER 91 **E+W**

REVENUE PROCEEDINGS

Assignment to Chancery Division, etc. **E+W**

^{F110}**Rule 1**

Textual Amendments

F110 Sch. 1 RSC Order 91 revoked (6.10.2003) by [The Civil Procedure \(Amendment No. 4\) Rules 2003 \(S.I. 2003/2113\)](#), rules 1(c), **19(a)**

Appeal under section 222 of the Inheritance Tax Act 1984 **E+W**

^{F110}**Rule 2**

Textual Amendments

F110 Sch. 1 RSC Order 91 revoked (6.10.2003) by [The Civil Procedure \(Amendment No. 4\) Rules 2003 \(S.I. 2003/2113\)](#), rules 1(c), **19(a)**

Setting down case stated under Taxes Management Act 1970 **E+W**

^{F110}**Rule 3**

Textual Amendments

F110 Sch. 1 RSC Order 91 revoked (6.10.2003) by [The Civil Procedure \(Amendment No. 4\) Rules 2003 \(S.I. 2003/2113\)](#), rules 1(c), **19(a)**

Case stated: notice to be given of certain matters **E+W**

^{F110}**Rule 4**

Textual Amendments

F110 Sch. 1 RSC Order 91 revoked (6.10.2003) by [The Civil Procedure \(Amendment No. 4\) Rules 2003 \(S.I. 2003/2113\)](#), rules 1(c), **19(a)**

Appeals under section 53 and 100C (4) of the Taxes Management Act 1970 **E+W**

^{F110}**Rule 5**

Textual Amendments

F110 Sch. 1 RSC Order 91 revoked (6.10.2003) by The Civil Procedure (Amendment No. 4) Rules 2003 (S.I. 2003/2113), rules 1(c), **19(a)**

Appeals under section 56A of the Taxes Management Act 1970, section 225 of the Inheritance Tax Act 1984 and regulation 10 of the Stamp Duty Reserve Tax Regulations 1986 **E+W**

^{F110}**Rule 5A**

Textual Amendments

F110 Sch. 1 RSC Order 91 revoked (6.10.2003) by The Civil Procedure (Amendment No. 4) Rules 2003 (S.I. 2003/2113), rules 1(c), **19(a)**

Appeals from value added tax tribunals **E+W**

^{F110}**Rule 6**

Textual Amendments

F110 Sch. 1 RSC Order 91 revoked (6.10.2003) by The Civil Procedure (Amendment No. 4) Rules 2003 (S.I. 2003/2113), rules 1(c), **19(a)**

^{F111}**RSC ORDER 92** **E+W**

LODGMNT, INVESTMENT, ETC., OF FUNDS IN COURT: CHANCERY DIVISION

Textual Amendments

F111 Sch. 1 RSC Order 92 revoked (2.12.2002) by The Civil Procedure (Amendment) Rules 2002 (S.I. 2002/2058), rule 1(b), **Sch. 10**

Payment into court by life assurance company **E+W**

^{F111}**Rule 1**

Payment into court under Trustee Act 1925 **E+W**

^{F111}**Rule 2**

*Status: Point in time view as at 01/10/2012.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)*

Payments into court under section 26, Banking Act 1987 **E+W**

^{F111}**Rule 3A**

Notice of lodgment **E+W**

^{F111}**Rule 4**

Applications with respect to funds in court **E+W**

^{F111}**Rule 5**

RSC ORDER 93 **E+W**

**APPLICATIONS AND APPEALS TO HIGH COURT
UNDER VARIOUS ACTS: CHANCERY DIVISION**

Notice of petition under section 55 of National Debt Act 1870(9) **E+W**

^{F112}**Rule1**

Textual Amendments

F112 Sch. 1 RSC Order 93 rule 1 revoked (2.10.2006) by [The Civil Procedure \(Amendment\) Rules 2006 \(S.I. 2006/1689\)](#), rules 1, **12(b)**

Application under Public Trustee Act 1906(10) **E+W**

^{F113}**Rule 2**

Textual Amendments

F113 Sch. 1 RSC Order 93 rule 2 revoked (6.4.2007) by [The Civil Procedure \(Amendment No.3\) Rules 2006 \(S.I. 2006/3435\)](#), rules 1, **15(a)**

Proceedings under Trustee Act 1925(11) **E+W**

^{F114}**Rule 4**

Textual Amendments

F114 Sch. 1 RSC Order 93 rule 4 revoked (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007 \(S.I. 2007/2204\)](#), rules 1, **20(a)**

(9) 1870 c. 71.
(10) 1906 c. 55.
(11) 1925 c. 19.

Application under section 2(3) of Public Order Act 1936(12) **E+W**

^{F115}**Rule 5**

Textual Amendments

F115 Sch. 1 RSC Order 93 rule 5 revoked (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007 \(S.I. 2007/2204\)](#), rules 1, **20(a)**

Application under Variation of Trusts Act 1958(13) **E+W**

^{F116}**Rule 6**

Textual Amendments

F116 Sch. 1 RSC Order 93 rule 6 revoked (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rule 1(b), **Sch. 10**

Right of appeal under Law of Property Act **E+W**

^{F117}**Rule 9**

Textual Amendments

F117 Sch. 1 RSC Order 93 rule 9 revoked (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007 \(S.I. 2007/2204\)](#), rules 1, **20(a)**

Determination of appeal or case stated under various Acts **E+W**

^{F118}**Rule 10**

Textual Amendments

F118 Sch. 1 RSC Order 93 rule 10 revoked (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007 \(S.I. 2007/2204\)](#), rules 1, **20(a)**

Appeal under section 17 of Industrial Assurance Act 1923(14) **E+W**

^{F119}**Rule 11**

Textual Amendments

F119 Sch. 1 RSC Order 93 rule 11 revoked (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rule 1(b), **Sch. 8** (with [rule 39\(b\)](#)) (as amended by [S.I. 2000/940](#), rules 1, 2)

(12) [1936 c. 2](#).

(13) [1958 c. 53](#).

(14) [1923 c. 8](#); section 17 was amended by the [Friendly Societies Act 1971 \(c. 66\)](#), sections 5(5), 14(2), schedule 3 and by the [Friendly Societies Act 1992 \(c. 40\)](#), section 100, schedule 19, Part I, paragraphs 1, 5 and 6.

*Status: Point in time view as at 01/10/2012.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)*

Appeals, etc., affecting industrial and provident societies, etc. E+W

^{F120}**Rule 12**

Textual Amendments

F120 Sch. 1 RSC Order 93 rule 12 revoked (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by [S.I. 2000/940](#), rules 1, 2)

Application under section 19 or 27 of Leasehold Reform Act 1967(15) E+W

^{F121}**Rule 15**

Textual Amendments

F121 Sch. 1 RSC Order 93 rule 15 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

Proceedings under the Commons Registration Act 1965(16) E+W

^{F122}**Rule 16**

Textual Amendments

F122 Sch. 1 RSC Order 93 rules 16-19 revoked (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007 \(S.I. 2007/2204\)](#), rules 1, **20(a)**

Proceedings under section 21 or 25 of the Law of Property Act 1969(17) E+W

^{F122}**Rule 17**

Textual Amendments

F122 Sch. 1 RSC Order 93 rules 16-19 revoked (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007 \(S.I. 2007/2204\)](#), rules 1, **20(a)**

Proceedings under section 86 of the Civil Aviation Act 1982(18) E+W

^{F122}**Rule 18**

- (15) [1967 c. 88](#); section 19 was amended by the [Local Land Charges Act 1975 \(c. 76\)](#), section 17(2), schedule 1.
- (16) [1965 c. 65](#).
- (17) [1969 c. 59](#); section 25 was amended by the [Limitation Act 1980 \(c. 58\)](#), section 40(2), schedule 3, paragraph 9; and by the [Land Charges Act 1972 \(c. 61\)](#), section 18, schedule 5.
- (18) [1982 c. 16](#); section 86 was amended by the [Merchant Shipping Act 1995 \(c. 21\)](#), section 314(2), schedule 13, paragraph 64.

Status: Point in time view as at 01/10/2012.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

F122 Sch. 1 RSC Order 93 rules 16-19 revoked (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007 \(S.I. 2007/2204\)](#), rules 1, **20(a)**

Proceedings under s.85 (7) of the Fair Trading Act 1973(19) and the Control of Misleading Advertisements Regulations 1988(20) E+W

^{F122}**Rule 19**

Textual Amendments

F122 Sch. 1 RSC Order 93 rules 16-19 revoked (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007 \(S.I. 2007/2204\)](#), rules 1, **20(a)**

Proceedings under section 50 of the Administration of Justice Act 1985(21) E+W

^{F123}**Rule 20**

Textual Amendments

F123 Sch. 1 RSC Order 93 rule 20 revoked (15.10.2001) by [The Civil Procedure \(Amendment No. 2\) Rules 2001 \(S.I. 2001/1388\)](#), rules 1(b), **15**

Proceedings under section 48 of the Administration of Justice Act 1985 E+W

^{F124}**Rule 21**

Textual Amendments

F124 Sch. 1 RSC Order 93 rule 21 revoked (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rule 1(b), **Sch. 10**

Proceedings under [^{F125}the Financial Services and Markets Act 2000] E+W

^{F126}**Rule 22**

Textual Amendments

F125 Words in Sch. 1 RSC Order 93 rule 22 heading substituted (14.1.2002) by [The Civil Procedure \(Amendment No. 5\) Rules 2001 \(S.I. 2001/4015\)](#), rules 1(a), **38(a)(i)**

F126 Sch. 1 RSC Order 93 rule 22 revoked (6.4.2007) by [The Civil Procedure \(Amendment No.3\) Rules 2006 \(S.I. 2006/3435\)](#), rules 1, **15(a)**

(19) 1973 c. 41.
(20) S.I. 1988/915.
(21) 1985 c. 61.

Status: Point in time view as at 01/10/2012.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Proceedings under the Banking Act 1987(22) E+W

^{F127}**Rule 23**

Textual Amendments

F127 Sch. 1 RSC Order 93 rule 23 omitted (14.1.2002) by virtue of [The Civil Procedure \(Amendment No. 5\) Rules 2001 \(S.I. 2001/4015\)](#), rules 1(a), **38(b)**

RSC ORDER 94 E+W

**APPLICATIONS AND APPEALS TO HIGH COURT
UNDER VARIOUS ACTS: QUEEN'S BENCH DIVISION**

Jurisdiction of High Court to quash certain orders, schemes, etc. E+W

^{F128}**Rule 1**

Textual Amendments

F128 Sch. 1 RSC Order 94 rules 1-3 revoked (6.4.2007) by [The Civil Procedure \(Amendment No.3\) Rules 2006 \(S.I. 2006/3435\)](#), rules 1, **15(b)**

Filing and service of claim form E+W

^{F128}**Rule 2**

Textual Amendments

F128 Sch. 1 RSC Order 94 rules 1-3 revoked (6.4.2007) by [The Civil Procedure \(Amendment No.3\) Rules 2006 \(S.I. 2006/3435\)](#), rules 1, **15(b)**

Filing of witness statement or affidavits, etc. E+W

^{F128}**Rule 3**

Textual Amendments

F128 Sch. 1 RSC Order 94 rules 1-3 revoked (6.4.2007) by [The Civil Procedure \(Amendment No.3\) Rules 2006 \(S.I. 2006/3435\)](#), rules 1, **15(b)**

Rectification of register of deeds of arrangement E+W

^{F129}**Rule 4**

Status: Point in time view as at 01/10/2012.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

F129 Sch. 1 RSC Order 94 rule 4 revoked (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007 \(S.I. 2007/2204\)](#), rules 1, **20(b)**

Exercise of jurisdiction under Representation of the People Acts **E+W**

^{F130}**Rule 5**

Textual Amendments

F130 Sch. 1 RSC Order 94 rule 5 revoked (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007 \(S.I. 2007/2204\)](#), rules 1, **20(b)**

Appeal to High Court where Court’s decision is final **E+W**

^{F131}**Rule 6**

Textual Amendments

F131 Sch. 1 RSC Order 94 rule 6 revoked (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Reference of question of law by Agricultural Land Tribunal **E+W**

^{F132}**Rule 7**

Textual Amendments

F132 Sch. 1 RSC Order 94 rule 7 revoked (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Tribunals and Inquiries Act 1992(23): appeal from tribunal **E+W**

^{F133}**Rule 8**

Textual Amendments

F133 Sch. 1 RSC Order 94 rule 8 revoked (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007 \(S.I. 2007/2204\)](#), rules 1, **20(b)**

Tribunals and Inquiries Act 1992: case stated by tribunal **E+W**

^{F134}**Rule 9**

Status: Point in time view as at 01/10/2012.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

F134 Sch. 1 RSC Order 94 rule 9 revoked (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007 \(S.I. 2007/2204\)](#), rules 1, **20(b)**

Tribunals and Inquiries Act 1971(24): appeal from Minister of Transport **E+W**

^{F135}**Rule 10**

Textual Amendments

F135 Sch. 1 RSC Order 94 rule 10 revoked (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Consumer Credit Act 1974(25): appeal from Secretary of State **E+W**

^{F136}**Rule 10A**

Textual Amendments

F136 Sch. 1 RSC Order 94 rule 10A omitted (2.5.2000) by virtue of [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Case stated by Mental Health Review Tribunal **E+W**

^{F137}**Rule 11**

Textual Amendments

F137 Sch. 1 RSC Order 94 rule 11 revoked (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Applications for permission under section 289 (6) of the Town and Country Planning Act 1990(26) and section 65 (5) of the Planning (Listed Buildings and Conservation Areas) Act 1990(27) **E+W**

^{F138}**Rule 12**

Textual Amendments

F138 Sch. 1 RSC Order 94 rule 12 revoked (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007 \(S.I. 2007/2204\)](#), rules 1, **20(b)**

(24) 1971 c. 62.
(25) 1974 c. 39.
(26) 1990 c. 8.
(27) 1990 c. 9.

Proceedings under sections 289 and 290 of the Town and Country Planning Act 1990 and under section 65 of the Planning (Listed Buildings and Conservation Areas) Act 1990 **E**

+W

F139 **Rule 13**

Textual Amendments

F139 Sch. 1 RSC Order 94 rule 13 revoked (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007](#) (S.I. 2007/2204), rules 1, **20(b)**

Applications under section 13 Coroners Act 1988(28) **E+W**

F140 **Rule 14**

Textual Amendments

F140 Sch. 1 RSC Order 94 rule 14 revoked (6.4.2007) by [The Civil Procedure \(Amendment No.3\) Rules 2006](#) (S.I. 2006/3435), rules 1, **15(b)**

Applications under section 42, Supreme Court Act 1981(29) **E+W**

F141 **Rule 15**

Textual Amendments

F141 Sch. 1 RSC Order 94 rule 15 revoked (6.4.2007) by [The Civil Procedure \(Amendment No.3\) Rules 2006](#) (S.I. 2006/3435), rules 1, **15(b)**

Proceedings under the Protection from Harassment Act 1997 **E+W**

F142 **Rule 16**

Textual Amendments

F142 Sch. 1 RSC Order 94 rule 16 revoked (30.6.2004) by [The Civil Procedure \(Amendment\) Rules 2004](#) (S.I. 2004/1306), rules 1(b), **21(b)**

(28) 1988 c. 13.
(29) 1981 c. 54.

*Status: Point in time view as at 01/10/2012.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)*

RSC ORDER 95 **E+W**

BILLS OF SALE ACTS 1878(30) AND 1882(31) AND THE INDUSTRIAL AND PROVIDENT SOCIETIES ACT 1967(32)

Rectification of register **E+W**

^{F143}Rule 1

Textual Amendments

F143 Sch. 1 RSC Order 95 rule 1 revoked (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007 \(S.I. 2007/2204\)](#), rules 1, **20(c)**

Entry of satisfaction **E+W**

^{F144}Rule 2

Textual Amendments

F144 Sch. 1 RSC Order 95 rule 2 revoked (6.4.2007) by [The Civil Procedure \(Amendment No.3\) Rules 2006 \(S.I. 2006/3435\)](#), rules 1, **15(c)**

Restraining removal on sale of goods seized **E+W**

^{F145}Rule 3

Textual Amendments

F145 Sch. 1 RSC Order 95 rule 3 revoked (6.4.2007) by [The Civil Procedure \(Amendment No.3\) Rules 2006 \(S.I. 2006/3435\)](#), rules 1, **15(c)**

Search of register **E+W**

^{F146}Rule 4

Textual Amendments

F146 Sch. 1 RSC Order 95 rules 4-6 revoked (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007 \(S.I. 2007/2204\)](#), rules 1, **20(c)**

Application under section 1 (5) of the Industrial and Provident Societies Act 1967(33) **E+W**

^{F146}Rule 5

- | | |
|------|--------------------|
| (30) | 1878 c. 31. |
| (31) | 1882 c. 43. |
| (32) | 1967 c. 48. |
| (33) | 1967 c. 48. |

Status: Point in time view as at 01/10/2012.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

F146 Sch. 1 RSC Order 95 rules 4-6 revoked (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007 \(S.I. 2007/2204\)](#), rules 1, **20(c)**

Assignment of book debts **E+W**

^{F146}**Rule 6**

Textual Amendments

F146 Sch. 1 RSC Order 95 rules 4-6 revoked (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007 \(S.I. 2007/2204\)](#), rules 1, **20(c)**

^{F147}**RSC ORDER 96** **E+W**

THE MINES (WORKING FACILITIES AND SUPPORT) ACT 1966(34), ETC.

Textual Amendments

F147 Sch. 1 RSC Order 96 revoked (6.4.2008) by [The Civil Procedure \(Amendment No.2\) Rules 2007 \(S.I. 2007/3543\)](#), rules 1(b), **12**

Assignment to Chancery Division **E+W**

^{F147}**Rule 1**

Reference by Secretary of State of certain applications **E+W**

^{F148F147}**Rule 2**

Textual Amendments

F148 Sch. 1 RSC Order 96 rules 2-8 revoked (6.4.2007) by [The Civil Procedure \(Amendment No.3\) Rules 2006 \(S.I. 2006/3435\)](#), rules 1, **15(d)**

Issue of claim form **E+W**

^{F148F147}**Rule 3**

Textual Amendments

F148 Sch. 1 RSC Order 96 rules 2-8 revoked (6.4.2007) by [The Civil Procedure \(Amendment No.3\) Rules 2006 \(S.I. 2006/3435\)](#), rules 1, **15(d)**

Status: Point in time view as at 01/10/2012.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Appointment for directions **E+W**

^{F148F147}**Rule 4**

Textual Amendments

F148 Sch. 1 RSC Order 96 rules 2-8 revoked (6.4.2007) by [The Civil Procedure \(Amendment No.3\) Rules 2006 \(S.I. 2006/3435\)](#), rules 1, **15(d)**

Objections to application **E+W**

^{F148F147}**Rule 5**

Textual Amendments

F148 Sch. 1 RSC Order 96 rules 2-8 revoked (6.4.2007) by [The Civil Procedure \(Amendment No.3\) Rules 2006 \(S.I. 2006/3435\)](#), rules 1, **15(d)**

List of objectors **E+W**

^{F148F147}**Rule 6**

Textual Amendments

F148 Sch. 1 RSC Order 96 rules 2-8 revoked (6.4.2007) by [The Civil Procedure \(Amendment No.3\) Rules 2006 \(S.I. 2006/3435\)](#), rules 1, **15(d)**

Directions on further hearing **E+W**

^{F148F147}**Rule 7**

Textual Amendments

F148 Sch. 1 RSC Order 96 rules 2-8 revoked (6.4.2007) by [The Civil Procedure \(Amendment No.3\) Rules 2006 \(S.I. 2006/3435\)](#), rules 1, **15(d)**

Other applications **E+W**

^{F148F147}**Rule 8**

Textual Amendments

F148 Sch. 1 RSC Order 96 rules 2-8 revoked (6.4.2007) by [The Civil Procedure \(Amendment No.3\) Rules 2006 \(S.I. 2006/3435\)](#), rules 1, **15(d)**

RSC ORDER 97 **E+W**

THE LANDLORD AND TENANT ACTS 1927(35), 1954(36) AND 1987(37)

Interpretation **E+W**

^{F149}Rule 1

Textual Amendments

F149 Sch. 1 RSC Order 97 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

Assignment of proceedings to Chancery Division, etc. **E+W**

^{F149}Rule 2

Textual Amendments

F149 Sch. 1 RSC Order 97 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

Issue, etc., of claim form **E+W**

^{F149}Rule 3

Textual Amendments

F149 Sch. 1 RSC Order 97 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

Claim for compensation in respect of improvement **E+W**

^{F149}Rule 4

Textual Amendments

F149 Sch. 1 RSC Order 97 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

Proceedings under Part I of Act of 1927 **E+W**

^{F149}Rule 5

(35) [1927 c. 36](#); section 1 was amended by the Landlord and Tenant Act [1954 \(c. 56\)](#), section 47(5). Section 8 was amended by the 1954 Act, sections 45, 68(1) and schedule 7.

(36) [1954 c. 56](#).

(37) [1987 c. 31](#).

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Status: Point in time view as at 01/10/2012.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

F149 Sch. 1 RSC Order 97 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

Application for new tenancy under section 24 of Act of 1954 **E+W**

F149 **Rule 6**

Textual Amendments

F149 Sch. 1 RSC Order 97 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

Application to authorise agreement **E+W**

F149 **Rule 6A**

Textual Amendments

F149 Sch. 1 RSC Order 97 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

Evidence on application under section 24 of Act of 1954 **E+W**

F149 **Rule 7**

Textual Amendments

F149 Sch. 1 RSC Order 97 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

Parties to certain proceedings **E+W**

F149 **Rule 8**

Textual Amendments

F149 Sch. 1 RSC Order 97 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

Order dismissing application under section 24 which is successfully opposed **E+W**

F149 **Rule 9**

Textual Amendments

F149 Sch. 1 RSC Order 97 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), [Sch. 3](#)

Application to determine interim rent **E+W**

F149 **Rule 9A**

Textual Amendments

F149 Sch. 1 RSC Order 97 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), [Sch. 3](#)

Other applications under Part II of Act of 1954 **E+W**

F149 **Rule 10**

Textual Amendments

F149 Sch. 1 RSC Order 97 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), [Sch. 3](#)

Transfer of proceedings from county court **E+W**

F149 **Rule 11**

Textual Amendments

F149 Sch. 1 RSC Order 97 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), [Sch. 3](#)

Application for relief under section 16, etc., of the Act of 1954 **E+W**

F149 **Rule 12**

Textual Amendments

F149 Sch. 1 RSC Order 97 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), [Sch. 3](#)

Evidence of rateable value **E+W**

F149 **Rule 13**

Status: Point in time view as at 01/10/2012.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

F149 Sch. 1 RSC Order 97 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), [Sch. 3](#)

Application under section 19 of the Act of 1987 **E+W**

^{F149}**Rule 14**

Textual Amendments

F149 Sch. 1 RSC Order 97 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), [Sch. 3](#)

Application for order under section 24 of the Act of 1987 **E+W**

^{F149}**Rule 15**

Textual Amendments

F149 Sch. 1 RSC Order 97 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), [Sch. 3](#)

Application for acquisition order under section 29 of the Act of 1987 **E+W**

^{F149}**Rule 16**

Textual Amendments

F149 Sch. 1 RSC Order 97 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), [Sch. 3](#)

Application for order under section 38 or section 40 of the Act of 1987 **E+W**

^{F149}**Rule 17**

Textual Amendments

F149 Sch. 1 RSC Order 97 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), [Sch. 3](#)

Service of notices in proceedings under the Act of 1987 **E+W**

^{F149}**Rule 18**

Status: Point in time view as at 01/10/2012.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

F149 Sch. 1 RSC Order 97 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

Tenants' associations **E+W**

^{F149}**Rule 19**

Textual Amendments

F149 Sch. 1 RSC Order 97 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

RSC ORDER 98 **E+W**

LOCAL GOVERNMENT FINANCE ACT 1982(38), PART III

Interpretation **E+W**

^{F150}**Rule 1**

Textual Amendments

F150 Sch. 1 RSC Order 98 revoked (30.6.2004) by [The Civil Procedure \(Amendment\) Rules 2004 \(S.I. 2004/1306\)](#), rules 1(b), **21(c)**

Application by auditor for declaration **E+W**

^{F150}**Rule 2**

Textual Amendments

F150 Sch. 1 RSC Order 98 revoked (30.6.2004) by [The Civil Procedure \(Amendment\) Rules 2004 \(S.I. 2004/1306\)](#), rules 1(b), **21(c)**

Appeal against decision of auditor **E+W**

^{F150}**Rule 3**

Textual Amendments

F150 Sch. 1 RSC Order 98 revoked (30.6.2004) by [The Civil Procedure \(Amendment\) Rules 2004 \(S.I. 2004/1306\)](#), rules 1(b), **21(c)**

*Status: Point in time view as at 01/10/2012.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)*

General provisions **E+W**

^{F150}**Rule 4**

Textual Amendments

F150 Sch. 1 RSC Order 98 revoked (30.6.2004) by [The Civil Procedure \(Amendment\) Rules 2004 \(S.I. 2004/1306\)](#), rules 1(b), **21(c)**

^{F151}**RSC ORDER 99** **E+W**

INHERITANCE (PROVISION FOR FAMILY AND DEPENDANTS) ACT 1975

Textual Amendments

F151 Sch. 1 RSC Order 99 revoked (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rule 1(b), **Sch. 10**

Order to apply to High Court and County Court **E+W**

^{F151}**Rule A1**

Interpretation **E+W**

^{F151}**Rule 1**

Assignment to Chancery or Family Division if proceedings in High Court **E+W**

^{F151}**Rule 2**

Application for financial provision **E+W**

^{F151}**Rule 3**

Powers of Court as to parties **E+W**

^{F151}**Rule 4**

Witness statement or affidavit in answer **E+W**

^{F151}**Rule 5**

Separate representation **E+W**

^{F151}**Rule 6**

Endorsement of memorandum on grant **E+W**

^{F151}**Rule 7**

Disposal of proceedings in private **E+W**

^{F151}**Rule 8**

Subsequent applications in proceedings under section 1 **E+W**

^{F151}**Rule 9**

Drawing up and service of orders **E+W**

^{F151}**Rule 10**

RSC ORDER 101 **E+W**

THE PENSIONS APPEAL TRIBUNALS ACT 1943

Assignment to Queen's Bench Division **E+W**

^{F152}**Rule 1**

Textual Amendments

F152 Sch. 1 RSC Order 101 revoked (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Construction of reference to judge **E+W**

^{F152}**Rule 2**

Textual Amendments

F152 Sch. 1 RSC Order 101 revoked (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Application for permission to appeal **E+W**

^{F152}**Rule 3**

Textual Amendments

F152 Sch. 1 RSC Order 101 revoked (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

Appeal **E+W**

^{F152}**Rule 4**

Status: Point in time view as at 01/10/2012.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

F152 Sch. 1 RSC Order 101 revoked (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rule 1(b), **Sch. 8** (with [rule 39\(b\)](#)) (as amended by S.I. 2000/940, rules 1, 2)

F153 RSC ORDER 106 **E+W**

PROCEEDINGS RELATING TO SOLICITORS: THE SOLICITORS ACT 1974(39)

Textual Amendments

F153 Sch. 1 RSC Order 106 revoked (1.4.2005) by [The Civil Procedure \(Amendment No. 4\) Rules 2004 \(S.I. 2004/3419\)](#), rules 1, **17(b)**

Interpretation **E+W**

F153 **Rule 1**

Jurisdiction under Part III of Act **E+W**

F153 **Rule 2**

Power to order solicitor to deliver cash account, etc. **E+W**

F153 **Rule 3**

Certificate to be submitted with solicitor’s application for detailed assessment **E+W**

F153 **Rule 5A**

Applications under Schedule 1 to Act **E+W**

F153 **Rule 6**

Defendants to applications under Schedule 1 to Act **E+W**

F153 **Rule 7**

Interim order restricting payment out of banking account **E+W**

F153 **Rule 8**

Adding parties, etc. **E+W**

F153 **Rule 9**

Service of documents **E+W**

^{F153}**Rule 10**

Constitution of Divisional Court to hear appeals **E+W**

^{F153}**Rule 11**

Title, service, etc., of notice of appeal **E+W**

^{F153}**Rule 12**

Law Society to produce certain documents **E+W**

^{F153}**Rule 13**

Restriction on requiring security for costs **E+W**

^{F153}**Rule 14**

Disciplinary committee's opinion may be required **E+W**

^{F153}**Rule 15**

Persons entitled to be heard on appeal **E+W**

^{F153}**Rule 16**

Discontinuance of appeal **E+W**

^{F153}**Rule 17**

^{F154}**RSC ORDER 108** **E+W**

PROCEEDINGS RELATING TO CHARITIES: THE CHARITIES ACT 1993

Textual Amendments

F154 Sch. 1 RSC Order 108 revoked (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rule 1(b), **Sch. 10**

Interpretation **E+W**

^{F154}**Rule 1**

Assignment to Chancery Division **E+W**

^{F154}**Rule 2**

*Status: Point in time view as at 01/10/2012.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)*

Application for permission to appeal or to take charity proceedings **E+W**

^{F154}**Rule 3**

Application for enforcement of order or direction of Commissioners **E+W**

^{F154}**Rule 4**

Appeal against order, etc., of Commissioners **E+W**

^{F154}**Rule 5**

Service on Commissioners **E+W**

^{F154}**Rule 6**

RSC ORDER 109 **E+W**

THE ADMINISTRATION OF JUSTICE ACT 1960(40)

Applications under Act **E+W**

Rule 1.—(1) Any of the following applications, that is to say—

- (a) an application under section 2 of the Administration of Justice Act 1960, or under that section as applied by section 13 of that Act, to extend the time within which an application may be made to a Divisional Court for permission to appeal to the [^{F155}Supreme Court] under section 1 of that Act, or section 13 thereof, from an order or decision of that Court, and
- (b) an application by a defendant under section 9 (3) of that Act to a Divisional Court for permission to be present on the hearing of any proceedings preliminary or incidental to an appeal to the [^{F156}Supreme Court] under section 1 of that Act from a decision of that Court

must be made to a Divisional Court except in vacation when it may be made to a judge ^{F157}...

(2) Any such application to a Divisional Court, if not made in the proceedings before the Divisional Court from whose order or decision the appeal in question is brought, must be made by the issue of a claim form ^{F158}....

(3) Any such application to a judge ^{F159}... must, in the case of such an application as is referred to in paragraph (1)(a) be made by the issue of a claim form and, in the case of such an application as is referred to in paragraph (1)(b) need not be served on any other person unless, in the latter case, the judge otherwise directs.

(4) No application notice or copy of the claim form (as the case may be) by which such an application as is referred to in paragraph (1)(b) is made, need be given to any party affected thereby unless the Divisional Court otherwise directs.

(5) Where any application to which this rule applies is made in vacation to a single judge and the judge refuses the application, the applicant shall be entitled to have the application determined by a Divisional Court.

Status: Point in time view as at 01/10/2012.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

- F155** Words in Sch. 1 RSC Order 109 rule 1(1)(a) substituted (1.10.2009) by [The Civil Procedure \(Amendment\) Rules 2009 \(S.I. 2009/2092\)](#), rules 1(2), **21(a)(i)**
- F156** Words in Sch. 1 RSC Order 109 rule 1(1)(b) substituted (1.10.2009) by [The Civil Procedure \(Amendment\) Rules 2009 \(S.I. 2009/2092\)](#), rules 1(2), **21(a)(ii)**
- F157** Words in Sch. 1 RSC Order 109 rule 1(1) omitted (26.4.1999) by virtue of [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, **62(i)**
- F158** Words in Sch. 1 RSC Order 109 rule 1(2) omitted (26.4.1999) by virtue of [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, **55**
- F159** Words in Sch. 1 RSC Order 109 rule 1(3) omitted (26.4.1999) by virtue of [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, **62(i)**

Appeals under section 13 of Act E+W

Rule 2.—(1) An appeal to a Divisional Court of the High Court under section 13 of the Administration of Justice Act 1960, shall be heard and determined by a Divisional Court of the Queen’s Bench Division.

^{F160}(3)

(4) Unless the Court gives permission, there shall be not more than 4 clear days between the date on which the order or decision appealed against was made and the day named in the notice of appeal for the hearing of the appeal.

(5) The notice must be served, and the appeal entered, not less than one clear day before the day named in the notice for the hearing of the appeal.

Textual Amendments

- F160** Sch. 1 RSC Order 109 rule 2(3) omitted (2.5.2000) by virtue of [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rules 1(b), **29(a)**

Release of appellant on bail E+W

Rule 3.—(1) Where, in the case of an appeal under section 13 of the Administration of Justice Act 1960, to a Divisional Court or to the [^{F161}Supreme Court] from a Divisional Court, the appellant is in custody, the High Court may order his release on his giving security (whether by recognizance, with or without sureties, or otherwise and for such reasonable sum as the Court may fix) for his appearance, within 10 days after the judgment of the Divisional Court or, as the case may be, of the [^{F161}Supreme Court], on the appeal before the court from whose order or decision the appeal is brought unless the order or decision is reversed by that judgment.

(2) Order 79, rule 9 (1) to (6) and (8) shall apply in relation to an application to the High Court for bail pending an appeal under the said section 13 to which this rule applies, and to the admission of a person to bail in pursuance of an order made on the application, as they apply in relation to an application to that Court for bail in criminal proceedings, and to the admission of a person to bail in pursuance of an order made on the application, but with the substitution, for references to the defendant, of references to the appellant, and, for references to the prosecutor, of references to the court officer of the court from whose order or decision the appeal is brought and to the parties to the proceedings in that court who are directly affected by the appeal.

Status: Point in time view as at 01/10/2012.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

F161 Words in Sch. 1 RSC Order 109 rule 3(1) substituted (1.10.2009) by [The Civil Procedure \(Amendment\) Rules 2009 \(S.I. 2009/2092\)](#), rules 1(2), **21(b)**

^{F162}Release of appellant on bail by the Court of Appeal **E+W**

Rule 4.—(1) Where, in the case of an appeal under section 13 of the Administration of Justice Act 1960 to the Court of Appeal or to the ^{F163}Supreme Court] from the Court of Appeal, the appellant is in custody, the Court of Appeal may order his release on his giving security (whether by recognisance, with or without sureties, or otherwise and for such reasonable sum as that court may fix) for his appearance within 10 days after the judgment of the Court of Appeal or, as the case may be, of the ^{F163}Supreme Court] on the appeal shall have been given, before the court from whose order or decision the appeal is brought unless the order or decision is reversed by that judgment.

(2) An application for the release of a person under paragraph (1) pending an appeal to the Court of Appeal or ^{F164}the Supreme Court] under the said section 13 must be made in accordance with CPR Part 23, and the application notice must, at least 24 hours before the day named therein for the hearing, be served on the court from whose order or decision the appeal is brought and on all parties to the proceedings in that court who are directly affected by the appeal.

(3) Order 79, rules 9(6), (6A), (6B) and (8) shall apply in relation to the grant of bail under this rule by the Court of Appeal in a case of criminal contempt of court as they apply in relation to the grant of bail in criminal proceedings by the High Court, but with the substitution for references to a judge of references to the Court of Appeal and for references to the defendant of references to the appellant.

(4) When granting bail under this rule in a case of civil contempt of court, the Court of Appeal may order that the recognisance or other security to be given by the appellant or the recognisance of any surety shall be given before any person authorised by virtue of section 119(1) of the Magistrates' Courts Act 1980 to take a recognisance where a magistrates' court having power to take it has, instead of taking it, fixed the amount in which the principal and his sureties, if any, are to be bound. An order by the Court of Appeal granting bail as aforesaid must be in Form 98 in ^{F165}Practice Direction 4] with the necessary adaptations.

(5) Where in pursuance of an order of the Court of Appeal under paragraph (4) of this rule a recognisance is entered into or other security given before any person, it shall be the duty of that person to cause the recognisance of the appellant or any surety or, as the case may be, a statement of the other security given, to be transmitted forthwith to the ^{F166}^{F167}designated officer] for] the court which committed the appellant; and a copy of such recognisance or statement shall at the same time be sent to the governor or keeper of the prison or other place of detention in which the appellant is detained, unless the recognisance or security was given before such governor or keeper.

(6) The powers conferred on the Court of Appeal by paragraphs (1), (3) and (4) of this rule may be exercised by a single judge.]

Textual Amendments

F162 Sch. 1 RSC Order 109 rule 4 inserted (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rule 1(b), **Sch. 7**

F163 Words in Sch. 1 RSC Order 109 rule 4(1) substituted (1.10.2009) by [The Civil Procedure \(Amendment\) Rules 2009 \(S.I. 2009/2092\)](#), rules 1(2), **21(c)(i)**

F164 Words in Sch. 1 RSC Order 109 rule 4(2) substituted (1.10.2009) by [The Civil Procedure \(Amendment\) Rules 2009 \(S.I. 2009/2092\)](#), rules 1(2), **21(c)(ii)**

Status: Point in time view as at 01/10/2012.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

- F165** Words in Sch. 1 RSC Order 109 rule 4(4) substituted (6.4.2010) by The Civil Procedure (Amendment No.2) Rules 2009 (S.I. 2009/3390), rules 1(2), **57**
- F166** Words in Sch. 1 RSC Order 109 rule 4(5) substituted (1.4.2001) by The Civil Procedure (Amendment) Rules 2001 (S.I. 2001/256), rules 1(b), **23**
- F167** Words in Sch. 1 RSC Order 109 rule 4(5) substituted (1.4.2005) by The Courts Act 2003 (Consequential Provisions) (No. 2) Order 2005 (S.I. 2005/617), art. 1, **Sch. para. 175**

F168 RSC ORDER 110 **E+W**

ENVIRONMENTAL CONTROL PROCEEDINGS

- Textual Amendments**
- F168** Sch. 1 RSC Order 110 revoked (6.4.2007) by The Civil Procedure (Amendment No.3) Rules 2006 (S.I. 2006/3435), rules 1, **15(e)**

Injunctions to prevent environmental harm **E+W**

F168 Rule 1

RSC ORDER 111 **E+W**

THE SOCIAL SECURITY ADMINISTRATION ACT 1992

Judge by whom appeals and references to be heard **E+W**

F169 Rule 1

- Textual Amendments**
- F169** Sch. 1 RSC Order 111 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

E+W

F169

- Textual Amendments**
- F169** Sch. 1 RSC Order 111 revoked (2.5.2000) by The Civil Procedure (Amendment) Rules 2000 (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

E+W

F169

Status: Point in time view as at 01/10/2012.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments
F169 Sch. 1 RSC Order 111 revoked (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000](#) (S.I. 2000/221), rule 1(b), **Sch. 8** (with [rule 39\(b\)](#)) (as amended by S.I. 2000/940, rules 1, 2)

E+W

F169

Textual Amendments
F169 Sch. 1 RSC Order 111 revoked (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000](#) (S.I. 2000/221), rule 1(b), **Sch. 8** (with [rule 39\(b\)](#)) (as amended by S.I. 2000/940, rules 1, 2)

E+W

F169

Textual Amendments
F169 Sch. 1 RSC Order 111 revoked (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000](#) (S.I. 2000/221), rule 1(b), **Sch. 8** (with [rule 39\(b\)](#)) (as amended by S.I. 2000/940, rules 1, 2)

F170 RSC ORDER 112 **E+W**

[^{F171}APPLICATIONS FOR USE OF SCIENTIFIC TESTS IN DETERMINING PARENTAGE]

Textual Amendments
F170 Sch. 1 Order 112 revoked (2.10.2006) by [The Civil Procedure \(Amendment\) Rules 2006](#) (S.I. 2006/1689), rules 1, **12(c)**
F171 Sch. 1 RSC Order 112 heading substituted (1.4.2001) by [The Civil Procedure \(Amendment\) Rules 2001](#) (S.I. 2001/256), rules 1(c), **24(a)**

Interpretation **E+W**

F170 **Rule 1**

Application for direction **E+W**

F170 **Rule 2**

Applications involving children under 16 and patients **E+W**

F170 **Rule 3**

Addition as a party of person to be tested **E+W**

^{F170}**Rule 4**

Service of direction and adjournment of proceedings **E+W**

^{F170}**Rule 5**

Service of copy report **E+W**

^{F170}**Rule 6**

RSC ORDER 113 **E+W**

SUMMARY PROCEEDINGS FOR POSSESSION OF LAND

Proceedings to be brought by claim form **E+W**

^{F172}**Rule 1**

Textual Amendments

F172 Sch. 1 RSC Order 113 rules 1-6 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

Jurisdiction of Masters **E+W**

^{F172}**Rule 1A**

Textual Amendments

F172 Sch. 1 RSC Order 113 rules 1-6 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

Forms of claim form **E+W**

^{F172}**Rule 2**

Textual Amendments

F172 Sch. 1 RSC Order 113 rules 1-6 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

Witness statement or affidavit in support **E+W**

^{F172}**Rule 3**

Status: Point in time view as at 01/10/2012.
Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

F172 Sch. 1 RSC Order 113 rules 1-6 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), [Sch. 3](#)

Service of claim form **E+W**

^{F172}**Rule 4**

Textual Amendments

F172 Sch. 1 RSC Order 113 rules 1-6 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), [Sch. 3](#)

Application by occupier to be made a party **E+W**

^{F172}**Rule 5**

Textual Amendments

F172 Sch. 1 RSC Order 113 rules 1-6 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), [Sch. 3](#)

Order for possession **E+W**

^{F172}**Rule 6**

Textual Amendments

F172 Sch. 1 RSC Order 113 rules 1-6 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), [Sch. 3](#)

Writ of possession **E+W**

Rule 7.—(1) Order 45, rule 3 (2) shall not apply in relation to an order for possession [^{F173}in a possession claim against trespassers under Part 55] but no writ of possession to enforce such an order shall be issued after the expiry of three months from the date of the order without the permission of the Court.

An application for permission may be made without notice being served on any other party unless the Court otherwise directs.

(2) The writ of possession shall be in Form No. 66A.

Textual Amendments

F173 Words in [Sch. 1 RSC Order 113 rule 7\(1\)](#) substituted (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rules 1(d), [25](#)

Setting aside order **E+W**

^{F174}**Rule 8**

Textual Amendments

F174 Sch. 1 RSC Order 113 rule 8 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), **Sch. 3**

^{F175}**RSC ORDER 114** **E+W**

REFERENCES TO THE EUROPEAN COURT

Textual Amendments

F175 Sch. 1 RSC Order 114 revoked (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rule 1(b), **Sch. 10**

Interpretation **E+W**

^{F175}**Rule 1**

Making of order **E+W**

^{F175}**Rule 2**

Schedule to order to set out request for ruling **E+W**

^{F175}**Rule 3**

Stay of proceedings pending ruling **E+W**

^{F175}**Rule 4**

Transmission of order to the European Court **E+W**

^{F175}**Rule 5**

Appeals from orders made by High Court **E+W**

^{F175}**Rule 6**

Status: Point in time view as at 01/10/2012.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

RSC ORDER 115 **E+W**

CONFISCATION AND FORFEITURE IN CONNECTION WITH CRIMINAL PROCEEDINGS

I. Drug Trafficking Act 1994(41) and Criminal Justice (International Co-operation) Act 1990(42)

Interpretation **E+W**

Rule 1.—(1) In this Part of this Order, “The Act” means the Drug Trafficking Act 1994 and a section referred to by number means the section so numbered in the Act.

(2) Expressions used in this Part of this Order which are used in the Act have the same meanings in this Part of this Order as in the Act and include any extended meaning given by the Criminal Justice (Confiscation) (Northern Ireland) Order 1990.

Assignment of proceedings **E+W**

Rule 2 Subject to rule 12, the jurisdiction of the High Court under the Act shall be exercised by a judge of the Chancery Division or of the Queen’s Bench Division ^{F176}....

Textual Amendments

F176 Words in [Sch. 1 RSC Order 115 rule 2](#) omitted (26.4.1999) by virtue of [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, [62\(j\)](#)

Title of proceedings **E+W**

Rule 2A An application made in accordance with CPR Part 23, or a claim form issued in relation to proceedings under this Part of this Order shall be entitled in the matter of the defendant, naming him, and in the matter of the Act, and all subsequent documents in the matter shall be so entitled.

Application for confiscation order **E+W**

Rule 2B.—(1) An application by the prosecutor for a confiscation order under section 19 shall be made in accordance with CPR Part 23 where there have been proceedings against the defendant in the High Court, and shall otherwise be made by the issue of a claim form.

(2) The application shall be supported by a witness statement or affidavit giving full particulars of the following matters—

- (a) the grounds for believing that the defendant has died or absconded;
- (b) the date or approximate date on which the defendant died or absconded;
- (c) where the application is made under section 19 (2), the offence or offences of which the defendant was convicted, and the date and place of conviction;
- (d) where the application is made under section 19 (4), the proceedings which have been initiated against the defendant (including particulars of the offence and the date and place of institution of those proceedings); and
- (e) where the defendant is alleged to have absconded, the steps taken to contact him.

(41)

(42)

1994 c. 37.

1990 c. 5.

(3) The prosecutor's statement under section 11 shall be exhibited to the witness statement or affidavit and shall include the following particulars—

- (a) the name of the defendant;
- (b) the name of the person by whom the statement is given;
- (c) such information known to the prosecutor as is relevant to the determination whether the defendant has benefited from drug trafficking and to the assessment of the value of his proceeds of drug trafficking.

(4) Unless the Court otherwise orders, a witness statement or affidavit under paragraph (2) may contain statements of information and belief, with their sources and grounds.

(5) The application and the witness statement or affidavit in support shall be served not less than 7 days before the date fixed for the hearing of the application on—

- (a) the defendant (or on the personal representatives of a deceased defendant);
- (b) any person who the prosecutor reasonably believes is likely to be affected by the making of a confiscation order; and
- (c) the receiver, where one has been appointed in the matter.

Application for restraint order or charging order E+W

Rule 3.—(1) An application for a restraint order under section 26 or for a charging order under section 27 (to either of which may be joined an application for the appointment of a receiver) may be made by the prosecutor by the issue of a claim form, notice of which need not be served on any other party.

(2) An application under paragraph (1) shall be supported by a witness statement or affidavit, which shall—

- (a) give the grounds for the application; and
- (b) to the best of the witness's ability, give full particulars of the realisable property in respect of which the order is sought and specify the person or persons holding such property.

(3) Unless the Court otherwise directs, a witness statement or affidavit under paragraph (2) may contain statements of information or belief with the sources and grounds thereof.

Restraint order and charging order E+W

Rule 4.—(1) A restraint order may be made subject to conditions and exceptions, including but not limited to conditions relating to the indemnifying of third parties against expenses incurred in complying with the order, and exceptions relating to living expenses and legal expenses of the defendant, but the prosecutor shall not be required to give an undertaking to abide by any order as to damages sustained by the defendant as a result of the restraint order.

(2) Unless the Court otherwise directs, a restraint order made where notice of it has not been served on any person shall have effect until a day which shall be fixed for the hearing where all parties may attend on the application and a charging order shall be an order to show cause, imposing the charge until such day.

(3) Where a restraint order is made the prosecutor shall serve copies of the order and of the witness statement or affidavit in support on the defendant and on all other named persons restrained by the order and shall notify all other persons or bodies affected by the order of its terms.

(4) Where a charging order is made the prosecutor shall serve copies of the order and of the witness statement or affidavit in support on the defendant and, where the property to which the order relates is held by another person, on that person and shall serve a copy of the order on such of the persons or bodies [^{F177}specified in CPR rule 73.5(1)(c) to (e)] as shall be appropriate.

Status: Point in time view as at 01/10/2012.

Changes to legislation: There are currently no known outstanding effects for the *The Civil Procedure Rules 1998, SCHEDULE 1*. (See end of Document for details)

Textual Amendments

F177 Words in Sch. 1 RSC Order 115 rule 4(4) substituted (25.3.2002) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), rules 1(c), **11** (with rule 24)

Discharge or variation of order **E+W**

Rule 5.—(1) Any person or body on whom a restraint order or a charging order is served or who is notified of such an order may make an application in accordance with CPR Part 23 to discharge or vary the order.

(2) The [^{F178}application notice] and any witness statement or affidavit in support shall be lodged with the court and served on the prosecutor and, where he is not the applicant, on the defendant, not less than two clear days before the date fixed for the hearing of the [^{F179}application].

(3) Upon the court being notified that proceedings for the offences have been concluded or that the amount, payment of which is secured by a charging order has been paid into court, any restraint order or charging order, as the case may be, shall be discharged.

(4) The Court may also discharge a restraint order or a charging order upon receiving notice from the prosecutor that it is no longer appropriate for the restraint order or the charging order to remain in place.

Textual Amendments

F178 Words in Sch. 1 RSC Order 115 rule 5(2) substituted (26.4.1999) by [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, **60(a)(i)**

F179 Word in Sch. 1 RSC Order 115 rule 5(2) substituted (26.4.1999) by [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, **60(a)(ii)**

Further application by prosecutor **E+W**

Rule 6.—(1) Where a restraint order or a charging order has been made the prosecutor may apply by an application in accordance with CPR Part 23 with notice or, where the case is one of urgency or the giving of notice would cause a reasonable apprehension of dissipation of assets, without notice—

- (a) to vary such order, or
- (b) for a restraint order or a charging order in respect of other realisable property, or
- (c) for the appointment of a receiver.

(2) An application under paragraph (1) shall be supported by a witness statement or affidavit which, where the application is for a restraint order or a charging order, shall to the best of the witness's ability give full particulars of the realisable property in respect of which the order is sought and specify the person or persons holding such property.

(3) The application and witness statement or affidavit in support shall be lodged with the court and served on the defendant and, where one has been appointed in the matter, on the receiver, not less than two clear days before the date fixed for the hearing of the [^{F180}application].

(4) Rule 4 (3) and (4) shall apply to the service of restraint orders and charging orders respectively made under this rule on persons other than the defendant.

Textual Amendments

F180 Word in Sch. 1 RSC Order 115 rule 6(3) substituted (26.4.1999) by [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, **60(b)**

Realisation of property **E+W**

Rule 7.—(1) An application by the prosecutor under section 29 shall, where there have been proceedings against the defendant in the High Court, be made by an application in accordance with CPR Part 23 and shall otherwise be made by the issue of a claim form

(2) The application notice or claim form, as the case may be, shall be served with the evidence in support not less than 7 days before the date fixed for the hearing of the application or claim on:—

- (a) the defendant,
- (b) any person holding any interest in the realisable property to which the application relates, and
- (c) the receiver, where one has been appointed in the matter.

(3) The application shall be supported by a witness statement or affidavit, which shall, to the best of the witness's ability, give full particulars of the realisable property to which it relates and specify the person or persons holding such property, and a copy of the confiscation order, of any certificate issued by the Crown Court under section 5 (2) and of any charging order made in the matter shall be exhibited to such witness statement or affidavit.

(4) The Court may, on an application under section 29—

- (a) exercise the power conferred by section 30 (2) to direct the making of payments by a receiver;
- (b) give directions in respect of the property interests to which the application relates; and
- (c) make declarations in respect of those interests.

Receivers **E+W**

Rule 8.—(1) Subject to the provisions of this rule, the provisions of [^{F181}CPR Part 69] shall apply where a receiver is appointed in pursuance of a charging order or under sections 26 or 29.

(2) Where the receiver proposed to be appointed has been appointed receiver in other proceedings under the Act, it shall not be necessary for a witness statement or affidavit of fitness to be sworn or for the receiver to give security, unless the Court otherwise orders.

(3) Where a receiver has fully paid the amount payable under the confiscation order and any sums remain in his hands, he shall make an application to the court for directions in accordance with CPR Part 23, as to the distribution of such sums.

(4) An application under paragraph (3) shall be served with any evidence in support not less than 7 days before the date fixed for the hearing of the application on:—

- (a) the defendant, and
- (b) any other person who held property realised by the receiver.

(5) A receiver may apply for an order to discharge him from his office by making an application in accordance with CPR Part 23, which shall be served, together with any evidence in support, on all persons affected by his appointment not less than 7 days before the day fixed for the hearing of the application.

Status: Point in time view as at 01/10/2012.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

F181 Words in [Sch. 1 RSC Order 115 rule 8\(1\)](#) substituted (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), [rules 1\(b\)](#), [32](#)

Certificate of inadequacy **E+W**

Rule 9.—(1) The defendant or a receiver appointed under section 26 or 29 or in pursuance of a charging order may apply in accordance with CPR Part 23 for a certificate under section 17 (1).

(2) An application under paragraph (1) shall be served with any supporting evidence not less than 7 days before the date fixed for the hearing of the application on the prosecutor and, as the case may be, on either the defendant or the receiver (where one has been appointed).

Certificate under section 16 **E+W**

Rule 9A An application under section 16 (2) (increase in realisable property) shall be served with any supporting evidence not less than 7 days before the date fixed for the hearing of the application on the defendant and, as the case may be, on either the prosecutor or (where one has been appointed in the matter) on the receiver.

Compensation **E+W**

Rule 10 An application for an order under section 18 shall be made in accordance with CPR Part 23, which shall be served, with any supporting evidence, on the person alleged to be in default and on the relevant authority under section 18 (5) not less than 7 days before the date fixed for the hearing of the application.

Disclosure of information **E+W**

Rule 11.—(1) An application by the prosecutor under section 59 shall be made in accordance with CPR Part 23 and the application notice shall state the nature of the order sought and whether material sought to be disclosed is to be disclosed to a receiver appointed under section 26 or 29 or in pursuance of a charging order or to a person mentioned in section 59 (8).

(2) The application notice and witness statement or affidavit in support shall be served on the authorised Government Department in accordance with Order 77, rule 4 not less than 7 days before the date fixed for the hearing of the application.

(3) The witness statement or affidavit in support of an application under paragraph (1) shall state the grounds for believing that the conditions in section 59 (4) and, if appropriate, section 59 (7) are fulfilled.

Compensation for, discharge and variation of confiscation order **E+W**

Rule 11A.—(1) An application under section 21, 22 or 23 shall be made in accordance with CPR Part 23 which, together with any evidence in support, shall be lodged with the Court and served on the prosecutor not less than 7 days before the day fixed for the hearing of the application.

(2) Notice shall also be served on any receiver appointed in pursuance of a charging order or under section 26 or 29.

(3) An application for an order under section 22 shall be supported by a witness statement or affidavit giving details of—

- (a) the confiscation order made under section 19 (4);

- (b) the acquittal of the defendant;
 - (c) the realisable property held by the defendant; and
 - (d) the loss suffered by the applicant as a result of the confiscation order.
- (4) An application for an order under section 23 shall be supported by a witness statement or affidavit giving details of—
- (a) the confiscation order made under section 19 (4);
 - (b) the date on which the defendant ceased to be an absconder;
 - (c) the date on which proceedings against the defendant were instituted and a summary of the steps taken in the proceedings since then; and
 - (d) any indication given by the prosecutor that he does not intend to proceed against the defendant.
- (5) An application made under section 21 shall be supported by a witness statement or affidavit giving details of—
- (a) the confiscation order made under section 19(4);
 - (b) the circumstances in which the defendant ceased to be an absconder; and
 - (c) the amounts referred to in section 21 (2).
- (6) Where an application is made for an order under section 23 (3) or 24 (2)(b), the witness statement or affidavit shall also include—
- (a) details of the realisable property to which the application relates; and
 - (b) details of the loss suffered by the applicant as a result of the confiscation order.
- (7) Unless the Court otherwise orders, a witness statement or affidavit under paragraphs (3) to (6) may contain statements of information and belief, with the sources and grounds thereof.

Exercise of powers under sections 37 and 40 E+W

Rule 12 The powers conferred on the High Court by sections 37 and 40 may be exercised by a judge ^{F182}or a master of the Queen’s Bench Division.

Textual Amendments

F182 Word in [Sch. 1 RSC Order 115 rule 12](#) substituted (26.4.1999) by [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, **60(c)**

Application for registration E+W

Rule 13 An application for registration of an order specified in an Order in Council made under section 37 or of an external confiscation order under section 40 (1) must be made in accordance with CPR Part 23, and may be made without notice.

Evidence in support of application under section 37 E+W

Rule 14 An application for registration of an order specified in an Order in Council made under section 37 must be made in accordance with CPR Part 23, and be supported by a witness statement or affidavit—

- (i) exhibiting the order or a certified copy thereof, and

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Changes to legislation: There are currently no known outstanding effects for the Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

- (ii) stating, to the best of the witness's knowledge, particulars of what property the person against whom the order was made holds in England and Wales, giving the source of the witness's knowledge.

Evidence in support of application under section 40 (1) **E+W**

Rule 15.—(1) An application for registration of an external confiscation order must be made in accordance with CPR Part 23, and be supported by a witness statement or affidavit—

- (a) exhibiting the order or a verified or certified or otherwise duly authenticated copy thereof and, where the order is not in the English language, a translation thereof into English certified by a notary public or authenticated by witness statement or affidavit, and
- (b) stating—
- (i) that the order is in force and is not subject to appeal,
- (ii) where the person against whom the order was made did not appear in the proceedings, that he received notice thereof in sufficient time to enable him to defend them,
- (iii) in the case of money, either that at the date of the application the sum payable under the order has not been paid or the amount which remains unpaid, as may be appropriate, or, in the case of other property, the property which has not been recovered, and
- (iv) to the best of the witness's knowledge, particulars of what property the person against whom the order was made holds in England and Wales, giving the source of the witness's knowledge.

(2) Unless the Court otherwise directs, a witness statement or affidavit for the purposes of this rule may contain statements of information or belief with the sources and grounds thereof.

Register of orders **E+W**

Rule 16.—(1) There [^{F183}will] be kept in the Central Office [^{F184}at the Royal Courts of Justice in London] under the direction of the Master of the [^{F185}Administrative Court] a register of the orders registered under the Act.

(2) There shall be included in such register particulars of any variation or setting aside of a registration and of any execution issued on a registered order.

Textual Amendments

F183 Word in Sch. 1 RSC Order 115 rule 16(1) substituted (6.4.2009) by [The Civil Procedure \(Amendment No.3\) Rules 2008 \(S.I. 2008/3327\)](#), rules 1, **14(a)(i)**

F184 Words in Sch. 1 RSC Order 115 rule 16(1) inserted (6.4.2009) by [The Civil Procedure \(Amendment No.3\) Rules 2008 \(S.I. 2008/3327\)](#), rules 1, **14(a)(ii)**

F185 Words in Sch. 1 RSC Order 115 rule 16(1) substituted (6.4.2009) by [The Civil Procedure \(Amendment No.3\) Rules 2008 \(S.I. 2008/3327\)](#), rules 1, **14(a)(iii)**

Notice of registration **E+W**

Rule 17.—(1) Notice of the registration of an order must be served on the person against whom it was obtained by [^{F186}delivering it to that person] personally or by sending it [^{F187}to that person's] usual or last known address or place of business or in such other manner as the Court may direct.

[^{F188}(2) Permission is not required to serve such a notice out of the jurisdiction and CPR rules [^{F189}6.40, 6.42 and 6.46] apply in relation to such notice as they apply in relation to a claim form.]

Textual Amendments

F186 Words in Sch. 1 RSC Order 115 rule 17(1) substituted (1.10.2008) by [The Civil Procedure \(Amendment\) Rules 2008 \(S.I. 2008/2178\)](#), rules 1(2), **39(a)(i)(aa)**

F187 Words in Sch. 1 RSC Order 115 rule 17(1) substituted (1.10.2008) by [The Civil Procedure \(Amendment\) Rules 2008 \(S.I. 2008/2178\)](#), rules 1(2), **39(a)(i)(bb)**

F188 Sch. 1 RSC Order 115 rule 17(2) substituted (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rules 1(b), **31**

F189 Words in Sch. 1 RSC Order 115 rule 17(2) substituted (1.10.2008) by [The Civil Procedure \(Amendment\) Rules 2008 \(S.I. 2008/2178\)](#), rules 1(2), **39(a)(ii)**

Application to vary or set aside registration **E+W**

Rule 18 An application made in accordance with CPR Part 23 by the person against whom an order was made to vary or set aside the registration of an order must be made to a judge and be supported by witness statement or affidavit.

Enforcement of order **E+W**

Rule 19.—(2) If an application is made under rule 18, an order shall not be enforced until after such application is determined.

Variation, satisfaction and discharge of registered order **E+W**

Rule 20 Upon the court being notified by the applicant for registration that an order which has been registered has been varied, satisfied or discharged, particulars of the variation, satisfaction or discharge, as the case may be, shall be entered in the register.

Rules to have effect subject to Orders in Council **E+W**

Rule 21 Rules 12 to 20 shall have effect subject to the provisions of the Order in Council made under section 37 or, as the case may be, of the Order in Council made under section 39.

Criminal Justice (International Co-operation) Act 1990: external forfeiture orders **E+W**

Rule 21A The provisions of this Part of this Order shall, with such modifications as are necessary and subject to the provisions of any Order in Council made under section 9 of the Criminal Justice (International Co-operation) Act 1990(**43**), apply to proceedings for the registration and enforcement of external forfeiture orders as they apply to such proceedings in relation to external confiscation orders.

For the purposes of this rule, an external forfeiture order is an order made by a court in a country or territory outside the United Kingdom which is enforceable in the United Kingdom by virtue of any such Order in Council.

(43) 1990 c. 5.

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Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

II. Part VI of the Criminal Justice Act 1988(44)

Interpretation E+W

Rule 22.—(1) In this Part of this Order, “the 1988 Act” means the Criminal Justice Act 1988 and a section referred to by number means the section so numbered in that Act.

(2) Expressions which are used in this Part of this Order which are used in the 1988 Act have the same meanings in this Part of this Order as in the 1988 Act and include any extended meaning given by the Criminal Justice (Confiscation) (Northern Ireland) Order 1990.

Application of Part I of Order 115 E+W

Rule 23 Part I of Order 115 (except rule 11) shall apply for the purposes of proceedings under Part VI of the 1988 Act with the necessary modifications and, in particular,—

- (a) references to drug trafficking offences and to drug trafficking shall be construed as references to offences to which Part VI of the 1988 Act applies and to committing such an offence;
- (b) references to the Drug Trafficking Act 1994 shall be construed as references to the 1988 Act and references to sections 5 (2), 26, 27, 29, 30 (2), 17 (1), 18, 18 (5), 39 and 40 of the 1994 Act shall be construed as references to sections 73 (6), 77, 78, 80, 81, 81 (1), 83 (1), 89, 89 (5), 96 and 97 of the 1988 Act respectively;
- (c) rule 3 (2) shall have effect as if the following sub-paragraphs were substituted for sub-paragraphs (a) and (b)—
 - “(a) state, as the case may be, either that proceedings have been instituted against the defendant for an offence to which Part VI of the 1988 Act applies (giving particulars of the offence) and that they have not been concluded or that, whether by the laying of an information or otherwise, a person is to be charged with such an offence;
 - (b) state, as the case may be, either that a confiscation order has been made or the grounds for believing that such an order may be made;”
- (d) rule 7 (3) shall have effect as if the words “certificate issued by a magistrates' court or the Crown Court” were substituted for the words “certificate issued by the Crown Court”;
- (e) rule 8 shall have effect as if the following paragraph were added at the end—
 - “(6) Where a receiver applies in accordance with CPR Part 23 for the variation of a confiscation order, the application notice shall be served, with any supporting evidence, on the defendant and any other person who may be affected by the making of an order under section 83 of the 1988 Act, not less than 7 days before the date fixed for the hearing of the application.”
- (f) rule 11 shall apply with the necessary modifications where an application is made under section 93J of the 1988 Act for disclosure of information held by government departments.

[^{F190}III: TERRORISM ACT 2000]

Textual Amendments

F190 Sch. 1 RSC Order 115 Section 3 heading substituted (31.5.2001) by [The Civil Procedure \(Amendment No. 2\) Rules 2001 \(S.I. 2001/1388\)](#), rules 1(c), **16(a)**

Interpretation **E+W**

Rule 24 In this Part of this Order—

- (a) “the Act” means [^{F191}Terrorism Act 2000];
- (b) “Schedule 4” means Schedule 4 to the Act; ^{F192}...
- [^{F193}[^{F194}(c)] “the prosecutor” means the person with conduct of proceedings which have been instituted in England and Wales for an offence under any of sections 15 to 18 of the Act, or the person who the High Court is satisfied will have the conduct of [^{F195}any proceedings] for such an offence;] ^{F196}...
- [^{F197}(d) “domestic freezing order certificate” means a certificate made by the High Court under paragraph 11B of Schedule 4 in relation to property in a country other than the United Kingdom;
- (e) “overseas freezing order” means an order made in accordance with paragraph 11D of Schedule 4 in relation to property in the United Kingdom;
- (f) “British Islands order” means a Scottish order, a Northern Ireland order or an Islands order as defined in paragraph 12 of Schedule 4; and]
- [^{F198}(g)] [^{F199}other] expressions used have the same meanings as they have in [^{F200}Schedule 4 to] the Act.

Textual Amendments

F191 Words in Sch. 1 RSC Order 115 rule 24(a) substituted (31.5.2001) by [The Civil Procedure \(Amendment No. 2\) Rules 2001 \(S.I. 2001/1388\)](#), rules 1(c), **16(b)(i)**

F192 Word in Sch. 1 RSC Order 115 rule 24(b) omitted (31.5.2001) by virtue of [The Civil Procedure \(Amendment No. 2\) Rules 2001 \(S.I. 2001/1388\)](#), rules 1(c), **16(b)(ii)**

F193 Sch. 1 RSC Order 115 rule 24(ba) inserted (31.5.2001) by [The Civil Procedure \(Amendment No. 2\) Rules 2001 \(S.I. 2001/1388\)](#), rules 1(c), **16(b)(iii)**

F194 Sch. 1 RSC Order 115 rule 24(ba) renumbered as Sch. 1 RSC Order 115 rule 24(c) (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(2)(a)**

F195 Words in Sch. 1 RSC Order 115 rule 24(ba) substituted (20.12.2001) by [The Civil Procedure \(Amendment No. 6\) Rules 2001 \(S.I. 2001/4016\)](#), rules 1, **2(a)**

F196 Word in Sch. 1 RSC Order 115 rule 24(c) omitted (1.10.2010) by virtue of [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(2)(c)(i)**

F197 Sch. 1 RSC Order 115 rule 24(d)-(f) inserted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(2)(c)(ii)**

F198 Sch. 1 RSC Order 115 rule 24(c) renumbered as Sch. 1 RSC Order 115 rule 24(g) (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(2)(b)**

F199 Word in Sch. 1 RSC Order 115 rule 24(c) inserted (31.5.2001) by [The Civil Procedure \(Amendment No. 2\) Rules 2001 \(S.I. 2001/1388\)](#), rules 1(c), **16(b)(iv)**

F200 Words in Sch. 1 RSC Order 115 rule 24(c) substituted (31.5.2001) by [The Civil Procedure \(Amendment No. 2\) Rules 2001 \(S.I. 2001/1388\)](#), rules 1(c), **16(b)(v)**

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The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Assignment of proceedings E+W

Rule 25.—(1) Subject to paragraph (2), the jurisdiction of the High Court under the Act shall be exercised by a judge of the Queen’s Bench Division or of the Chancery Division ^{F201}...

(2) The jurisdiction conferred on the High Court by [^{F202}paragraph 13] of Schedule 4 may also be exercised by a master of the Queen’s Bench Division.

Textual Amendments
F201 Words in Sch. 1 RSC Order 115 rule 25(1) omitted (26.4.1999) by virtue of The Civil Procedure (Amendment) Rules 1999 (S.I. 1999/1008), rules 1, **62(j)**
F202 Words in Sch. 1 RSC Order 115 rule 25 substituted (1.10.2010) by The Civil Procedure (Amendment No.2) Rules 2010 (S.I. 2010/1953), rules 1(2), **11(3)**

Application for restraint order [^{F203}and domestic freezing order certificate] E+W

Rule 26.—(1) An application for a restraint order [^{F204}and, where relevant, a domestic freezing order certificate under paragraphs 5 and 11B] of Schedule 4 may be made by the prosecutor by a claim form, which need not be served on any person.

(2) An application under paragraph (1) shall be supported by a witness statement or affidavit, which shall:—

- [^{F205}(a) state, as the case may be, either—
 - (i) that proceedings have been instituted against a person for an offence under any of sections 15 to 18 of the Act and that they have not been concluded; or
 - (ii) that a criminal investigation has been started in England and Wales with regard to such an offence,and in either case give details of the alleged or suspected offence and of the defendant’s involvement;]

- (b) [^{F206}where proceedings have been instituted,] state, as the case may be, that a forfeiture order has been made in the proceedings or the grounds for believing that such an order may be made;

- [^{F207}(ba) where proceedings have not been instituted—
 - (i) indicate the state of progress of the investigation and when it is anticipated that a decision will be taken on whether to institute proceedings against the defendant;
 - (ii) state the grounds for believing that a forfeiture order may be made in any proceedings against the defendant; and
 - (iii) verify that the prosecutor is to have the conduct of any such proceedings;]

- (c) to the best of the witness’s ability, give full particulars of the property in respect of which [^{F208}the restraint order and, where relevant, the domestic freezing order certificate] is sought and specify the person or persons holding such property and any other persons having an interest in it[^{F209}.]

^{F210}(d)

^{F210}(e)

[^{F211}(2A) An applicant who seeks a domestic freezing order certificate must—

- (a) prepare a draft of the certificate in accordance with paragraph 11B of Schedule 4; and
- (b) attach it to the application for the restraint order under paragraph (1).]

(3) A claim form under paragraph (1) shall be entitled in the matter of the defendant, naming him, and in the matter of the Act, and all subsequent documents in the matter shall be so entitled.

(4) Unless the [F212court] otherwise directs, a witness statement or affidavit under paragraph (2) may contain statements of information or belief with the sources and grounds thereof.

Textual Amendments

- F203** Words in Sch. 1 RSC Order 115 rule 26 heading inserted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(4)**
- F204** Words in Sch. 1 RSC Order 115 rule 26(1) substituted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(5)(a)**
- F205** Sch. 1 RSC Order 115 rule 26(2)(a) substituted (20.12.2001) by [The Civil Procedure \(Amendment No. 6\) Rules 2001 \(S.I. 2001/4016\)](#), rules 1, **2(b)(i)**
- F206** Words in Sch. 1 RSC Order 115 rule 26(2)(b) inserted (20.12.2001) by [The Civil Procedure \(Amendment No. 6\) Rules 2001 \(S.I. 2001/4016\)](#), rules 1, **2(b)(ii)**
- F207** Sch. 1 RSC Order 115 rule 26(2)(ba) inserted (20.12.2001) by [The Civil Procedure \(Amendment No. 6\) Rules 2001 \(S.I. 2001/4016\)](#), rules 1, **2(b)(iii)**
- F208** Words in Sch. 1 RSC Order 115 rule 26(2)(c) substituted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(5)(b)(i)**
- F209** Sch. 1 RSC Order 115 rule 26(2)(c): semicolon substituted for full stop (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(5)(b)(ii)**
- F210** Sch. 1 RSC Order 115 rule 26(2)(d)(e) omitted (20.12.2001) by virtue of [The Civil Procedure \(Amendment No. 6\) Rules 2001 \(S.I. 2001/4016\)](#), rules 1, **2(b)(iv)**
- F211** Sch. 1 RSC Order 115 rule 26(2A) inserted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(5)(c)**
- F212** Word in Sch. 1 RSC Order 115 rule 26(4) substituted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(5)(d)**

Restraint order **E+W**

Rule 27.—(1) A restraint order may be made subject to conditions and exceptions, including but not limited to conditions relating to the indemnifying of third parties against expenses incurred in complying with the order, and exceptions relating to living expenses and legal expenses of the defendant, but the prosecutor shall not be required to give an undertaking to abide by any order as to damages sustained by the defendant as a result of the restraint order.

(2) Unless the [F213court] otherwise directs, a restraint order made without notice of [F214the application for] it being served on any person shall have effect until a day which shall be fixed for the hearing where all parties may attend on the application.

(3) Where a restraint order is made the prosecutor shall serve copies of the order and [F215, unless the court otherwise orders,] of the witness statement or affidavit in support on the defendant and on all other persons affected by the order.

[F216(4) Where a domestic freezing order certificate is made it must be served with the copies of the restraint order as provided for in paragraph (3).]

Textual Amendments

- F213** Word in Sch. 1 RSC Order 115 rule 27(2) substituted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(6)(a)**
- F214** Words in Sch. 1 RSC Order 115 rule 27(2) inserted (31.5.2001) by [The Civil Procedure \(Amendment No. 2\) Rules 2001 \(S.I. 2001/1388\)](#), rules 1(c), **16(e)**

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Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

F215 Words in Sch. 1 RSC Order 115 rule 27(3) inserted (20.12.2001) by [The Civil Procedure \(Amendment No. 6\) Rules 2001 \(S.I. 2001/4016\)](#), rules 1, **2(c)**

F216 Sch. 1 RSC Order 115 rule 27(4) inserted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(6)(b)**

Discharge or variation of [^{F217}a restraint order and a domestic freezing order certificate] **E **+W****

Rule 28.—(1) Subject to paragraph (2), an application to discharge or vary a restraint order shall be made in accordance with CPR Part 23.

(2) Where the case is one of urgency, an application under this rule by the prosecutor may be made without notice.

(3) The application and any witness statement or affidavit in support shall be lodged with the court and, where the application is made in accordance with CPR Part 23 the application notice shall be served on the following persons (other than the applicant)—

- (a) the prosecutor;
- (b) the defendant; and
- (c) all other persons restrained or otherwise affected by the [^{F218}restraint] order;

not less than two clear days before the date fixed for the hearing of the application.

(4) Where a restraint order has been made and has not been discharged, the prosecutor shall notify the court when proceedings for the offence have been concluded, and the court shall thereupon discharge the restraint order.

(5) Where an order is made discharging or varying a restraint order, the applicant shall serve copies of the order of discharge or variation on all persons restrained by the earlier order and shall notify all other persons affected of the terms of the order of discharge or variation.

[^{F219}(6) A reference in this rule to a restraint order also applies, where relevant, to a domestic freezing order certificate.

(7) Where an order is made under paragraph (5) which discharges or varies a domestic freezing order certificate the applicant must notify the court or authority in accordance with paragraph 11C of Schedule 4.]

Textual Amendments

F217 Words in Sch. 1 RSC Order 115 rule 28 heading substituted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(7)**

F218 Word in Sch. 1 RSC Order 115 rule 28(3)(c) inserted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(8)(a)**

F219 Sch. 1 RSC Order 115 rule 28(6), (7) inserted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(8)(b)**

Compensation [^{F220}in relation to a restraint order, domestic freezing order certificate or forfeiture order] **E+W**

Rule 29 An application for an order under [^{F221}paragraph 9 or 10 of Schedule 4] shall be made in accordance with CPR Part 23, and the application notice, shall be served, with any supporting evidence, on the person alleged to be in default and on [^{F222}the person or body by whom compensation, if ordered, will be payable under paragraph 9(6) or 10(4)] not less than 7 days before the date fixed for the hearing of the application.

Textual Amendments

- F220** Words in Sch. 1 RSC Order 115 rule 29 heading inserted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(9)**
- F221** Words in Sch. 1 RSC Order 115 rule 29 substituted (31.5.2001) by [The Civil Procedure \(Amendment No. 2\) Rules 2001 \(S.I. 2001/1388\)](#), rules 1(c), **16(f)(i)**
- F222** Words in Sch. 1 RSC Order 115 rule 29 substituted (31.5.2001) by [The Civil Procedure \(Amendment No. 2\) Rules 2001 \(S.I. 2001/1388\)](#), rules 1(c), **16(f)(ii)**

Application for registration [^{F223}of a British Islands order] **E+W**

Rule 30 An application for registration of a [^{F224}British Islands order under paragraph 13(4) of Schedule 4] must be made in accordance with CPR Part 23 and may be made without notice.

Textual Amendments

- F223** Words in Sch. 1 RSC Order 115 rule 30 heading inserted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(10)**
- F224** Words in Sch. 1 RSC Order 115 rule 30 substituted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(11)**

[^{F225}Evidence in support of an application for registration of a British Islands order] **E+W**

Rule 31.—(1) An application for registration of [^{F226}a British Islands order] must be supported by a witness statement or affidavit—

- (a) exhibiting the order or a certified copy thereof, and
- (b) which shall, to the best of the witness's ability, give particulars of such property in respect of which the order was made as is in England and Wales, and specify the person or persons holding such property.

(2) Unless the Court otherwise directs, a witness statement or affidavit for the purposes of this rule may contain statements of information or belief with the sources and grounds thereof.

Textual Amendments

- F225** Words in Sch. 1 RSC Order 115 rule 31 heading substituted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(12)**
- F226** Words in Sch. 1 RSC Order 115 rule 31(1) substituted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(13)**

[^{F227}Register of all orders registered under the Act] **E+W**

Rule 32.—(1) There [^{F228}will] be kept in the Central Office [^{F229}at the Royal Courts of Justice in London] under the direction of the Master of the [^{F230}Administrative Court] a register of the orders registered under the Act.

(2) There shall be included in such register particulars of any variation or setting aside of a registration, and of any execution issued on a registered order.

Status: Point in time view as at 01/10/2012.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Textual Amendments

- F227** Words in Sch. 1 RSC Order 115 rule 32 heading substituted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(14)**
- F228** Word in Sch. 1 RSC Order 115 rule 32(1) substituted (6.4.2009) by [The Civil Procedure \(Amendment No.3\) Rules 2008 \(S.I. 2008/3327\)](#), rules 1, **14(b)(i)**
- F229** Words in Sch. 1 RSC Order 115 rule 32(1) inserted (6.4.2009) by [The Civil Procedure \(Amendment No.3\) Rules 2008 \(S.I. 2008/3327\)](#), rules 1, **14(b)(ii)**
- F230** Words in Sch. 1 RSC Order 115 rule 32(1) substituted (31.5.2001) by [The Civil Procedure \(Amendment No. 2\) Rules 2001 \(S.I. 2001/1388\)](#), rules 1(c), **16(g)**

Notice of registration [^{F231}of a British Islands order] **E+W**

Rule 33.—(1) Notice of the registration of [^{F232}a British Islands order] must be served on the person or persons holding the property referred to in rule 31(1)(b) and any other persons appearing to have an interest in that property.

[^{F233}(2) Permission is not required to serve such a notice out of the jurisdiction and CPR rules [^{F234}6.40, 6.42 and 6.46] apply in relation to such notice as they apply in relation to a claim form.]

Textual Amendments

- F231** Words in Sch. 1 RSC Order 115 rule 33 heading inserted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(15)**
- F232** Words in Sch. 1 RSC Order 115 rule 33(1) substituted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(16)**
- F233** Sch. 1 RSC Order 115 rule 33(2) substituted (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rules 1(b), **31**
- F234** Words in Sch. 1 RSC Order 115 rule 33(2) substituted (1.10.2008) by [The Civil Procedure \(Amendment\) Rules 2008 \(S.I. 2008/2178\)](#), rules 1(2), **39(b)**

Application to vary or [^{F235}cancel registration of a British Islands order] **E+W**

Rule 34 An application to vary or [^{F236}cancel] the registration of [^{F237}a British Islands order] must be made to a judge in accordance with CPR Part 23 and be supported by a witness statement or affidavit.

This rule does not apply to a variation or cancellation under rule 36.

Textual Amendments

- F235** Words in Sch. 1 RSC Order 115 rule 34 heading substituted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(17)**
- F236** Word in Sch. 1 RSC Order 115 rule 34 substituted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(18)(a)**
- F237** Words in Sch. 1 RSC Order 115 rule 34 substituted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(18)(b)**

Enforcement of [^{F238} a British Islands order] E+W

Rule 35.—(2) If an application is made under rule 34, an order shall not be enforced until after such application is determined.

(3) This rule does not apply to the taking of steps under [^{F239} paragraph 7 or 8] of Schedule 4, as applied by [^{F240} paragraph 13(6)] of that Schedule.

Textual Amendments

F238 Words in Sch. 1 RSC Order 115 rule 35 heading substituted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(19)**

F239 Words in Sch. 1 RSC Order 115 rule 35(3) substituted (31.5.2001) by [The Civil Procedure \(Amendment No. 2\) Rules 2001 \(S.I. 2001/1388\)](#), rules 1(c), **16(h)(i)**

F240 Words in Sch. 1 RSC Order 115 rule 35(3) substituted (31.5.2001) by [The Civil Procedure \(Amendment No. 2\) Rules 2001 \(S.I. 2001/1388\)](#), rules 1(c), **16(h)(ii)**

Variation and cancellation of registration [^{F241} of a British Islands order] E+W

Rule 36 If effect has been given (whether in England or Wales or elsewhere) to a [^{F242} British Islands order], or if the order has been varied or discharged by the court by which it was made, the applicant for registration shall inform the court and—

- (a) if such effect has been given in respect of all the money or other property to which the order applies, or if the order has been discharged by the court by which it was made, registration of the order shall be cancelled;
- (b) if such effect has been given in respect of only part of the money or other property, or if the order has been varied by the court by which it was made, registration of the order shall be varied accordingly.

Textual Amendments

F241 Words in Sch. 1 RSC Order 115 rule 36 title inserted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(20)**

F242 Words in Sch. 1 RSC Order 115 rule 36 substituted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(21)**

[^{F243} Giving effect to an overseas freezing order – consideration by the court] E+W

36A.—(1) Save in exceptional circumstances the court will consider an overseas freezing order the next business day after receipt of a copy of that order from the Secretary of State.

(2) In any event the court will consider the order within 5 business days of receipt of it.

(3) The court will not make an order giving effect to an overseas freezing order unless it is satisfied that the Director of Public Prosecutions has had the opportunity to make representations to the court in writing or at a hearing.

(4) ‘Business day’ has the same meaning as in CPR rule 6.2.

Status: Point in time view as at 01/10/2012.

Changes to legislation: There are currently no known outstanding effects for the *The Civil Procedure Rules 1998, SCHEDULE 1.* (See end of Document for details)

Textual Amendments

F243 Sch. 1 RSC Order 115 rules 36A-36D inserted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(22)**

Giving effect to an overseas freezing order – registration **E+W**

36B. Where the court makes an order to give effect to an overseas freezing order the court will register that order in accordance with rule 32.

Textual Amendments

F243 Sch. 1 RSC Order 115 rules 36A-36D inserted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(22)**

Notice of registration of an overseas freezing order **E+W**

36C. Where the court gives effect to an overseas freezing order it will order the Director of Public Prosecutions to serve notice of registration of the order on any persons affected by it.

Textual Amendments

F243 Sch. 1 RSC Order 115 rules 36A-36D inserted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(22)**

Application to cancel the registration of, or vary, an overseas freezing order **E+W**

36D. An application under paragraph 11G(4) of Schedule 4 by the Director of Public Prosecutions or any person affected by an overseas freezing order must be made to the court in accordance with CPR Part 23.]

Textual Amendments

F243 Sch. 1 RSC Order 115 rules 36A-36D inserted (1.10.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **11(22)**

^{F244}Part IV International Criminal Court Act 2001: fines, forfeitures and reparation orders

Textual Amendments

F244 Sch. 1 RSC Order 115 Pt. 4 inserted (6.10.2003) by [The Civil Procedure \(Amendment No. 4\) Rules 2003 \(S.I. 2003/2113\)](#), rules 1(c), **17**

Interpretation **E+W**

37. In this Part of this Order—

- (a) “the Act” means the International Criminal Court Act 2001;
- (b) “the ICC” means the International Criminal Court;

Status: Point in time view as at 01/10/2012.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

- (c) “an order of the ICC” means—
 - (i) a fine or forfeiture ordered by the ICC; or
 - (ii) an order by the ICC against a person convicted by the ICC specifying a reparation to, or in respect of, a victim.

Registration of ICC orders for enforcement E+W

38.—(1) An application to the High Court to register an order of the ICC for enforcement, or to vary or set aside the registration of an order, may be made to a judge or a Master of the Queen’s Bench Division.

(2) Rule 13 and rules 15 to 20 in Part I of this Order shall, with such modifications as are necessary and subject to the provisions of any regulations made under section 49 of the Act, apply to the registration for enforcement of an order of the ICC as they apply to the registration of an external confiscation order.]

^{F245}**RSC ORDER 116** E+W

THE CRIMINAL PROCEDURE AND INVESTIGATIONS ACT 1996

Textual Amendments

F245 Sch. 1 RSC Order 116 omitted (1.10.2010) by virtue of [The Civil Procedure \(Amendment No.2\) Rules 2010 \(S.I. 2010/1953\)](#), rules 1(2), **12**

Application E+W

^{F245}**1.**

Interpretation E+W

^{F245}**2.**

Assignment of proceedings E+W

^{F245}**3.**

Time limit for making application E+W

^{F245}**4.**

Application E+W

^{F245}**5.**

Notice to the acquitted person E+W

^{F245}**6.**

Status: Point in time view as at 01/10/2012.

Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, SCHEDULE 1. (See end of Document for details)

Witness statement or affidavit of service on an acquitted person **E+W**

^{F245}7.

Response of acquitted person **E+W**

^{F245}8.

Evidence **E+W**

^{F245}9.

Determination of the application **E+W**

^{F245}10.

Status:

Point in time view as at 01/10/2012.

Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 1.