

SCHEDULE 2

CCR ORDER 6

PARTICULARS OF CLAIM

Mortgage claim—dwelling-house

Rule 5A.—(1) This rule applies where a claimant claims as mortgagee possession of land which consists of or includes a dwelling-house and in such a case the particulars of claim shall be in the prescribed form.

(2) Where the claimant’s claim is brought because of failure to make the periodic payments due, the particulars of claim shall—

- (a) give details (whether by means of a schedule or otherwise) of all the payments which have been missed altogether;
- (b) where a history of late or under-payments is relied upon, provide sufficient details to establish the claimant’s case;
- (c) give details of any other payments required to be made as a term of the mortgage (such as for insurance premiums, legal costs, default interest, penalties, administrative or other charges) together with any other sums claimed stating the nature and amount of each such charge, whether any payment is in arrear and whether or not it is included in the amount of any periodic payment;
- (d) give such relevant information as is known by the claimant about the defendant’s circumstances and, in particular, whether (and, if so, what) payments on his behalf are made direct to the claimant by or under the Social Security Contributions and Benefits Act 1992⁽¹⁾.

(3) In a claim to which this rule applies, the claimant shall state in his particulars of claim whether there is any person on whom notice of the claim is required to be served in accordance with section 8 (3) of the Matrimonial Homes Act 1983⁽²⁾ and, if so, he shall state the name and address of that person and shall file a copy of the particulars of claim for service on that person.

(4) In this rule “mortgage” has the same meaning as in rule 5 (8).

(1) 1992 c. 4.
(2) 1983 c. 19.