
STATUTORY INSTRUMENTS

2003 No. 3361

The Civil Procedure (Amendment No. 5) Rules 2003

Amendments to the Civil Procedure Rules 1998

28. In RSC Order 47, rule 6—

(a) for paragraph (1) substitute—

“(1) An order of the court under paragraph 10 of Schedule 7 to the Courts Act 2003 that a sale of goods seized under an execution may be made otherwise than by public auction may be made on the application of—

- (a) the person at whose instance the writ of execution under which the sale is to be made was issued;
- (b) the person against whom that writ was issued (in this rule referred to as “the judgment debtor”);
- (c) if the writ was directed to a sheriff, that sheriff; and
- (d) if the writ was directed to one or more enforcement officers, the relevant enforcement officer.”;

(b) for paragraph (3) substitute—

“(3) Where the applicant for an order under this rule is not the sheriff or enforcement officer, the sheriff or enforcement officer must, on the demand of the applicant, send to the applicant a list stating—

- (a) whether he has notice of the issue of another writ or writs of execution against the goods of the judgment debtor; and
- (b) so far as is known to him, the name and address of every creditor who has obtained the issue of another such writ of execution,

and where the sheriff or enforcement officer is the applicant, he must prepare such a list.”;

(c) in paragraph (4), for “the sheriff’s list” substitute “the list under paragraph (3)”;

(d) for paragraph (5) substitute—

“(5) Service of the application notice on a person named in the list under paragraph (3) is notice to him for the purpose of paragraph 10(3) of Schedule 7 to the Courts Act 2003.

(Paragraph 10(3) provides that if the person who seized the goods has notice of another execution or other executions, the court must not consider an application for leave to sell privately until the notice prescribed by Civil Procedure Rules has been given to the other execution creditor or creditors); and

(e) in paragraph (6), for “the sheriff’s list” substitute “the list under paragraph (3)”.