

SCHEDULE 2

Commencement Information

II Sch. 2 in force at 26.4.1999, see [Signature](#)

CCR ORDER 49

MISCELLANEOUS STATUTES

Access to Neighbouring Land Act 1992(1)

^{F1}Rule 1

Textual Amendments

F1 Sch. 2 CCR Order 49 rule 1 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), [Sch. 3](#)

Administration of Justice Act 1970(2)

^{F2}Rule 1A

Textual Amendments

F2 Sch. 2 CCR Order 49 rule 1A revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), [Sch. 3](#)

Chancel Repairs Act 1932(3)

^{F3}Rule 2

Textual Amendments

F3 Sch. 2 CCR Order 49 rule 2 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), [Sch. 3](#)

Consumer Credit Act 1974(4)

^{F4}Rule 4

(1) 1992 c. 23.
(2) 1970 c. 31.
(3) 1932 c. 20.
(4) 1974 c. 39.

Status: Point in time view as at 01/10/2004.
Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, CCR ORDER 49. (See end of Document for details)

Textual Amendments

F4 Sch. 2 CCR Order 49 rule 4 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

Applications under section 114, 204 and 231 of the Copyright, Designs and Patents Act 1988

F5 **Rule 4A**

Textual Amendments

F5 Sch. 2 CCR Order 49 rule 4A revoked (6.10.2003) by [The Civil Procedure \(Amendment No. 4\) Rules 2003 \(S.I. 2003/2113\)](#), rules 1(c), **19(d)**

Fair Trading Act 1973

F6 **Rule 5**

Textual Amendments

F6 Sch. 2 CCR Order 49 rule 5 revoked (6.10.2003) by [The Civil Procedure \(Amendment No. 4\) Rules 2003 \(S.I. 2003/2113\)](#), rules 1(c), **19(d)**

Housing Act 1988: assured tenancies

F7 **Rule 6**

Textual Amendments

F7 Sch. 2 CCR Order 49 rule 6 revoked (2.10.2000) by [The Civil Procedure \(Amendment No. 4\) Rules 2000 \(S.I. 2000/2092\)](#), rules 1, **27**

Housing Act 1988: assured shorthold tenancies

F8 **Rule 6A**

Textual Amendments

F8 Sch. 2 CCR Order 49 rule 6A revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

Housing Act 1996: injunctions ^{F9}...

F10 **Rule 6B**

Textual Amendments

- F9** Words in Sch. 2 CCR Order 49 rule 6B heading omitted (15.10.2001) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), rules 1(b), **23(a)** (with rule 24)
- F10** Sch. 2 CCR Order 49 rule 6B revoked (30.6.2004) by [The Civil Procedure \(Amendment\) Rules 2004 \(S.I. 2004/1306\)](#), rules 1(b), **21(d)** (with rule 20(2)(b))

Injunctions to prevent environmental harm: Town and Country Planning Act 1990 etc.

Rule 7.—(1) An injunction under—

- (a) section 187B or 214A of the Town and Country Planning Act 1990**(5)**,
- (b) section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990**(6)**, or
- (c) section 26AA of the Planning (Hazardous Substances) Act 1990**(7)**,

may be granted against a person whose identity is unknown to the applicant; and in the following provisions of this rule such an injunction against such a person is referred to as “an injunction under paragraph (1)”, and the person against whom it is sought is referred to as “the respondent”.

(2) An applicant for an injunction under paragraph (1) shall, describe the respondent by reference to—

- (a) a photograph,
- (b) a thing belonging to or in the possession of the respondent, or
- (c) any other evidence,

with sufficient particularity to enable service to be effected, and the form of the claim form used shall be modified accordingly.

(3) An applicant for an injunction under paragraph (1) shall file evidence by witness statement or affidavit—

- (a) verifying that he was unable to ascertain, within the time reasonably available to him, the respondent’s identity.
- (b) setting out the action taken to ascertain the respondent’s identity and
- (c) verifying the means by which the respondent has been described in the claim form and that the description is the best that the applicant is able to provide.

(4) Paragraph (2) is without prejudice to the power of the court to make an order in accordance with CPR Part 6 for service by an alternative method or dispensing with service.

Leasehold Reform Act 1967(8)

^{F11}**Rule 8**

(5) 1990 c. 8; section 187B was amended by the Planning and Compensation Act 1991 (c. 34), section 3; and section 214A was amended by the section 23(7) of that Act.

(6) 1990 c. 9; section 44A was amended by the Planning and Compensation Act 1991 (c. 34), section 25, schedule 3, Part 1, paragraph 7.

(7) 1990 c. 10; section 26AA was inserted by the Planning and Compensation Act 1991 (c. 34), section 25, schedule 3, Part I, paragraph 15.

(8) 1967 c. 88; section 11 was amended by the [Rentcharges Act 1977 \(c. \)](#), section 17(2), schedule 2. Section 21 was amended by the [Housing Act 1980 \(c. 51\)](#), sections 142, 152, schedule 22, Part II, paragraph 8, schedule 26; by the [County Courts Act 1984 \(c. 28\)](#), section 148(1), schedule 2, Part V, paragraph 31; by the [Leasehold Reform, Housing and Urban Development Act 1993 \(c. 28\)](#), section 187(1), schedule 21, paragraph 4; and by the [Housing Act 1996 \(c. 52\)](#), sections 115, 116, schedule 11, paragraph 1(2).

Status: Point in time view as at 01/10/2004.
Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, CCR ORDER 49. (See end of Document for details)

Textual Amendments

F11 Sch. 2 CCR Order 49 rule 8 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

Leasehold Reform, Housing and Urban Development Act 1993(9)

^{F12}**Rule 9**

Textual Amendments

F12 Sch. 2 CCR Order 49 rule 9 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

Local Government Finance Act 1982(10)

^{F13}**Rule 10**

Textual Amendments

F13 Sch. 2 CCR Order 49 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)

Local Government (Miscellaneous Provisions) Act 1976(11)

^{F14}**Rule 11**

Textual Amendments

F14 Sch. 2 CCR Order 49 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)

Mental Health Act 1983(12)

Rule 12.—(1) In this rule— a section referred to by number means the section so numbered in the Mental Health Act 1983 and “Part II” means Part II of that Act;

“place of residence” means, in relation to a patient who is receiving treatment as an in-patient in a hospital or other institution, that hospital or institution;

“hospital authority” means the managers of a hospital as defined in section 145 (1).

- (9) [1993 c. 28](#); section 26 was amended by the [Housing Act 1996 \(c. 52\)](#).
- (10) [1982 c. 32](#); sections 19 and 20 were amended by the [National Health Service and Community Care Act 1990 \(c. 19\)](#), section 20, schedule 4, paragraphs 9 and 10; by the [Education Reform Act 1988 \(c. 40\)](#), section 237(2), schedule 13, Part I; by the [Police and Magistrates' Courts Act 1994 \(c. 29\)](#), section 43, schedule 4, Part I, paragraphs 26 and 27; by the [Police Act 1996 \(c. 16\)](#), section 103(1), schedule 7, Part I, paragraph 1, and by the [Police Act 1997 \(c. 50\)](#), section 88, schedule 6, paragraphs 19 and 21; and by [S.I. 1991/724](#) and [1996/3141](#).
- (11) [1976 c. 57](#); section 23 was amended by [S.I. 1996/3071](#). Section 35 was amended by the [Local Government Act 1985 \(c. 51\)](#), section 102(2), schedule 17 and by [S.I. 1996/3071](#).
- (12) [1983 c. 20](#); section 145(1) was amended by the [Health Authorities Act 1995 \(c. 17\)](#), section 2(1), schedule 1, Part III, paragraph 107; by the [National Health Service and Community Care Act 1990 \(c. 19\)](#), section 66(1), schedule 9, paragraph 24(9); and by the [Mental Health \(Amendment\) Act 1994 \(c. 6\)](#), section 1.

Status: Point in time view as at 01/10/2004.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, CCR ORDER 49. (See end of Document for details)

(2) An application to a county court under Part II shall be made by a claim form filed in the court for the district in which the patients' place of residence is situated or, in the case of an application made under section 30 for the discharge or variation of an order made under section 29, in that court or in the court which made the order.

(3) Where an application is made under section 29 for an order that the functions of the nearest relative of the patient shall be exercisable by some other person—

- (a) the nearest relative shall be made a respondent to the application unless the application is made on the grounds set out in subsection (3)(a) of the said section or the court otherwise orders, and
- (b) the court may order that any other person, not being the patient, shall be made a respondent.

(4) On the hearing of the application the court may accept as evidence of the facts stated therein any report made by a medical practitioner and any report made in the course of his official duties by—

- (a) a probation officer, or
- (b) an officer of a local authority or of a voluntary organisation exercising statutory functions on behalf of a local authority, or
- (c) an officer of a hospital authority:

Provided that the respondent shall be told the substance of any part of the report bearing on his fitness or conduct which the judge considers to be material for the fair determination of the application.

(5) Unless otherwise ordered, an application under Part II shall be heard and determined by the court sitting in private.

(6) For the purpose of determining the application the judge may interview the patient either in the presence of or separately from the parties and either at the court or elsewhere, or may direct the district judge to interview the patient and report to the judge in writing.

Mobile Homes Act 1983(13)

^{F15}**Rule 13**

Textual Amendments

F15 Sch. 2 CCR Order 49 rule 13 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

[^{F16}Postal Services Act 2000]

Rule 15.—(1) An application under [^{F17}section 92 of the Postal Services Act 2000] for permission to bring proceedings in the name of the sender or addressee of a postal packet or his personal representatives shall be made by a claim form.

(2) The respondents to the application shall be the [^{F18}universal service provider] and the person in whose name the applicant seeks to bring proceedings.

Textual Amendments

F16 Sch. 2 CCR Order 49 rule 15 heading substituted (26.3.2001) by [The Postal Services Act 2000 \(Consequential Modifications No. 1\) Order 2001 \(S.I. 2001/1149\)](#), art. 1(2), **Sch. 1 para. 123(3)(a)**

Status: Point in time view as at 01/10/2004.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, CCR ORDER 49. (See end of Document for details)

- F17** Words in Sch. 2 CCR Order 49 rule 15(1) substituted (26.3.2001) by The Postal Services Act 2000 (Consequential Modifications No. 1) Order 2001 (S.I. 2001/1149), art. 1(2), **Sch. 1 para. 123(3)(b)**
- F18** Words in Sch. 2 CCR Order 49 rule 15(2) substituted (26.3.2001) by The Postal Services Act 2000 (Consequential Modifications No. 1) Order 2001 (S.I. 2001/1149), art. 1(2), **Sch. 1 para. 123(3)(c)**

Rentcharges Act 1977(14)

F19Rule 16

Textual Amendments

F19 Sch. 2 CCR Order 49 rule 16 revoked (15.10.2001) by The Civil Procedure (Amendment) Rules 2001 (S.I. 2001/256), rule 1(d), **Sch. 3**

[F20]Sex Discrimination Act 1975, Race Relations Act 1976, Disability Discrimination Act 1995 and Disability Rights Commission Act 1999]

Rule 17.—(1) In this rule—

[F21](a) “the Act of 1975”, “the Act of 1976 ”, “the Act of 1995” and “the Act of 1999” mean respectively the Sex Discrimination Act 1975, the Race Relations Act 1976, the Disability Discrimination Act 1995 and the Disability Rights Commission Act 1999;]

[F22](aa) “the Religion or Belief Regulations” means the Employment Equality (Religion or Belief) Regulations 2003 and “the Sexual Orientation Regulations” means the Employment Equality (Sexual Orientation) Regulations 2003;]

[F23](b) in relation to proceedings under any of those Acts or Regulations, expressions which are used in the Act or Regulations concerned have the same meanings in this rule as they have in that Act or those Regulations;]

(c) in relation to proceedings under the Act of 1976 “court” means a designated county court and “district” means the district assigned to such a court for the purposes of that Act.

(2) A claimant who brings a claim under section 66 of the Act of **[F24]1975,**] section 57 of the Act of 1976 **[F25]**or section 25 of the Act of 1995] shall forthwith give notice to the Commission of the commencement of the proceedings and file a copy of the notice.

(3) CPR Rule 35.15 shall have effect in relation to an assessor who is to be appointed in proceedings under section 66 (1) of the Act of 1975.

(4) Proceedings under section 66, 71 or 72 of the Act of **[F26]1975,**]**[F27]**section 57, 62 or 63 of the Act of 1976, regulation 31 of the Religion or Belief Regulations or regulation 31 of the Sexual Orientation Regulations]**[F28,** **[F29]**section 17B or 25] of the Act of 1995 or section 6 of the Act of 1999] may be commenced—

- (a)** in the court for the district in which the defendant resides or carries on business; or
- (b)** in the court for the district in which the act or any of the acts in respect of which the proceedings are brought took place.

(5) An appeal under section 68 of the Act of **[F30]1975,**] section 59 of the Act of 1976 **[F31]**or paragraph 10 of Schedule 3 to the Act of 1999] against a requirement of a non-discrimination notice shall be brought in the court for the district in which the acts to which the requirement relates were done.

(6) Where the claimant in any claim alleging discrimination has questioned the defendant under section 74 of the Act of 1975 [^{F32}, [^{F33}section 65] of the Act of 1976, regulation 33 of the Religion or Belief Regulations or regulation 33 of the Sexual Orientation Regulations] —

- (a) either party may make an application to the court in accordance with CPR Part 23 to determine whether the question or any reply is admissible under that section; and
- (b) CPR Rule 3.4, shall apply to the question and any answer as it applies to any statement of case.

(7) Where in any claim the Commission claim a charge for expenses incurred by them in providing the claimant with assistance under section 75 of the Act of [^{F34}1975,] section 66 of the Act of 1976 [^{F35}or section 7 of the Act of 1999] —

- (a) the Commission shall, within 14 days after the determination of the claim, give notice of the claim to the court and the claimant and thereafter no money paid into court for the benefit of the claimant, so far as it relates to any costs or expenses, shall be paid out except in pursuance of an order of the court, and
- (b) the court may order the expenses incurred by the Commission to be assessed whether by the summary or detailed procedure as if they were costs payable by the claimant to his own solicitor for work done in connection with the proceedings.

(8) Where an application is made for the removal or modification of any term of a contract to which section 77 (2) of the Act of [^{F36}1975,] section 72 (2) of the Act of 1976 [^{F37}, section 26 of [^{F38}or Schedule 3A to] the Act of 1995, paragraph 1(1) or (2) of Schedule 4 to the Religion or Belief Regulations or paragraph 1(1) or (2) of Schedule 4 to the Sexual Orientation Regulations] applies, all persons affected shall be made respondents to the application, unless in any particular case the court otherwise directs, and the proceedings may be commenced—

- (a) in the court for the district in which the respondent or any of the respondents resides or carries on business; or
- (b) in the court for the district in which the contract was made.

Textual Amendments

- F20** Sch. 2 CCR Order 49 rule 17 heading substituted (3.7.2000) by [The Civil Procedure \(Amendment No. 3\) Rules 2000 \(S.I. 2000/1317\)](#), rules 1, **38(a)** (with rule 39)
- F21** Sch. 2 CCR Order 49 rule 17(1)(a) substituted (3.7.2000) by [The Civil Procedure \(Amendment No. 3\) Rules 2000 \(S.I. 2000/1317\)](#), rules 1, **38(b)** (with rule 39)
- F22** Sch. 2 CCR Order 49 rule 17(1)(aa) inserted (1.2.2004) by [The Civil Procedure \(Amendment No. 5\) Rules 2003 \(S.I. 2003/3361\)](#), rules 1(a), **34(a)(i)**
- F23** Sch. 2 CCR Order 49 rule 17(1)(b) substituted (1.2.2004) by [The Civil Procedure \(Amendment No. 5\) Rules 2003 \(S.I. 2003/3361\)](#), rules 1(a), **34(a)(ii)**
- F24** Word in Sch. 2 CCR Order 49 rule 17(2) substituted (3.7.2000) by [The Civil Procedure \(Amendment No. 3\) Rules 2000 \(S.I. 2000/1317\)](#), rules 1, **38(c)(i)** (with rule 39)
- F25** Words in Sch. 2 CCR Order 49 rule 17(2) inserted (3.7.2000) by [The Civil Procedure \(Amendment No. 3\) Rules 2000 \(S.I. 2000/1317\)](#), rules 1, **38(c)(ii)** (with rule 39)
- F26** Word in Sch. 2 CCR Order 49 rule 17(4) substituted (3.7.2000) by [The Civil Procedure \(Amendment No. 3\) Rules 2000 \(S.I. 2000/1317\)](#), rules 1, **38(d)(i)** (with rule 39)
- F27** Words in Sch. 2 CCR Order 49 rule 17(4) substituted (1.2.2004) by [The Civil Procedure \(Amendment No. 5\) Rules 2003 \(S.I. 2003/3361\)](#), rules 1(a), **34(b)**
- F28** Words in Sch. 2 CCR Order 49 rule 17(4) inserted (3.7.2000) by [The Civil Procedure \(Amendment No. 3\) Rules 2000 \(S.I. 2000/1317\)](#), rules 1, **38(d)(ii)** (with rule 39)
- F29** Words in Sch. 2 CCR Order 49 rule 17(4) substituted (1.10.2004) by [The Civil Procedure \(Amendment No.2\) Rules 2004 \(S.I. 2004/2072\)](#), rules 1(b), **15(a)**

Status: Point in time view as at 01/10/2004.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, CCR ORDER 49. (See end of Document for details)

- F30** Word in Sch. 2 CCR Order 49 rule 17(5) substituted (3.7.2000) by The Civil Procedure (Amendment No. 3) Rules 2000 (S.I. 2000/1317), rules 1, **38(e)(i)** (with rule 39)
- F31** Words in Sch. 2 CCR Order 49 rule 17(5) inserted (3.7.2000) by The Civil Procedure (Amendment No. 3) Rules 2000 (S.I. 2000/1317), rules 1, **38(e)(ii)** (with rule 39)
- F32** Words in Sch. 2 CCR Order 49 rule 17(6) substituted (1.2.2004) by The Civil Procedure (Amendment No. 5) Rules 2003 (S.I. 2003/3361), rules 1(a), **34(c)**
- F33** Words in Sch. 2 CCR Order 49 rule 17(6) substituted (1.10.2004) by The Civil Procedure (Amendment No.2) Rules 2004 (S.I. 2004/2072), rules 1(b), **15(b)**
- F34** Word in Sch. 2 CCR Order 49 rule 17(7) substituted (3.7.2000) by The Civil Procedure (Amendment No. 3) Rules 2000 (S.I. 2000/1317), rules 1, **38(f)(i)** (with rule 39)
- F35** Words in Sch. 2 CCR Order 49 rule 17(7) inserted (3.7.2000) by The Civil Procedure (Amendment No. 3) Rules 2000 (S.I. 2000/1317), rules 1, **38(f)(ii)** (with rule 39)
- F36** Word in Sch. 2 CCR Order 49 rule 17(8) substituted (3.7.2000) by The Civil Procedure (Amendment No. 3) Rules 2000 (S.I. 2000/1317), rules 1, **38(g)(i)** (with rule 39)
- F37** Words in Sch. 2 CCR Order 49 rule 17(8) substituted (1.2.2004) by The Civil Procedure (Amendment No. 5) Rules 2003 (S.I. 2003/3361), rules 1(a), **34(d)**
- F38** Words in Sch. 2 CCR Order 49 rule 17(8) inserted (1.10.2004) by The Civil Procedure (Amendment No.2) Rules 2004 (S.I. 2004/2072), rules 1(b), **15(c)**

Solicitors Act 1974(15)

^{F39}**Rule 18**

.....

Textual Amendments

F39 Sch. 2 CCR Order 49 rule 18 omitted (26.4.1999) by virtue of The Civil Procedure (Amendment) Rules 1999 (S.I. 1999/1008), rules 1, **73(f)**

Telecommunications Act 1984(16)

Rule 18A.—(1) CPR Rule 35.15 applies to proceedings under paragraph 5 of Schedule 2 to the Telecommunications Act 1984.

Applications under section 19 of the Trade Marks Act 1994

^{F40}**Rule 18B**

.....

Textual Amendments

F40 Sch. 2 CCR Order 49 rule 18B revoked (6.10.2003) by The Civil Procedure (Amendment No. 4) Rules 2003 (S.I. 2003/2113), rules 1(c), **19(d)**

Trade Union and Labour Relations Consolidation Act 1992(17)

Rule 19.—(1) Where a complainant desires to have an order of the Certification Officer under section 82 of the Trade Union and Labour Relations Consolidation Act 1992 recorded in the county

(15) 1974 c. 47.
 (16) 1984 c. 12.
 (17) 1992 c. 52.

Status: Point in time view as at 01/10/2004.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, CCR ORDER 49. (See end of Document for details)

court, he shall produce the order and a copy thereof to the court for the district in which he resides or the head or main office of the trade union is situate.

(2) The order shall be recorded by filing it, and the copy shall be sealed and dated and returned to the complainant.

(3) The sealed copy shall be treated as if it were the notice of issue in a claim begun by the complainant.

(4) The costs, if any, allowed for recording the order shall be recoverable as if they were payable under the order.

(5) The order shall not be enforced until proof is given to the satisfaction of the court that the order has not been obeyed and, if the order is for payment of money, of the amount remaining unpaid.

Trustee Act 1925, s.63(18)

^{F41}**Rule 20**

Textual Amendments

F41 Sch. 2 CCR Order 49 rule 20 revoked (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rule 1(b), **Sch. 10**

(18) **1925 c. 19**; section 63 was amended by the [Administration of Justice Act 1965 \(c. 2\)](#), section 36(4), schedule 3.

Status:

Point in time view as at 01/10/2004.

Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, CCR ORDER 49.