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STATUTORY INSTRUMENTS

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**1998 No. 1900 (L.4)**

**COUNTY COURTS**

**PROCEDURE**

**The County Courts (Forms) (Amendment) Rules 1998**

*Made* - - - - *30th July 1998*

*Coming into force*

*except for rules 2, 5 and 6* *1st September 1998*

*Rules 2, 5 and 6* *28th September 1998*

1.—(1) These Rules may be cited as the County Court (Forms) (Amendment) Rules 1998.

(2) In these Rules, a form referred to by number means the form so numbered in the Schedule to the County Court (Forms) Rules 1982(1) and “the main Schedule” means that Schedule.

2. There shall be substituted in the main Schedule, for Forms N.5A(2), N.5B(3), N.29, N.31(4), N.64(5) and N.110A(6), the forms contained in Schedule 1 to these Rules.

3. There shall be substituted in the main Schedule, for N.79(7), the form contained in Schedule 2 to these Rules.

4. There shall be inserted in the main Schedule, after Form N.136, the Forms N.138 and N.140 contained in Schedule 3 to these Rules.

5. Form N.56(8) in the main Schedule shall be omitted.

6.—(1) In the title to Form N.11A(9)—

(a) after the word “possession”, there shall be inserted the words “following issue of a notice”; and

(b) the words “(assured tenancies [including assured shorthold tenancies])” shall be omitted.

(2) In the title to Form N.11B(10)—

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- (1) S.I.1982/586; the relevant amending instruments are noted in footnotes to provisions in the body of the instrument.  
(2) Form N5A was inserted by S.I. 1993/2174 and substituted by S.I. 1997/1838.  
(3) Form N5B was inserted by S.I. 1997/1838.  
(4) Forms N.29 and N.31 were substituted by S.I. 1991/1132 and 1993/2174.  
(5) Form N.64 was substituted by S.I. 1991/1132.  
(6) Form N110A was inserted by S.I. 1997/1838.  
(7) Form N.79 was amended by S.I. 1994/2110.  
(8) Form N.56 was substituted by S.I. 1991/1132 and amended by S.I. 1993/712.  
(9) Form 11A was inserted by S.I. 1993/2174 and substituted by S.I. 1997/1838.  
(10) Form 11B was inserted by S.I. 1997/1838 and amended by S.I. 1997/2171.

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- (a) after the word “possession”, there shall be inserted the words “following issue of a notice”;  
and
- (b) the words “(assured shorthold tenancies only)” shall be omitted.

The undersigned members of the Rule Committee, appointed by the Lord Chancellor under section 75 of the County Courts Act 1984(11), having made these Rules, certify them and submit them to the Lord Chancellor.

*Neil Butler  
Hugh Jones  
Margaret Wilby  
Peter Birts  
Henrietta Manners  
E. C. Gee*

I allow these Rules, which shall come into force on 1st September 1998, except for rules 2, 5 and 6 which shall come into force on 28th September 1998.

Dated 30th July 1998

*Irvine of Lairg, C.*

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(11) 1984 c. 28; section 75 was amended by the Courts and Legal Services Act 1990 (c. 41), sections 2(4), 16, and Schedule 18, paragraph 47.

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SCHEDULE 1

Rule 2



**Application for accelerated possession following issue of a notice under section 8 of the Housing Act 1988**

Plaintiff's full name and address

Name and address for service and payment (if different from above) Ref/Tel no.

Defendant's name (including title, eg Mr, Mrs or Miss) and address

<b>Case No</b>	<small>Always quote this number</small>	
<b>In the</b>		
<b>County Court</b>		
The court office is open from 10am to 4pm Monday to Friday		
☎ Telephone		



The plaintiff (your landlord) is claiming possession of

**WHAT THIS MEANS**

- The court will be deciding whether or not you have to leave, and if you have to leave, when.

**You must act immediately - there will not normally be a court hearing.**

- **Read this application**, the information leaflet enclosed and the affidavit
- **Get advice** from an advice agency (a list of agencies is attached) or a solicitor
- **Fill in the form of reply** and return it to the court office

Court fee	
Solicitor's costs	
<b>Total amount</b>	
Application issued on	

More information about assured tenancies is available in Housing booklet 'Assured and Assured Shorthold Tenancies: A Guide for Tenants'. The booklet is produced by the Department of the Environment. Your local Citizens Advice Bureau will have a copy.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**Affidavit to support my application for accelerated possession following issue of a notice under section 8 of the Housing Act 1988** *(The notes in the margin tell you when you have to delete part of the paragraph)*

**Paragraph 1**  
Insert full name, address and occupation of person making this affidavit. Give the address of the property and delete words in brackets to show whether property is a house or part of one

**Paragraph 2**  
Give the date of the first written tenancy agreement. Attach a copy of the agreement to this affidavit. It must contain all the terms of the agreement. Attach also a copy of the latest written agreement

Delete the words in brackets if there was no previous landlord

Delete as appropriate to show whether there is one or more defendant. Give date when tenant(s) moved into the property

**Paragraph 3**  
Complete this section only if a new tenancy has been agreed orally (not in writing). Delete the words in brackets if the rent and duration of the tenancy are as set out in the written agreement. If either has changed, delete (i) or (ii) as appropriate

**Paragraph 4**  
Delete paragraphs (a) or (b) as appropriate to show how the latest tenancy agreement came about

**1**

I,  
  
make this affidavit to support my application for an order for possession of  
  
which is a (dwelling house) (part of a dwelling house).

**2**

On the        day of                                [19][20]        , I entered into a written tenancy agreement with the defendant(s). A copy of the first agreement, marked 'A', is exhibited (attached) to this affidavit. A copy of the current written agreement, marked A1, is also attached.

I confirm that:

- both the tenancy and the agreement were made on or after 15 January 1989
- I did not let the property mentioned above, or any other property, to the defendant(s) before 15 January 1989, (and neither did any previous landlord).
- the defendant(s) (is) (are) the original tenant(s) to whom the property was let under the assured shorthold tenancy agreement. The tenant(s) first occupied the property on

**3**

The current agreement relates to the same, or substantially the same, property. The terms are the same as set out in the agreement at paragraph 2 (except for:

- (i) the amount of rent to be paid. The current rent is  
    £                                per                                ;
- (ii) the duration of the tenancy.)

**4**

The tenancy is an assured tenancy.

- (a) It is subject to the latest written agreement referred to in paragraph 2 above.
- (b) The latest written agreement referred to in paragraph 2 has expired. There is now a further assured tenancy for an unspecified period. The terms of this tenancy are the same as in the latest written tenancy except as indicated at paragraph 3. Since the latest written agreement, there has not been a tenancy which was agreed orally and which was followed by a statutory periodic tenancy.

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**Paragraph 5**

Delete paragraphs (a)-(e) as appropriate to show the grounds on which you are claiming possession. If paragraph (b) applies, delete the options as applicable to show who bought the property and who intends to live there.

- 5** The tenancy is an assured tenancy and I am seeking an order for possession on the following grounds:
- (a) at some time before the start of the tenancy (I (a joint landlord) occupied the property as my main home. (The joint landlord's name is .)
  - (b) I and/or a joint landlord bought the property before the tenancy started and I and/or my spouse, or a joint landlord and/or the joint landlord's spouse, intend(s) to live in it as the main home. (The joint landlord's name is .)
  - (c) The tenancy was for a fixed term of eight months or less and, in the twelve months before the tenancy started, the property was let for a holiday.
  - (d) The tenancy was for a fixed term of twelve months or less and, in the twelve month period before the tenancy started, the property was let to students by a specified educational establishment.
  - (e) The property is held for use by a minister of religion as a residence from which to carry out (his) (her) duties and is now needed for this purpose.


**Paragraph 6**

Give the date on which the notice was served. A copy of the notice must be attached to this affidavit

- 6** A notice was served on the defendant(s) on the day of [19][20] which said I might ask for possession on the ground(s) claimed in paragraph 5. A copy of this notice, marked 'B', is exhibited (attached) to this affidavit.

**Paragraph 7**

Give details of how the notice (in paragraph 6) was served eg delivered personally, by post etc. Attach any proof of service eg recorded delivery slip. Mark it 'B1'.

- 7** 

**Paragraph 8**

Give the date on which the notice was served. A copy of the notice must be attached to this affidavit

- 8** A further notice, under section 8 of the Housing Act 1988, was served on the defendant(s) on the day of [19][20] which said I intended to make an application for possession of the property on the grounds set out in paragraph 5. A copy of this notice, marked 'C', is exhibited (attached) to this affidavit. The notice of month(s) has expired.

**Paragraph 9**

Give details of how the notice (in paragraph 8) was served eg delivered personally, by post, etc. Attach any proof of service eg recorded delivery slip. Mark it 'C1'.

- 9** 

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Paragraph 10  
Give details of further evidence (if any) you wish to use to prove your claim for possession under one or more of the grounds set out in paragraph 5. Attach any written document(s) which support that evidence. Mark them 'D1', 'D2' and so on

Paragraph 11  
Insert address of property and the time within which you want possession. You must not make any claim for rent arrears

10

11

I ask the court to grant me an order for possession of

within days and for payment of my costs of making this application

Sworn at

in the

this day of [19][20]

Before me

Officer of a court appointed  
by the Circuit Judge to take affidavits

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**CERTIFICATE OF SERVICE**

I certify that the summons of which this is a true copy was served by me on  
by posting it to the Defendant on  
at the address stated on the summons

Officer of the Court

I certify that the summons has not been served for the following reasons:

Officer of the Court

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**Application for accelerated possession following issue of a notice under section 21 of the Housing Act 1988**

Plaintiff's full name and address

Name and address for service and payment (if different from above)  
Ref/Tel no.

Defendant's name (including title, eg Mr, Mrs or Miss) and address

Case No <small>Always quote this number</small>	
<b>In the County Court</b>	
The court office is open from 10am to 4pm Monday to Friday	
☎ Telephone	



The plaintiff (your landlord) is claiming possession of

**WHAT THIS MEANS**

- The court will be deciding whether or not you have to leave, and if you have to leave, when.

**You must act immediately - there will not normally be a court hearing.**

- **Read this application**, the information leaflet enclosed and the affidavit
- **Get advice** from an advice agency (a list of agencies is attached) or a solicitor
- **Fill in the form of reply** and return it to the court office

Court fee	
Solicitor's costs	
<b>Total amount</b>	
Application issued on	

More information about assured tenancies is available in Housing booklet 'Assured and Assured Shorthold Tenancies: A Guide for Tenants'. The booklet is produced by the Department of the Environment. Your local Citizens Advice Bureau will have a copy.





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**Paragraph 5**

**5** The assured shorthold tenancy did not follow an assured non-shorthold tenancy.

**Paragraph 6**

**6** I did not serve a notice on the defendant(s) before the previous assured shorthold tenancy expired, saying that any new tenancy would not be an assured shorthold tenancy, nor did the tenancy agreement contain a provision saying it was not an assured shorthold tenancy, nor is the tenancy an assured non-shorthold tenancy under any other provision of Schedule 2A to the Housing Act 1988.

**Paragraph 7**

Delete this paragraph if the tenancy and/or any agreement for it was entered into on or after 28 February 1997

**7** A notice, under section 20 of the Housing Act 1988, was served on the defendant(s) on the day of [19][20] which said that the tenancy was to be an assured shorthold tenancy. A copy of this notice, marked 'B', is exhibited (attached) to this affidavit.

**Paragraph 8**

Give details of how the notice (in paragraph 7) was served eg delivered personally, by post, etc. Attach any proof of service eg recorded delivery slip. Mark it 'B1'.

**8** 

**Paragraph 9**

Give the date on which the notice was served and the length of notice given. A copy of the notice must be attached to this affidavit

**9** A notice, under section 21 of the Housing Act 1988, was served on the defendant(s) on the day of [19][20] which said possession of the property was required. A copy of that notice, marked 'C', is exhibited (attached) to this affidavit. The notice of month(s) has expired.

**Paragraph 10**

Give details of how the notice (in paragraph 9) was served eg delivered personally, by post, etc. Attach any proof of service eg recorded delivery slip. Mark it 'C1'.

**10** 

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Paragraph 11  
Give details of further evidence (if any) you wish to use to prove your claim for possession. Attach any written document(s) which support that evidence. Mark them 'D1', 'D2' and so on

Paragraph 12  
Insert address of property and the time within which you want possession. You must not make any claim for rent arrears.

11

12

I ask the court to grant me an order for possession of  
  
within                    days and for payment of my costs of making this application

Sworn at  
  
in the  
  
this            day of                    [19][20]

Before me  
  
*Officer of a court appointed  
by the Circuit Judge to take affidavits*

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**CERTIFICATE OF SERVICE**

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I certify that the summons of which this is a true copy was served by me on  
  
by posting it to the Defendant on  
  
at the address stated on the summons

Officer of the Court

I certify that the summons has not been served for the following reasons:

Officer of the Court

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## Order for Possession (mortgaged property)

Plaintiff

Defendant(s)

In the		County Court
Case No.	<small>Always quote this</small>	
Plaintiff's Ref.		
Defendant's Ref.		



The court orders that the defendant(s) give the plaintiff possession of \_\_\_\_\_ on the \_\_\_\_\_

or delete if no money judgment <sup>(1)</sup>The court adjudges that the defendant(s) pay the plaintiff £ \_\_\_\_\_ which is the amount currently outstanding under the mortgage, on the \_\_\_\_\_

Delete or insert any additional orders made The court orders that \_\_\_\_\_

Delete or complete as necessary The court orders that the plaintiff's costs of this action be taxed by the court on scale \_\_\_\_\_ and \_\_\_\_\_ be added to the amount owing under the mortgage assessed at the sum of £ \_\_\_\_\_ be paid by the defendant(s) on or before the \_\_\_\_\_

Dated: \_\_\_\_\_

### To the defendant(s)

This means that you must leave the property on the date stated above, unless you pay the whole amount owing on the mortgage by then.

If you do not leave the property, the plaintiff will be able to ask the court bailiff to evict you.

Payments should be made to the plaintiff at the place where you would normally pay your monthly repayments. If you need more information about making payments you should contact the plaintiff. The court cannot accept any payments.

Delete if no order for taxation The plaintiff's costs are to be taxed, that is looked at by the judge to decide if they are reasonable. You will be sent a copy of the plaintiff's bill and will be able to object to any amounts in it. The judge will decide if your objections are valid.

Plaintiff's/Solicitor's address

#### Note

Delete if no money judgment or order for payment of costs

If you do not pay the money owed when it is due and the plaintiff takes steps to enforce payment, the order will be registered in the Register of County Court Judgments. **This may make it difficult for you to get credit.** Further information about registration is available in a leaflet which you can get from any county court office.

The court office at \_\_\_\_\_

is open between 10 am and 4 pm Monday to Friday. Address all communications to the Court Manager quoting the case number

**N29** Order for possession (mortgaged property)

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**Order for possession** (Suspended)  
(mortgaged property)

<b>In the</b>		<b>County Court</b>
<b>Case No.</b>	<small>Always quote this</small>	
<b>Plaintiff's Ref.</b>		
<b>Defendant's Ref.</b>		

**Plaintiff**  
[ ]

**Defendant(s)**  
[ ]



The court orders that the defendant(s) give the plaintiff possession of [ ] on the [ ]

Delete if no money judgment <sup>(1)</sup> The court adjudges that the defendant(s) pay the plaintiff £ [ ] , which is the amount currently outstanding under the mortgage, on the [ ]

The court orders that the order (and judgment) be **suspended** and be not enforced so long as the defendant(s) pay to the plaintiff the arrears due under the mortgage of £ [ ] by the payments set out below **in addition** to the regular mortgage payments that fall due from time to time; and be discharged when those arrears have been paid.

**Payments in respect of arrears**

Complete and delete as necessary £ [ ] on or before the [ ]  
per calendar month; the first such payment being made on or before the [ ]  
(for [ ] months and then £ [ ] per calendar month)

Delete or insert any additional orders made The court orders that [ ]

Complete and delete as necessary The court orders that the plaintiff's costs of this action be taxed by the court on Scale [ ] and [ ] be added to the amount owing under the mortgage assessed at the sum of £ [ ] be paid by the defendant(s) on or before the [ ]

Dated: [ ]

**To the defendant(s)**

This means that, unless you pay the arrears under the mortgage by at least the payments set out above **in addition to your normal payments**, you must leave the property on the date stated above.

If you do not make those payments or leave the property, the plaintiff will be able to ask the court bailiff to evict you.

Payments should be made to the plaintiff at the place where you would normally pay your monthly repayments. If you need more information about making payments you should contact the plaintiff. The court cannot accept any payments.

Delete if no order for taxation The plaintiff's costs are to be taxed, that is looked at by a judge to decide if they are reasonable. You will send a copy of the plaintiff's bill and will be able to object to any amounts in it. The judge will decide if your objections are valid.

Plaintiff's/Solicitor's address  
[ ]

**Note**  
Delete if no money judgement or order for payment of costs  
If you do not pay the money owed when it is due and the plaintiff takes steps to enforce payment, the order will be registered in the Register of County Court Judgments. **This may make it difficult for you to get credit.** Further information about registration is available in a leaflet which you can get from any county court office.

The court office at [ ]

is open between 10 am and 4 pm. When writing to the court, please address forms or letters to the Court Manager and quote the case number.

N31 Order for possession (possession suspended mortgaged property)

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**Suspended Attachment of Earnings Order**

**Plaintiff**

**Defendant**

In the		<b>County Court</b>
<b>Case No.</b>	<small>Always quote date</small>	
<b>A/E No.</b>		
<b>Plaintiff's Ref.</b>		
<b>Defendant's Ref.</b>		



The court has made an attachment of earnings order in this case. If it is served on the defendant's employer it will require him to deduct £ \_\_\_\_\_ per week/month from the defendant's earnings and send it to court until £ \_\_\_\_\_, the amount payable under the judgment or order, together with any interest\*, has been paid, but not so as to reduce the defendant's net pay below £ \_\_\_\_\_ per week/month.

\*where judgment is for more than £5000 and was entered on or after 1 July 1991

The court orders that the attachment of earnings order be suspended and not enforced so long as the defendant punctually pays the plaintiff instalments of £ \_\_\_\_\_ for every calendar month(week), the first instalment to reach the plaintiff by \_\_\_\_\_ until the sum of £ \_\_\_\_\_ referred to above has been paid.

The court further orders that the service of the attachment of earnings order on the employer be deferred accordingly.

Dated: \_\_\_\_\_

**\* If you (either the plaintiff or the defendant) object to the terms contained in this order, you must write to the court with your reasons. You have 16 days from the date of the postmark to do this. A hearing will be arranged and both parties will be told when to come to court.**  
 \* Delete where order made by district judge at hearing

————— **Take Notice** —————

**To the defendant**

At your request the court has made a suspended attachment of earnings order. This means that your employer will not be told that an order has been made against you so long as you keep your payments up to date. If you fall behind with your payments, the plaintiff may ask the court to send the order to your employer for payments to be deducted from your earnings without further notice. In that event, a copy of the order will be sent to you.

If you change your employer, you must notify the court in writing within 7 days giving the following details

- the name and address of your new employer (and the pay office if different)
- your works number and / or pay reference
- your new rate of pay
- the court case number

**IF YOU DO NOT DO WHAT THIS NOTICE TELLS YOU, YOU MAY BE FINED OR IMPRISONED OR BOTH**

————— **Address for Payment** —————

————— **How to Pay** —————

- **PAYMENT(S) MUST BE MADE** to the person named at the address for payment quoting their reference and the court case number.
- **DO NOT** bring or send payments to the court. **THEY WILL NOT BE ACCEPTED.**
- You should allow at least 4 days for your payment to reach the plaintiff or his representative.
- Make sure that you keep records and can account for all payments made. Proof may be required if there is any disagreement. It is not safe to send cash unless you use registered post.
- A leaflet giving further advice about payment can be obtained from the court
- If you need more information you should contact the plaintiff or his representative.

The court office at

is open between 10 am and 4 pm Monday to Friday. When corresponding with the court, please address forms or letters to the Court Manager and quote the case number.

N64 Suspended attachment of earnings order

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### Anti-Social Behaviour Injunction Power of Arrest

In the		<b>County Court</b>
<b>Case No.</b>	Always quote this	
<b>Applicant's Name</b>		
<b>Applicant's Ref.</b>		
<b>Respondent's Name</b>		

Applicant

Phone Number:

(here set out the provisions of the injunction to which the power of arrest relates)



#### Power of Arrest

And the judge being satisfied that the respondent has

It will apply where the power of arrest is granted under section 152(1). It will not apply where the power of arrest is granted under section 153(1).

- a) used or threatened violence against a person residing in, visiting, or otherwise engaged in a lawful activity in residential premises to which section 152 of the Housing Act 1996 applies, or in the locality of such premises
  - b) used or threatened violence against a person residing in, visiting, or otherwise engaged in a lawful activity in the locality of premises of which the applicant is the landlord
  - c) allowed a sub-tenant, lodger or other person residing in or visiting the premises in which the respondent resides to use or threaten violence against a person residing in, visiting or otherwise engaged in a lawful activity in the locality of premises of which the applicant is the landlord
- and there is a significant risk of harm to that person or a person of similar description, a power of arrest is attached to this injunction whereby any constable may under the power given by section 155 of the Housing Act 1996 arrest without warrant a person the constable has reasonable cause for suspecting be in breach of any relevant provision of the injunction or otherwise in contempt of court in relation to a breach of any relevant provision.

This power of arrest was ordered on **19** expires on the **day of 19**

Respondent

**Note to Arresting Officer**

Where the respondent is arrested under the power given by section 155 of the Housing Act 1996, that section requires that-

- the respondent shall be brought before the judge within the period of 24 hours beginning at the time of his arrest;
- the respondent shall not be released within that period except on the direction of the judge;
- a constable shall forthwith inform the person on whose application the injunction was granted.

Nothing in section 155 authorises the detention of the respondent after the expiry of the period of 24 hours beginning at the time of his arrest.

In calculating any period of 24 hours, no account shall be taken of Christmas Day, Good Friday or any Sunday.

The court office at

is open between 10am and 4pm. When corresponding with the court, please address forms or letters to the Court Manager and quote the case number.

N110A Power of arrest attached to injunction under section 152 or section 153(1) Housing Act 1996

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SCHEDULE 2

Rule 3

Committal or Other Order upon Proof of Disobedience of a Court Order or Breach of an Undertaking

Between Applicant Plaintiff and Respondent Defendant Before His (Her) Honour Judge Sitting at on (date)

In the County Court Case No Always quote this



- 1 An application having been made by... for committal of... to prison for disobeying the order...
2 Whereas... has been suspected of a breach of the attached order...
3. Whereas... has been suspected of a breach of the attached order...

IMMEDIATE CUSTODIAL ORDER

It is ordered that... be committed for contempt to Her Majesty's Prison (be detained under section 9(1) of the Criminal Justice Act 1982) at... for a (total) period of... or until lawfully discharged if sooner, and that a warrant of arrest and committal be issued forthwith. And the contemnor can apply to the (court) (judge) to purge his contempt and ask for release. [And, as the court by order dated... dispensed with service of the notice of application for a committal order, It is ordered that the contemnor be brought before a judge of this court as soon as practicable.]

ALTERNATIVE DISPOSAL

It is ordered that... be committed for contempt to prison for a (total) period of... The order is suspended until [19 ][20 ] and will not be put in force if during that time the contemnor complies with the following terms: And it is further ordered that in the event of non compliance any application for issue of the warrant shall be made to a judge (on notice to the contemnor) It is ordered that... be fined the sum of £ Such sum to be paid into the office of the court within 14 days of the date of this order. It is ordered that consideration of the penalty for the contempts found proved be adjourned until [19 ] [20 ] and may be restored for decision if during that time... does not comply with the following terms

PROVISION FOR COSTS

And it is ordered that

Dated

For record of service, hearing and contempts found proved, see overleaf

N79 Committal or other order upon proof and disobedience of a court order or breach of an undertaking (Order 29, rule 1(5)) (Family Law Act 1996) (Protection from Harassment Act 1997)

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**RECORD OF SERVICE, HEARING AND CONTEMPTS FOUND PROVED**

<b>At the hearing</b>	
(1)	[appeared personally] [was represented by solicitor / counsel] [did not attend]
(2)	[appeared personally] [was represented by solicitor / counsel] [did not attend]
<b>The court read the affidavits of (Names)</b>	<b>Date affidavit(s) sworn</b>
<b>And the court heard oral evidence given by Name(s)</b>	
<b>And the court is satisfied having considered the facts disclosed by the evidence and/or admitted in court by him/her that</b>	
has been guilty of contempt of this court by disobeying the order (breaking the undertaking) dated _____ by (and as set out in the attached schedule)	
<p><b>1.</b></p> <p><b>2.</b></p>	<p><b>And for the particular contempt the court imposed the penalty of:</b></p> <p><b>1.</b></p> <p><b>2.</b></p>

**RECORD OF SERVICE**

<p><b>Service of Injunction Order with Penal Notice incorporated or indorsed</b></p> <p>(Order dated [19] [20] )</p> <p>(for substituted) (dispensing with) service)</p> <p>Service proved by</p> <p><input type="checkbox"/> affidavit of sworn on [19] [20] )</p> <p><input type="checkbox"/> certificate of bailiff</p> <p><input type="checkbox"/> oral evidence of</p>	<p><b>Service of Notice to show good reason in form N78</b></p> <p>(Order dated [19] [20] )</p> <p>(for substituted) (dispensing with) service)</p> <p>Service proved by</p> <p><input type="checkbox"/> affidavit of sworn on [19] [20] )</p> <p><input type="checkbox"/> certificate of bailiff</p> <p><input type="checkbox"/> oral evidence of</p>	<p><b>Arrest under warrant of arrest respondent arrested on</b></p> <p>by</p> <p><b>in accordance with a warrant of arrest issued on</b></p>
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**Service of Immediate Custodial Order**

I (name of Officer) \_\_\_\_\_ certify that I served the contemnor with a copy of this order by:

delivery by hand to the contemnor before he was taken from the court building or other place of arrest to the place of detention

delivery by hand to the contemnor at (time) \_\_\_\_\_ on (date) [19] [20] at (place) \_\_\_\_\_

**Where a suspended committal order is made, the applicant is responsible for service. (Rules of the Supreme Court Order 52 rule 7(2).)**

**Where there is suspended committal order or penalty is adjourned on terms, personal service is advisable.**

The court office is open from 10 am to 4 pm Monday to Friday.

When corresponding with the court, please address forms and letters to the Court Manager and quote the case number.



Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 3

Rule 4

SCHEDULE 3

Rule 4

**Injunction Order**

(Protection from Harassment Act 1997)

Between ..... Plaintiff

and ..... Defendant

To <sup>(1)</sup>

Of <sup>(2)</sup>

In the	
County Court	
Case No.	<small>Always quote this</small>
Plaintiff's Ref.	
Defendant Ref.	
Issued on	[19 ][20 ]



**If you do not obey this order you will be guilty of contempt of court and you may be fined or sent to prison or you may be guilty of a criminal offence for which you may be fined or sent to prison or both.**

<sup>(1)</sup>The name of the person the order is directed to

On the of [19 ][20 ] the court considered an application for an injunction

<sup>(2)</sup>The address of the person the order is directed to

**The Court ordered that<sup>(1)</sup>**

**is forbidden (whether by himself or by instructing or encouraging any other person)<sup>(3)</sup>**

<sup>(3)</sup>The terms of the restraining order. If the defendant is a limited company, delete the words in brackets and insert "whether by its servants, agents, officers or otherwise"

**This order shall remain in force until (the of [19 ][20 ] at o'clock unless before then it is revoked by a) further order of the court**

<sup>(4)</sup>The terms of any orders requiring acts to be done

**And it is ordered that<sup>(1)</sup>**

**shall<sup>(4)</sup>**

<sup>(5)</sup>Enter time (and place) as ordered

**on or before<sup>(5)</sup>**

<sup>(6)</sup>The terms of any other orders costs etc.

**It is further ordered that<sup>(6)</sup>**

<sup>(7)</sup>Use when the order is temporary or ex parte otherwise delete

**Notice of further hearing<sup>(7)</sup>**

The court will re-consider the application and whether the order should continue at a further hearing at

on the day of [19 ][20 ] at o'clock

<sup>(8)</sup>Delete if order made on notice

If you do not attend at the time shown the court may make an injunction order in your absence You are entitled to apply to the court to re-consider the order before the day<sup>(8)</sup>

*If you do not understand anything in this order you should go to a Solicitor, Legal Advice Centre or a Citizens' Advice Bureau*

The court office at

is open between 10 am and 4 pm Monday to Friday. When corresponding with the court, please address forms or letters to the Court Manager and quote the case number. N138 Form of injunction Order 13, rule 6 (Protection from Harassment Act 1997)

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**Injunction Order - Record of Hearing**

**Case No.** .....

On ..... the ..... day of ..... [19] [20] .....

Before (H Honour)(District) judge .....

The court was sitting at .....

The  **Plaintiff** (Name) .....

was  represented by Counsel

represented by a Solicitor

in person

The  **Defendant** (Name) .....

was  represented by Counsel

represented by a Solicitor

in person

did not appear having been given notice of this hearing

not given notice of this hearing

The court read the affidavit(s) of

the Plaintiff sworn on .....

the Defendant sworn on .....

And of ..... sworn on .....

The court heard spoken evidence on oath from .....

The Plaintiff gave an undertaking (through his counsel or solicitor) promising to pay any damages ordered by the court if it later decides that the Defendant has suffered loss or damages as a result of this order\*

\*Delete this paragraph if the court does not require the undertaking

Signed ..... Dated .....

(Judge's Clerk)



In the

Case Number

---

**Warrant of Arrest**

Protection from Harassment Act 1997

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Plaintiff  
*Ref.*  
Defendant  
*Ref.*

---

The Court directs all police constables, [the district judge and bailiffs] [and the Tipstaff of the High Court] to arrest the defendant whose address is [believed to be]:

and to bring the defendant before this court immediately.

The Court heard an application, supported by [sworn written statement] [evidence on oath], that the defendant had disobeyed the injunction order made

on  
at the [County] [High] Court  
by

---

The Next Hearing is

[on at [am][pm]]  
[on a day and at a time to be specified]

---

Ordered by [Mr] [Mrs] Justice  
[His] [Her] Honour Judge  
District Judge  
[Assistant] Recorder

---

on

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## EXPLANATORY NOTE

*(This note is not part of the Rules)*

These Rules amend the County Court (Forms) Rules 1982 so as to—

- (a) make minor amendments by substituting new forms for the Forms N.5A, (Application for accelerated possession following issue of a notice under section 8 of the Housing Act 1988), N.5B (Application for accelerated possession following issue of a notice under section 21 of the Housing Act 1988), N.29 (Order for Possession), N.31 (Order for Possession—suspended), N.64 (Suspended Attachment of Earnings Order), N.79 (Committal Order) and N.110A (Power of arrest attached to injunction) (*rules 2 and 3*);
- (b) prescribe new forms N.138 (Injunction Order) and N.140 (Warrant of Arrest) as a result of the Protection from Harassment Act 1997 (*rule 4*);
- (c) un prescribe Form N.56 (Form for Replying to an Attachment of Earnings Application (Statement of Means)) (*rule 5*); and
- (d) change the titles to Forms N.11A (Form of reply to application for accelerated possession following issue of a notice under section 8 of the Housing Act 1988) and N.11B (Form of reply to application for accelerated possession following issue of a notice under section 21 of the Housing Act 1988) (*rule 6*).