

## STATUTORY INSTRUMENTS

# 1998 No. 3132

## The Civil Procedure Rules 1998

### [<sup>F1</sup>PART 55

### POSSESSION CLAIMS

#### [<sup>F1</sup>Interpretation

##### 55.1 In this Part—

- (a) “a possession claim” means a claim for the recovery of possession of land (including buildings or parts of buildings);
- (b) “a possession claim against trespassers” means a claim for the recovery of land which the claimant alleges is occupied only by a person or persons who entered or remained on the land without the consent of a person entitled to possession of that land but does not include a claim against a tenant or sub-tenant whether his tenancy has been terminated or not;
- (c) “mortgage” includes a legal or equitable mortgage and a legal or equitable charge and “mortgagee” is to be interpreted accordingly; <sup>F2</sup>...
- [<sup>F3</sup>(d) “the 1985 Act” means the Housing Act 1985;
- (e) “the 1988 Act” means the Housing Act 1988;
- (f) “a demotion claim” means a claim made by a landlord for an order under section 82A of the 1985 Act or section 6A of the 1988 Act (“a demotion order”); <sup>F4</sup>...
- (g) “a demoted tenancy” means a tenancy created by virtue of a demotion order][<sup>F5</sup>; and
- (h) “a suspension claim” means a claim made by a landlord for an order under section 121A of the 1985 Act.]]

#### Textual Amendments

- F1** Pt. 55 inserted (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), [Sch. 1](#) (with rule 31)
- F2** Word in rule 55.1(c) omitted (30.6.2004) by virtue of [The Civil Procedure \(Amendment\) Rules 2004 \(S.I. 2004/1306\)](#), rules 1(b), [10\(a\)](#)
- F3** Rules 55.1(d)-(g) substituted for rule 55.1(d) (30.6.2004) by [The Civil Procedure \(Amendment\) Rules 2004 \(S.I. 2004/1306\)](#), rules 1(b), [10\(b\)](#)
- F4** Word in rule 55.1(f) omitted (1.10.2005) by virtue of [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), [42\(a\)](#)
- F5** Rule 55.1(h) and word inserted (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), [42\(b\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Section 55.1.