

SCHEDULE 2

Commencement Information

II Sch. 2 in force at 26.4.1999, see Signature

CCR ORDER 37

REHEARING, SETTING ASIDE AND APPEAL FROM DISTRICT JUDGE

Rehearing

Rule 1.—(1) In any proceedings tried without a jury the judge shall have power on application to order a rehearing where no error of the court at the hearing is alleged.

(2) Unless the court otherwise orders, any application under paragraph (1) shall be made to the judge by whom the proceedings were tried.

(3) A rehearing may be ordered on any question without interfering with the finding or decision on any other question.

(4) Where the proceedings were tried by the district judge, the powers conferred on the judge by paragraphs (1) and (3) shall be exercisable by the district judge and paragraph (2) shall not apply.

(5) Any application for a rehearing under this rule shall be made on notice stating the grounds of the application and the notice shall be served on the opposite party not more than 14 days after the day of the trial and not less than 7 days before the day fixed for the hearing of the application.

(6) On receipt of the notice, the court officer shall, unless the court otherwise orders, retain any money in court until the application has been heard.

Appeal from district judge

F1 Rule 6

Textual Amendments

F1 Sch. 2 CCR Order 37 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)

Imposition of terms and stay of execution

Rule 8.—(1) An application to the judge or district judge under any of the foregoing rules may be granted on such terms as he thinks reasonable.

(2) Notice of any such application shall not of itself operate as a stay of execution on the judgment or order to which it relates but the court may order a stay of execution pending the hearing of the application or any rehearing or new trial ordered on the application.

F2(3)

Status: Point in time view as at 25/03/2002.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, CCR ORDER 37. (See end of Document for details)

Textual Amendments

F2 Sch. 2 CCR Order 37(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)**)

Status:

Point in time view as at 25/03/2002.

Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, CCR ORDER 37.