



# Charging Orders Act 1979

## 1979 CHAPTER 53

### *Stop orders and notices*

#### **5 Stop orders and notices**

(1) In this section—

" stop order " means an order of the court prohibiting the taking, in respect of any of the securities specified in the order, of any of the steps mentioned in subsection (5) below;

" stop notice " means a notice requiring any person or body on whom it is duly served to refrain from taking, in respect of any of the securities specified in the notice, any of those steps without first notifying the person by whom, or on whose behalf, the notice was served; and

" prescribed securities " means securities (including funds in court) of a kind prescribed by rules of court made under this section.

(2) The power to make rules of court under section 99 of the Supreme Court of Judicature (Consolidation) Act 1925 shall include power by any such rules to make provision—

(a) for the court to make a stop order on the application of any person claiming to be entitled to an interest in prescribed securities;

(b) for the service of a stop notice by any person claiming to be entitled to an interest in prescribed securities.

(3) The power to make rules of court under section 102 of the County Courts Act 1959 shall include power by any such rules to make provision for the service of a stop notice by any person entitled to an interest in any securities by virtue of a charging order made by a county court.

(4) Rules of court made by virtue of subsection (2) or (3) above shall prescribe the person or body on whom a copy of any stop order or a stop notice is to be served.

(5) The steps mentioned in subsection (1) above are—

(a) the registration of any transfer of the securities;

(b) in the case of funds in court, the transfer, sale, delivery out, payment or other dealing with the funds, or of the income thereon;

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*Status: This is the original version (as it was originally enacted).*

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- (c) the making of any payment by way of dividend, interest or otherwise in respect of the securities; and
  - (d) in the case of units of a unit trust, any acquisition of or other dealing with the units by any person or body exercising functions under the trust.
- (6) Any rules of court made by virtue of this section may include such incidental, supplemental and consequential provisions as the authority making them consider necessary or expedient, and may make different provision in relation to different cases or classes of case.