

## SCHEDULE 2

### Commencement Information

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

## CCR ORDER 6

### PARTICULARS OF CLAIM

#### Mortgage claim

**Rule 5.**—(1) Where a claimant claims as mortgagee payment of moneys secured by a mortgage of real or leasehold property or possession of such property, the particulars of claim shall contain the information required under this rule and, as the case may be, by rule 5A.

(2) Where there is more than one loan secured by the mortgage, the information required under the following paragraphs of this rule and under rule 5A shall be provided in respect of each loan agreement.

(3) The particulars shall state the date of the mortgage and identify the land sought to be recovered.

(4) Where possession of the property is claimed, the particulars of claim shall state whether or not the property consists of or includes a dwelling-house within the meaning of section 21 of the Act.

(5) The particulars shall state whether or not the loan which is secured by the mortgage is a regulated consumer credit agreement and, if so, specify the date on which any notice required by section 76 or section 87 of the Consumer Credit Act 1974<sup>(1)</sup> was given.

(6) The particulars shall show the state of account between the claimant and the defendant by including—

- (a) the amount of the advance and of any periodic repayment and any payment of interest required to be made;
- (b) the amount which would have to be paid (after taking into account any adjustment for early settlement) in order to redeem the mortgage at a stated date not more than 14 days after the commencement of proceedings specifying the amount of solicitor's costs and administrative charges which would be payable;
- (c) where the loan which is secured by the mortgage is a regulated consumer credit agreement, the total amount outstanding under the terms of the mortgage;
- (d) the rate of interest payable—
  - (i) at the commencement of the mortgage;
  - (ii) immediately before any arrears referred to in sub-paragraph (e) accrued; and
  - (iii) where it differs from that provided under (ii) above, at the commencement of the proceedings; and
- (e) the amount of any interest or instalments in arrear at the commencement of the proceedings.

---

(1) 1974 c. 39.

**Status:** Point in time view as at 26/04/1999. This version of this provision has been superseded.

**Changes to legislation:** There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Paragraph Rule 5. (See end of Document for details)

(7) The particulars of claim shall state any previous steps which the claimant has taken to recover the moneys secured by the mortgage or the mortgaged property and, in the case of court proceedings, state—

- (a) the dates when proceedings were commenced and concluded, and
- (b) the dates and terms of any orders made.

(8) In this rule “mortgage” includes a legal or equitable mortgage and a legal or equitable charge, and references to the mortgaged property and mortgagee shall be construed accordingly.

**Status:**

Point in time view as at 26/04/1999. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Paragraph Rule 5.