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STATUTORY INSTRUMENTS

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**1951 No. 1401**

**The Reserve and Auxiliary Forces  
(Protection of Civil Interests) Rules 1951**

**PART IV**

**COUNTY COURTS**

*Enforcement of Judgments*

**Application for leave to proceed at hearing**

**21.**—(1) Where leave to proceed is required, the plaintiff may apply for leave at the time of judgment on notice in Form 4.

(2) The notice may be served in any manner prescribed by Order VIII for the service of the summons in the action and, if not served with the summons, shall be served not less than seven clear days before the day fixed for the hearing.

**Application for leave to proceed after judgment**

**22.**—(1) Where leave to proceed is required and has not been obtained under Rule 21, an application for leave to proceed may be made at any time after judgment on notice in Form 5.

(2) The notice may be served in any manner prescribed by Order VIII for the service of the summons in the action and shall be served not less than seven clear days before the day fixed for the hearing of the application.

(3) The application may be heard and determined notwithstanding that there is no appearance by the plaintiff or defendant.

(4) The application may be heard and determined by the registrar whether the judgment was given by the judge or the registrar.

**Application for declaratory order**

**23.**—(1) Where judgment has been obtained against a defendant in an action, he may apply at the time of judgment or subsequently for a declaratory order in respect of the enforcement of the judgement.

(2) If the application is made after judgment, it shall be on notice under Order XIII, Rule 1.

(3) The application may be heard and determined notwithstanding that there is no appearance by the plaintiff or defendant.

(4) The application shall be heard by the judge:

Provided that, with leave of the judge, the registrar may make such order as he thinks just—

(a) if the judge is not present, or

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(b) if the plaintiff does not oppose the making of the order.

### **Proceedings other than actions**

**24.** Rules 21, 22 and 23 shall apply to a counterclaim and to proceedings other than an action as they apply to an action, with such modifications as may be necessary or as may be directed by the court.

### **Reference for inquiry and report**

**25.—**(1) Where an application for leave to proceed or for a declaratory order in respect of the enforcement of a judgment is pending before any court (in this Rule called the home court) and the defendant resides or carries on business in the district of another court (in this Rule called the foreign court), the home court may, of its own motion, order the application to be referred to the registrar of the foreign court for inquiry and report.

(2) Where such an order is made, the registrar of the home court shall send the order with the documents in the action or matter to the registrar of the foreign court.

(3) On receipt of the order and documents the registrar of the foreign court shall give the defendant notice of a time and place at which the inquiry will be held, and, after the date fixed for the inquiry, shall make a report in writing and send it with the documents to the registrar of the home court.

### **Service of order**

**26.** An order made on an application for leave to proceed or for a declaratory order in respect of the enforcement of a judgment shall be served by the registrar in accordance with Order XXIV, Rule 8:

Provided that it shall not be necessary to serve the order where unconditional leave to proceed is given or where the order is incorporated in the judgment.