

SCHEDULE 1

Commencement Information

II Sch. 1 in force at 26.4.1999, see [Signature](#)

RSC ORDER 50

CHARGING ORDERS, STOP ORDERS, ETC.

Order imposing a charge on an interest held by a trustee

Rule 4.—(1) Save as provided by this rule, the provisions of rules 1, 2 and 3 shall apply to an order charging an interest held by a trustee as they apply to an order charging the judgment debtor’s beneficial interest.

(2) Instead of verifying the judgment debtor’s beneficial ownership of the interest to be charged, the witness statement or affidavit required by rule 1 (3) shall state the ground on which the application is based and shall verify the material facts.

(3) On making the order to show cause, the Court shall give directions for copies of the order, and of the witness statement or affidavit in support, to be served on such of the trustees and beneficiaries, if any, as may be appropriate.

(4) Rules 5, 6 and 7 shall apply to an order charging an interest held by a trustee as they apply to an order charging the judgment debtor’s beneficial interest, except that, where the order is made under sub—section (ii) or (iii) of section 2 (1)(b) of the Act references in those rules to “the judgment debtor” shall be references to the trustee.

(5) Forms No. 75 and 76 in the relevant Practice Direction shall be modified so as to indicate that the interest to be charged is held by the debtor as trustee or, as the case may be, that it is held by a trustee (to be named in the order) on trust for the debtor beneficially.

Status:

Point in time view as at 26/04/1999.

Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Paragraph Rule 4.