

SCHEDULE 2

CCR ORDER 49

MISCELLANEOUS STATUTES

Access to Neighbouring Land Act 1992(1)

Rule 1.—(1) In this rule, “the 1992 Act” means the Access to Neighbouring Land Act 1992, a section referred to by number means the section so numbered in the 1992 Act and expressions which are defined in the 1992 Act have the same meaning in this rule as they have in that Act.

(2) An application for an access order under section 1 of the 1992 Act shall be made by the issue of a claim form which shall be filed in the court for the district in which the dominant land is situated.

(3) The application shall—

- (a) identify the dominant land and the servient land and state whether the dominant land is or includes residential land;
- (b) specify the works alleged to be necessary for the preservation of the whole or a part of the dominant land;
- (c) state why entry upon the servient land is required and specify the area to which access is required by reference, if possible, to a plan annexed to the application;
- (d) give the name of the person who will be carrying out the works if it is known at the time of the application;
- (e) state the proposed date on which, or the dates between which, the works are to be started and their approximate duration, and
- (f) state what (if any) provision has been made by way of insurance in the event of possible injury to persons or damage to property arising out of the proposed works.

(4) The respondents shall be the owner and the occupier of the servient land and any respondent who wishes to be heard on the application shall file an answer within 14 days after the date of service of the application on him.

(5) Order 24, rule 3 shall apply with the necessary modifications to service of the claim form under this rule.

(6) The court may direct that a copy of the claim form shall be served on any person who may be affected by the proposed entry and any such person may, within 14 days after service of the claim form on him, apply to be made a respondent to the application.

(7) The application may be heard and determined by the district judge and may, if the court thinks fit, be dealt with in private.

Administration of Justice Act 1970(2)

Rule 1A Any claim by a mortgagee for possession of a dwelling-house, being a claim to which section 36 of the Administration of Justice Act 1970 applies, shall be dealt with by the court sitting in private unless the court otherwise directs.

(1) 1992 c. 23.

(2) 1970 c. 31.

Chancel Repairs Act 1932(3)

Rule 2.—(1) A notice to repair under section 2 of the Chancel Repairs Act 1932 shall—

- (a) identify the responsible authority by whom it is given and the chancel alleged to be in need of repair;
- (b) state the repairs alleged to be necessary and the grounds on which the person to whom the notice is addressed is alleged to be liable to repair the chancel, and
- (c) call upon that person to put the chancel in proper repair,

and shall be served in accordance with paragraph 1A.

(1A) The notice may be served—

- (a) where no solicitor is acting for the person to be served, by delivering it to him personally, or by delivering it at, or sending it by first-class post to his address for service or, if he has no address for service by—
 - (i) by delivering it at his residence or by sending it by first class post to his last known residence, or
 - (ii) in the case of a proprietor of a business, by delivering it at his place of business or sending it by first class post to his last known place of business.
- (b) Where a solicitor is acting for the person to be served—
 - (i) by delivering it at, or sending it by first-class post to the solicitor’s address for service; or
 - (ii) where the solicitor’s address for service includes a numbered box at a document exchange, by leaving it at that document exchange or at a document exchange which transmits documents daily to that document exchange.
- (c) For the purpose of this rule first class post means pre-paid post or post in respect of which prepayment is not required
- (d) Any document which is left at a document exchange shall be deemed served on the second day after the day on which it was left, unless the contrary is shown.
- (e) In determining for the purposes of this rule—
 - (i) whether a document exchange transmits documents daily to another document exchange, and
 - (ii) the second day after the day on which a document was left at a document exchange,

any day on which the court office is closed shall be excluded.

(2) Proceedings to recover the sum required to put a chancel in proper repair shall be started by a claim form.

(3) An application for the permission of the court under the proviso to subsection (2) of the said section 2 may be made in accordance with CPR Part 23.

(4) If the court is satisfied that the defendant has a defence to the claim on the merits, the court may, on an application made by the defendant in accordance with CPR Part 23 order the claimant to give security for the defendant’s costs.

(5) Where judgment is given for the payment of a sum of money in respect of repairs not yet executed, the court may order that the money be paid into court and dealt with in such manner as the court may direct for the purpose of ensuring that the money is spent in executing the repairs, but nothing in this paragraph shall prejudice a solicitor’s lien for costs.

Consumer Credit Act 1974(4)

Rule 4.—(1) In this rule “the Act” means the Consumer Credit Act 1974, a section referred to by number means the section so numbered in the Act and expressions which are defined in the Act have the same meaning in this rule as they have in the Act.

(2) This rule only applies to claims relating to land.

(Claims under the Act relating to money only shall be started by a claim form issued in accordance with CPR Part 7, and claims relating to recovery of goods shall be made in accordance with the procedure set out in the CPR Consumer Credit Act Practice Direction)

(3) Where in any claim relating to a regulated agreement the debtor or any surety has not been served with the claim form, the court may, on the claimant’s application made in accordance with CPR Part 23 without notice, at or before the hearing of the claim, dispense with the requirement in section 141 (5) that the debtor or surety, as the case may be, shall be made a party to the proceedings.

(4) Where a claim relating to a regulated agreement is brought by a person to whom a former creditor’s rights and duties under the agreement have been passed by assignment or by operation of law, the requirement in section 141 (5) that all parties to the agreement shall be made parties to the claim shall not apply to the former creditor unless the court so directs.

(5) An application under section 129 (1)(b) may be made by a claim form and the claim form—

(a) shall be filed in the court for the district in which the applicant resides or carries on business; and

(b) shall state—

(i) the date of the agreement and the parties to it with the number of the agreement or sufficient particulars to enable the respondent to identify the agreement and details of any sureties;

(ii) if the respondent was not one of the original parties to the agreement, the name of the original party to the agreement;

(iii) the names and addresses of the persons intended to be served with the application;

(iv) the place where the agreement was signed by the applicant;

(v) details of the notice served by the respondent giving rise to the application;

(vi) the total unpaid balance admitted to be due under the agreement and the amount of any arrears (if known) together with the amount and frequency of the payments specified by the agreement;

(vii) the applicant’s proposals as to payment of any arrears and of future instalments together with details of his means;

(viii) where the application relates to a breach of the agreement other than the non-payment of money, the applicant’s proposals for remedying it.

(6) Any application under section 131 may be heard and determined by the judge or by the district judge.

(9) An application for an enforcement order may be made—

(a) by a claim form asking for permission to enforce the agreement in respect of which the order is sought, or

(b) if, apart from the need to obtain an enforcement order, the creditor is entitled to payment of the money or possession of land to which the agreement relates, by a claim to recover the money or land.

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

(10) A claim form under paragraph (9)(a) and the particulars of claim in a claim brought pursuant to paragraph (9)(b) shall state the circumstances rendering an enforcement order necessary.

(11) Paragraph (9) shall apply to an order under section 86 (2), 92 (2) or 126 as it applies to an enforcement order, so however that in the case of an order under section 86 (2) the personal representatives of the deceased debtor or hirer shall be made parties to the proceedings in which the order is sought, or, if no grant of representation has been made to his estate, the applicant shall, forthwith after commencing the proceedings, apply to the court for directions as to what persons, if any, shall be made parties to the proceedings as being affected or likely to be affected by the enforcement of the agreement.

(14) An application to a county court under section 139 (1)(a) for a credit agreement to be reopened shall be made by a claim form

(15) Where in any such proceedings in a county court as are mentioned in section 139 (1)(b) or (c), the debtor or a surety desires to have a credit agreement reopened, he shall, within 14 days after the service of the claim form on him, give notice to that effect to the court and to every other party to the proceedings and thereafter the debtor or surety, as the case may be, shall be treated as having delivered a defence or answer.

Applications under section 114, 204 and 231 of the Copyright, Designs and Patents Act 1988(5)

Rule 4A The CPR Patents Courts practice direction shall apply with the necessary modifications to proceedings brought under sections 114 (1), 204 (1) and 231 (1) of the Copyright, Designs and Patents Act 1988.

Fair Trading Act 1973(6)

Rule 5.—(1) In this rule a section referred to by number means the section so numbered in the Fair Trading Act 1973 and “the Director” means the Director General of Fair Trading.

(2) Proceedings in a county court under section 35, 38 or 40 shall be started by a claim form.

(3) The respondent shall file an answer.

(4) Where in any proceedings under section 35 or 38 the Director intends to apply for a direction under section 40 (2) that any order made against a body corporate (in this rule referred to as the “respondent body”) which is a member of a group of interconnected bodies corporate shall be binding on all members of the group, he shall file notice of his intention together with as many copies of the claim form and of the notice as are required for the purposes of paragraph (5).

(5) A copy of any notice under paragraph (4) shall be served on the respondent body and a copy of the notice together with a copy of the claim form and a notice of the return day shall be served on each of the bodies corporate specified in the notice under paragraph (4).

(6) The respondent body may at any time serve on the Director a notice containing particulars of any interconnected body corporate not mentioned in a notice under paragraph (4).

(7) With a view to deciding whether or in respect of which bodies notice should be given under paragraph (4) the Director may serve on the respondent body a notice requiring that body to give to him within 14 days after service of the notice particulars of any interconnected bodies corporate belonging to the same group as the respondent body and a copy of any such notice shall be filed.

(8) An application under section 40 (3) shall be made on notice to the respondent body and every interconnected body belonging to the same group.

(5) 1988 c. 48.

(6) 1973 c. 41.

Housing Act 1988: assured tenancies

Rule 6.—(1) In this rule

“the 1988 Act” means the Housing Act 1988(7);

“dwelling-house” has the same meaning as in Part I of the 1988 Act; a Ground referred to by number means the Ground so numbered in Schedule 2 to the 1988 Act;

“the requisite notice” means such a notice as is mentioned in any of those Grounds and

“the relevant date” means the beginning of the tenancy.

(2) This rule applies to proceedings brought by a landlord to recover possession of a dwelling-house which has been let on an assured tenancy in a case where all the conditions mentioned in paragraph (3) below are satisfied.

(3) The conditions referred to in paragraph (2) are these.

(a) The tenancy and any agreement for the tenancy were entered into on or after 15th January 1989.

(b) The proceedings are brought

(i) on Ground 1 (landlord occupation),

(ii) on Ground 3 (former holiday occupation),

(iii) on Ground 4 (former student letting) or

(iv) on Ground 5 (occupation by a minister of religion).

(c) The only purpose of the proceedings is to recover possession of the dwelling-house and no other claim is made in the proceedings (such as for arrears of rent).

(d) The tenancy is an assured tenancy within the meaning of the 1988 Act (and consequently is not a protected, statutory or housing association tenancy under the Rent Act 1977), and

(i) is the subject of a written agreement, or

(ii) is on the same terms (though not necessarily as to rent) as a tenancy which was the subject of a written agreement and arises by virtue of section 5 of the 1988 Act, or

(iii) relates to the same or substantially the same premises which were let to the same tenant and is on the same terms (though not necessarily as to rent or duration) as a tenancy which was the subject of a written agreement.

Where the tenancy in relation to which the proceedings are brought arises by virtue of section 5 of the 1988 Act but follows a tenancy which was the subject of an oral agreement, the condition mentioned in sub-paragraph (d)(ii) or (iii) above is not satisfied.

(e) The proceedings are brought against the tenant to whom the requisite notice was given.

(f) The tenant was given the requisite notice, not later than the relevant date.

(g) The tenant was given notice in accordance with section 8 of the 1988 Act that proceedings for possession would be brought.

(4) Where the conditions mentioned in paragraph (3) of this rule are satisfied, the landlord may bring possession proceedings under this rule instead of making a claim in accordance with Order 6, rule 3 (claim for recovery of land by claim form).

(5) The application must be made in the prescribed form, and a copy of the application, with a copy for each defendant, must be filed in the court for the district in which the dwelling-house is situated.

(6) The application shall include the following information and statements.

(7) 1988 c. 50.

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- (a) a statement identifying the dwelling-house which is the subject matter of the proceedings;
 - (b) a statement identifying the nature of the tenancy, namely—
 - (i) whether it is the subject of a written agreement; or
 - (ii) whether the tenancy arises by virtue of section 5 of the 1988 Act, or
 - (iii) where it is the subject of an oral agreement whether the tenancy is periodic or for a fixed term and, if for a fixed term, the length of the term and the date of termination;
 - (c) a statement that the dwelling-house (or another dwelling-house) was not let to the tenant by the landlord (or any of his predecessors) before 15th January 1989;
 - (d) the date on which and the method by which the requisite notice was given to the tenant;
 - (e) a statement identifying the Ground on which possession is claimed giving sufficient particulars to substantiate the claimant's claim to be entitled to possession on that Ground;
 - (f) a statement that a notice was served on the tenant in accordance with section 8 of the 1988 Act,
 - (i) specifying the date on which and the method by which the notice was served; and
 - (ii) confirming that the period of notice required by section 8 of the 1988 Act has been given; and
 - (g) the amount of rent which is currently payable.
- (7) Copies of the following documents shall be attached to the application—
- (i) the current (or most recent) written tenancy agreement,
 - (ii) the requisite notice (referred to in paragraph (6)(d) above), and
 - (iii) the notice served in accordance with section 8 of the 1988 Act, together with any other documents necessary to prove the claim.
- (8) The statements made in the application and any documents attached to the application shall be verified by the claimant on oath.
- (9) Service of the application and of the attachments shall be effected by an officer of the court sending them by first-class post to the defendant at the address stated in the application and paragraphs (c) and (d) of Order 3, rule 6 (mode of service) and Order 7, rule 15 (service of claim form for recovery of land) shall apply as they apply where service is effected under those rules.
- (10) A defendant who wishes to oppose the claimant's application must, within 14 days after the service of the application on him, complete and deliver at the court office the form of reply which was attached to the application.
- (11) On receipt of the defendant's reply the court shall—
- (a) send a copy of it to the claimant;
 - (b) refer the reply and the claimant's application to the judge, and where a reply is received after the period mentioned in paragraph (10) but before a request is filed in accordance with paragraph (12) the reply shall be referred without delay to the judge.
- (12) Where the period mentioned in paragraph (10) has expired without the defendant filing a reply, the claimant may file a written request for an order for possession and the court shall without delay refer the claimant's application to the judge.
- (13) After considering the application and the defendant's reply (if any), the judge shall either—
- (a) make an order for possession under paragraph (15) or
 - (b) fix a day for a hearing under paragraph (14) and give directions regarding the steps to be taken before and at the hearing.

(14) The court shall fix a day for the hearing of the application where the judge is not satisfied as to any of the following—

- (a) that the requisite notice was given before the relevant date,
- (b) that a notice was served in accordance with section 8 of the 1988 Act and that the time limits specified in the 1988 Act have been complied with,
- (c) that service of the application was duly effected, or
- (d) that the claimant has established that he is entitled to recover possession under the Ground relied on against the defendant.

(15) Except where paragraph (14) applies, the judge shall without delay make an order for possession without requiring the attendance of the parties.

(16) Where a hearing is fixed under paragraph (14)—

- (a) the court shall give to all parties not less than 14 days' notice of the day fixed;
- (b) the judge may give such directions regarding the steps to be taken before and at the hearing as may appear to him to be necessary or desirable.

(17) The court may, on application made on notice in accordance with CPR Part 23 within 14 days of service of the order or of its own initiative, set aside, vary or confirm any order made under paragraph (15).

(18) A district judge shall have power to hear and determine an application to which this rule applies and references in this rule to the judge shall include references to the district judge.

Housing Act 1988: assured shorthold tenancies

Rule 6A.—(1) In this rule, “the 1988 Act” means the Housing Act 1988 and “dwelling-house” has the same meaning as in Part I of the 1988 Act.

(2) This rule applies to proceedings brought by a landlord under section 21 of the 1988 Act⁽⁸⁾ to recover possession of a dwelling-house let on an assured shorthold tenancy on the expiry or termination of that tenancy in a case where all the conditions mentioned in paragraph (3) below (or, as the case may be, paragraph (9)) are satisfied.

(3) The conditions referred to in paragraph (2) are these—

- (a) The tenancy and any agreement for the tenancy were entered into on or after 15th January 1989.
- (b) The only purpose of the proceedings is to recover possession of the dwelling-house and no other claim is made in the proceedings (such as for arrears of rent).
- (c) The tenancy—
 - (i) was an assured shorthold tenancy and not a protected, statutory or housing association tenancy under the Rent Act 1977⁽⁹⁾;
 - (ii) did not immediately follow an assured tenancy which was not an assured shorthold tenancy;
 - (iii) fulfilled the conditions provided by section 19A or section 20(1)(a) to (c) of the 1988 Act⁽¹⁰⁾, and
 - (iv) was the subject of a written agreement.

⁽⁸⁾ 1988 c. 50; section 21 was amended by the Local Government and Housing Act 1989 (c. 42), section 194(1), schedule 11, paragraph 103; and by the Housing Act 1996 (c. 52), sections 98, 99.

⁽⁹⁾ 1977 c. 42.

⁽¹⁰⁾ Section 19A was amended by the Housing Act 1996 (c. 52), section 96(1), and section 20 by that Act, section 104, 227, schedule 8, paragraph 2; schedule 19, Part IV.

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

- (d) Where the tenancy and any agreement for the tenancy were entered into before 28th February 1997, a notice in writing was served on the tenant in accordance with section 20 (2) of the 1988 Act and the proceedings are brought against the tenant on whom that notice was served.
 - (e) A notice in accordance with section 21 (1)(b) of the 1988 Act was given to the tenant in writing.
- (4) Where the conditions mentioned in paragraph (3) or paragraph (9) of this rule are satisfied, the landlord may bring possession proceedings under this rule instead of making a claim in accordance with Order 6, rule 3 (claim for recovery of land by claim form).
- (5) The application must be made in the prescribed form and a copy of the application, with a copy for each defendant, shall be filed in the court for the district in which the dwelling-house is situated.
- (6) The application shall include the following information and statements—
- (a) A statement identifying the dwelling-house which is the subject matter of the proceedings.
 - (b) A statement that the dwelling-house (or another dwelling-house) was not let to the tenant by the landlord (or any of his predecessors) before 15th January 1989.
 - (c) A statement that possession is claimed on the expiry of an assured shorthold tenancy under section 21 of the 1988 Act giving sufficient particulars to substantiate the claimant's claim to be entitled to possession.
 - (d) Where the tenancy and any agreement for the tenancy were entered into before 28th February 1997, a statement that a written notice was served on the tenant in accordance with section 20 (2) of the 1988 Act.
 - (e) A statement that a notice in writing was given to the tenant in accordance with section 21 (1) of the 1988 Act specifying the date on which, and the method by which, the notice was given.
 - (f) In a case where the original fixed term tenancy has expired, a statement that no other assured tenancy is in existence other than an assured shorthold periodic tenancy (whether statutory or not).
 - (g) A statement confirming that there is no power under the tenancy agreement for the landlord to determine the tenancy (within the meaning given for the purposes of Part I of the 1988 Act by section 45 (4) of the 1988 Act) at a time earlier than six months from the beginning of the tenancy.
 - (h) A statement that no notice under section 20 (5) of the 1988 Act has been served.
- (7) Copies of the following documents shall be attached to the application
- (i) the written tenancy agreement (or, in a case to which paragraph (9) applies, the current (or most recent) written tenancy agreement),
 - (ii) where the tenancy and any agreement for the tenancy were entered into before 28th February 1997 the written notice served in accordance with section 20 (2) of the 1988 Act, and
 - (iii) the notice in writing given in accordance with section 21 of the 1988 Act,
- together with any other documents necessary to prove the claim.
- (8) The statements made in the application and any documents attached to the application shall be verified by the claimant on oath.
- (9) Where on the coming to an end of an assured shorthold tenancy (including a tenancy which was an assured shorthold but ceased to be assured before it came to an end) a new assured shorthold tenancy of the same or substantially the same premises (in this paragraph referred to as “the premises”) comes into being under which the landlord and the tenant are the same as at the

coming to an end of the earlier tenancy, then the provisions of this rule apply to that tenancy but with the following conditions instead of those in paragraph (3)—

- (a) The tenancy and any agreement for the tenancy were entered into on or after 15th January 1989.
- (b) The only purpose of the proceedings is to recover possession of the dwelling-house and no other claim is made in the proceedings (such as for arrears of rent).
- (c) The tenancy in relation to which the proceedings are brought—
 - (i) is an assured shorthold tenancy within the meaning of section 20 of the 1988 Act and consequently is not a protected, statutory or housing association tenancy under the Rent Act 1977;
 - (ii) did not immediately follow an assured tenancy which was not an assured shorthold tenancy, and
 - (aa) is the subject of a written agreement, or
 - (ab) is on the same terms (though not necessarily as to rent) as a tenancy which was the subject of a written agreement and arises by virtue of section 5 of the 1988 Act, or
 - (ac) relates to the same or substantially the same premises which were let to the same tenant and is on the same terms (though not necessarily as to rent or duration) as a tenancy which was the subject of a written agreement.

Where the tenancy in relation to which the proceedings are brought arises by virtue of section 5 of the 1988 Act but follows a tenancy which was the subject of an oral agreement, the conditions mentioned in sub-paragraph (c)(ii)(ab) or (ac) above is not satisfied.

- (d) Where the agreement and any agreement for the tenancy were entered into before 28th February 1997, a written notice was served in accordance with section 20 (2) of the 1988 Act on the tenant in relation to the first assured shorthold tenancy of the premises and the proceedings are brought against the tenant on whom that notice was served.
 - (e) A notice in writing was given to the tenant in accordance with section 21 (4) of the 1988 Act.
- (10) In a case to which paragraph (9) applies, the application shall include the following information and statements.
- (a) A statement identifying the dwelling-house which is the subject matter of the proceedings.
 - (b) A statement identifying the nature of the tenancy, namely—
 - (i) whether it is the subject of a written agreement;
 - (ii) whether the tenancy arises by virtue of section 5 of the 1988 Act, or
 - (iii) where it is the subject of an oral agreement, that the tenancy is periodic or for a fixed term, and if for a fixed term, the length of the term and the date of termination.
 - (c) A statement that the dwelling-house (or another dwelling-house) was not let to the tenant by the landlord (or any of his predecessors) before 15th January 1989.
 - (d) A statement that possession is claimed under section 21 of the 1988 Act giving sufficient particulars to substantiate the claimant's claim to be entitled to possession.
 - (e) Where the tenancy and any agreement for the tenancy were entered into before 28th February 1997, a statement that a written notice was served in accordance with section 20 (2) of the 1988 Act in relation to the first assured shorthold tenancy of the premises on the tenant against whom the proceedings are brought.

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- (f) A statement that a notice in writing was given to the tenant in accordance with section 21 (4) of the 1988 Act specifying the date on which, and the method by which, the notice was given.
 - (g) In a case where the tenancy is a fixed term tenancy which has expired, a statement that no other assured tenancy is in existence other than an assured shorthold periodic tenancy (whether statutory or not).
 - (h) A statement confirming that there was no power under the tenancy agreement for the landlord to determine (within the meaning given for the purposes of Part I of the 1988 Act by section 45 (4) of the 1988 Act) the first assured shorthold tenancy of the premises to the tenant against whom the proceedings are brought at a time earlier than six months from the beginning of the tenancy.
 - (i) A statement that no notice under section 20 (5) of the 1988 Act has been served.
 - (j) The amount of rent which is currently payable.
- (11) Service of the application and of the attachments shall be effected by an officer of the court sending them by first-class post to the defendant at the address stated in the application and paragraphs (c) and (d) of Order 3, rule 6 (mode of service) and Order 7, rule 15 (service of claim form for recovery of land) shall apply as they apply where service is effected under those rules.
- (12) A defendant who wishes to oppose the claimant's application must, within 14 days after the service of the application on him, complete and deliver at the court office the form of reply which was attached to the application.
- (13) On receipt of the defendant's reply the court shall—
- (a) send a copy of it to the claimant;
 - (b) refer the reply and the claimant's application to the judge and where a reply is received after the period mentioned in paragraph (12) but before a request is filed in accordance with paragraph (14) the reply shall be referred without delay to the judge.
- (14) Where the period mentioned in paragraph (12) has expired without the defendant filing a reply, the claimant may file a written request for an order for possession and the court shall without delay refer any such request to the judge.
- (15) After considering the application and the defendant's reply (if any), the judge shall either—
- (a) make an order for possession under paragraph (17); or
 - (b) fix a day for a hearing under paragraph (16) and give directions regarding the steps to be taken before and at the hearing.
- (16) The court shall fix a day for the hearing of the application where the judge is not satisfied as to any of the following—
- (a) where the tenancy and any agreement for the tenancy were entered into before 28th February 1997 that a written notice was served in accordance with section 20 of the 1988 Act,
 - (b) that a written notice was given in accordance with section 21 of the 1988 Act,
 - (c) that service of the application was duly effected, or
 - (d) that the claimant has established that he is entitled to recover possession under section 21 of the 1988 Act against the defendant.
- (17) Except where paragraph (16) applies, the judge shall without delay make an order for possession without requiring the attendance of the parties.
- (18) Where a hearing is fixed under paragraph (16)—
- (a) the court shall give to all parties not less than 14 days' notice of the day so fixed;

(b) the judge may give such directions regarding the steps to be taken before and at the hearing as may appear to him to be necessary or desirable.

(19) The court may, on application made on notice in accordance with CPR Part 23 within 14 days of service of the order or of its own initiative, set aside, vary or confirm any order made under paragraph (17).

(20) A district judge shall have power to hear and determine an application to which this rule applies and references in this rule to the judge shall include references to the district judge.

Housing Act 1996: injunctions and powers of arrest

Rule 6B.—(1) An application for an injunction under section 152 of the Housing Act 1996⁽¹¹⁾ may be made by a claim in the appropriate prescribed form and shall be commenced in the court for the district in which the respondent resides or the conduct complained of occurred.

(2) Every application shall—

- (a) state the terms of the injunction applied for; and
- (b) be supported by a witness statement or affidavit in which the grounds on which the application is made are set out.

(3) Every application made on notice must be served, together with a copy of the witness statement or affidavit, by the applicant on the respondent personally not less than 2 days before the date on which the application will be heard.

(4) Where an application is made without giving notice, the affidavit in support shall explain why notice was not given and the application and witness statement or affidavit shall be served (with a copy of any order made by the court), on the respondent personally without delay.

(5) Unless otherwise directed, every application made on notice shall be heard in public.

(6) Where in exercise of the powers conferred by section 152 (6) or 153 (1) of the Housing Act 1996, a power of arrest is attached to any provision of an injunction (“a relevant provision”)—

- (a) each relevant provision shall be set out in a separate clause of the injunction and no such clause shall refer to any form of conduct which would not entitle a constable to arrest the respondent under paragraph (a), (b) or (c) of section 152(1) or under paragraph (a), (b) or (c) of section 153 (5) of the Housing Act 1996; and
- (b) the applicant shall deliver a copy of the relevant provisions to the police officer for the time being in charge of any police station for the area where the conduct occurred.

(7) Where an order is made varying or discharging any relevant provision of an injunction to which a power of arrest has been attached, the court shall—

- (a) immediately inform the police officer for the time being in charge of the police station to which a copy of the relevant provisions was delivered under paragraph (6); and
- (b) deliver a copy of the order to any police officer so informed.

(8) The judge before whom a person is brought following his arrest may adjourn the proceedings and, where such an order is made, the arrested person shall be released and—

- (a) be dealt with (whether by the same or another judge) within 14 days of the day on which he was arrested; and
- (b) be given not less than 2 days' notice of the adjourned hearing;

Nothing in this paragraph shall prevent the issue of a notice under Order 29 rule 1 (4) if the arrested person is not dealt with within the period mentioned in sub-paragraph (a).

(11) 1996 c. 52.

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

(9) In relation to a person who is in custody under such an order and warrant of a county court, Order 29, rule 3, shall have effect as if the order and warrant were issued at the instance of the person who made the application.

(10) Order 29, rule 1 shall apply where an application is made to commit a person—

- (a) for breach of an injunction granted, or
- (b) arrested under a power of arrest attached to an injunction under Chapter III of Part V of the Housing Act 1996,

as if references in that rule to the judge included references to a district judge.

(11) In paragraph (8) “arrest” means the arrest of a person pursuant to a power of arrest which, in exercise of the powers conferred by section 152 (6) or 153 (1) of the Housing Act 1996, has been attached to an injunction.

(12) The jurisdiction of the court under sections 152 to 157 of the Housing Act 1996 may be exercised by a district judge

Injunctions to prevent environmental harm: Town and Country Planning Act 1990 etc.

Rule 7.—(1) An injunction under—

- (a) section 187B or 214A of the Town and Country Planning Act 1990~~(12)~~,
- (b) section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990~~(13)~~, or
- (c) section 26AA of the Planning (Hazardous Substances) Act 1990~~(14)~~,

may be granted against a person whose identity is unknown to the applicant; and in the following provisions of this rule such an injunction against such a person is referred to as “an injunction under paragraph (1)”, and the person against whom it is sought is referred to as “the respondent”.

(2) An applicant for an injunction under paragraph (1) shall, describe the respondent by reference to—

- (a) a photograph,
- (b) a thing belonging to or in the possession of the respondent, or
- (c) any other evidence,

with sufficient particularity to enable service to be effected, and the form of the claim form used shall be modified accordingly.

(3) An applicant for an injunction under paragraph (1) shall file evidence by witness statement or affidavit—

- (a) verifying that he was unable to ascertain, within the time reasonably available to him, the respondent’s identity.
- (b) setting out the action taken to ascertain the respondent’s identity and
- (c) verifying the means by which the respondent has been described in the claim form and that the description is the best that the applicant is able to provide.

(4) Paragraph (2) is without prejudice to the power of the court to make an order in accordance with CPR Part 6 for service by an alternative method or dispensing with service.

(12) 1990 c. 8; section 187B was amended by the Planning and Compensation Act 1991 (c. 34), section 3; and section 214A was amended by the section 23(7) of that Act.

(13) 1990 c. 9; section 44A was amended by the Planning and Compensation Act 1991 (c. 34), section 25, schedule 3, Part 1, paragraph 7.

(14) 1990 c. 10; section 26AA was inserted by the Planning and Compensation Act 1991 (c. 34), section 25, schedule 3, Part I, paragraph 15.

Leasehold Reform Act 1967(15)

Rule 8.—(1) In this rule a section referred to by number means the section so numbered in the Leasehold Reform Act 1967 and “Schedule 2” means Schedule 2 to that Act.

(2) Where a tenant of a house and premises desires to pay money into court pursuant to section 11 (4) or section 13 (1) or (3)—

- (a) he shall file in the office of the appropriate court a witness statement or affidavit stating—
 - (i) the reasons for the payment into court,
 - (ii) the house and premises to which the payment relates and the name and address of the landlord, and
 - (iii) so far as they are known to the tenant, the name and address of every person who is or may be interested in or entitled to the money;
- (b) on the filing of the witness statement or affidavit the tenant shall pay the money into court and the court officer shall enter the matter in the records of the court and send notice of the payment to the landlord and to every person whose name and address are given in the witness statement or affidavit pursuant to sub-paragraph (a)(iii);
- (c) any subsequent payment into court by the landlord pursuant to section 11 (4) shall be made to the credit of the same account as the payment into court by the tenant and sub-paragraphs (a) and (b) shall apply as if for the references to the tenant and the landlord there were substituted references to the landlord and the tenant respectively.
- (d) the appropriate court for the purposes of sub-paragraph (a) shall be the court for the district in which the property is situated or, if the payment into court is made by reason of a notice under section 13 (3), any other county court specified in the notice.

(3) Where the proceedings on an application are ordered to be transferred to a leasehold valuation tribunal under section 21 (3), the court shall—

- (a) send notice of the transfer to all parties to the application; and
- (b) send to the leasehold valuation tribunal copies certified by the district judge of all entries in the records of the court relating to the application, together with the order of transfer and all documents filed in the proceedings.

(4) Where an application is made under section 17 or 18 for an order for possession of a house and premises the respondent shall—

- (a) forthwith after being served with the application, serve on every person in occupation of the property or part of it under an immediate or derivative sub-tenancy, a notice informing him of the proceedings and of his right under paragraph 3 (4) of Schedule 2 to appear and be heard in the proceedings with the permission of the court, and
- (b) within 14 days after being served with the application, file an answer stating the grounds, if any, on which he intends to oppose the application and giving particulars of every such sub-tenancy.

Leasehold Reform, Housing and Urban Development Act 1993(16)

Rule 9.—(1) In this rule—

- (a) “the 1993 Act” means the Leasehold Reform, Housing and Urban Development Act 1993;

(15) **1967 c. 88**; section 11 was amended by the **Rentcharges Act 1977 (c.)**, section 17(2), schedule 2. Section 21 was amended by the **Housing Act 1980 (c. 51)**, sections 142, 152, schedule 22, Part II, paragraph 8, schedule 26; by the **County Courts Act 1984 (c. 28)**, section 148(1), schedule 2, Part V, paragraph 31; by the **Leasehold Reform, Housing and Urban Development Act 1993 (c. 28)**, section 187(1), schedule 21, paragraph 4; and by the **Housing Act 1996 (c. 52)**, sections 115, 116, schedule 11, paragraph 1(2).

(16) **1993 c. 28**; section 26 was amended by the **Housing Act 1996 (c. 52)**.

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

- (b) a section or Schedule referred to by number means the section or Schedule so numbered in the 1993 Act; and
 - (c) expressions used in this rule have the same meaning as they have in the 1993 Act.
- (2) Where an application is made under section 23 (1) by a person other than the reversioner—
- (a) on the issue of the application, the applicant shall send a copy of the application to the reversioner;
 - (b) the applicant shall promptly inform the reversioner either—
 - (i) of the court’s decision; or
 - (ii) that the application has been withdrawn.
- (3) Where an application is made under section 26 (1) or (2) or section 50 (1) or (2) it shall be made by the issue of a claim form which must not be served on any other person to the district judge, who may grant or refuse it or give directions for its future conduct, including the addition as respondents of such persons as appear to have an interest in it.
- (4) Where an application is made under section 26 (3), it shall be made by the issue of a claim form and—
- (a) the applicants shall serve notice of the application on any person who they know or have reason to believe is a relevant landlord, giving particulars of the application and the return date and informing that person of his right to be joined as a party to the proceedings;
 - (b) the landlord whom it is sought to appoint as the reversioner shall be a respondent to the application, and shall file an answer;
 - (c) a person on whom notice is served under sub-paragraph (a) shall be added as a respondent to the proceedings when he gives notice in writing to the court of his wish to be added as party, and the court shall notify all other parties of the addition.
- (5) Where a person wishes to pay money into court under section 27 (3), section 51 (3) or paragraph 4 of Schedule 8, rule 8 (2) shall apply as it applies to payments into court made under the Leasehold Reform Act 1967, subject to the following modifications—
- (a) references in rule 8 to the payment of money into court by a tenant shall be construed as references to the person or persons making a payment into court under the 1993 Act;
 - (b) the reference in rule 8 (2)(a)(ii) to “house and premises” shall be construed as a reference to the interest or interests in the premises to which the payment into court relates, or, where the payment into court is made under section 51 (3), to the flat to which it relates;
 - (c) the witness statement or affidavit filed by the tenant under rule 8(2)(a) shall include details of any vesting order; and
 - (d) the appropriate court for the purposes of that sub-paragraph shall be—
 - (i) where a vesting order has been made, the court which made the vesting order; or
 - (ii) where no such order has been made, the court in whose district the premises are situated.
- (6) Where an order is made under section 91 (4), rule 8 (3) (transfer to leasehold valuation tribunal) shall apply as it applies on the making of an order under section 21 (3) of the Leasehold Reform Act 1967.
- (7) Where a relevant landlord acts independently under Schedule 1, paragraph 7, he shall be entitled to require any party to proceedings under the 1993 Act (as described in paragraph 7 (1)(b) of Schedule 1) to supply him, on payment of the reasonable costs of copying, with copies of all documents which that party has served on the other parties to the proceedings.

Local Government Finance Act 1982(17)

Rule 10.—(1) In this rule a section referred to by number means the section so numbered in the Local Government Finance Act 1982.

(2) Proceedings in a county court under section 19 or section 20 shall be commenced in the court for the district in which the principal office of the body to whose accounts the application relates (in this rule referred to as “the body concerned”) is situated.

(3) A claim form for a declaration under section 19 (1) shall state the facts on which the applicant intends to rely at the hearing of the application and the respondents to the application shall be the body concerned and any person against whom an order is sought under section 19 (2).

(4) An appeal under section 19 (4) or section 20 (3) against a decision of an auditor shall be brought within 28 days of the receipt by the appellant of the auditor’s statement of the reasons for his decision.

(5) The notice of appeal to which paragraph (4) relates shall state—

- (a) the reasons stated by the auditor for his decision;
- (b) the date on which the appellant received the auditor’s statement;
- (c) the facts on which the appellant intends to rely at the hearing of the appeal; and
- (d) in the case of a decision not to apply for a declaration, such facts within the appellant’s knowledge as will enable the court to consider whether to exercise the powers conferred on it by section 19 (2).

(6) The respondents to the appeal shall be:—

- (i) the auditor who for the time being has responsibility for the audit of the accounts of the body concerned;
- (ii) the body concerned; and
- (iii) in the case of an appeal against a decision not to certify under section 20 (1) that a sum or amount is due from any person, that person.

(7) The court may at any stage of an application or appeal under section 19 or section 20 direct that any officer or member of the body concerned be added to the proceedings as a respondent.

Local Government (Miscellaneous Provisions) Act 1976(18)

Rule 11 A person who appeals against a notice under section 21, 23 or 35 of the Local Government (Miscellaneous Provisions) Act 1976 shall state in his notice of appeal the grounds of the appeal and where one of those grounds is that it would have been fairer to serve the notice on another person or, as the case may be, that it would be reasonable for the whole or part of the expenses to which the notice relates to be paid by some other person, that person shall be made a respondent to the appeal, less the court on the application of the appellant made without notice, otherwise directs.

(17) **1982 c. 32**; sections 19 and 20 were amended by the National Health Service and Community Care Act 1990 (c. 19), section 20, schedule 4, paragraphs 9 and 10; by the Education Reform Act 1988 (c. 40), section 237(2), schedule 13, Part I; by the Police and Magistrates' Courts Act 1994 (c. 29), section 43, schedule 4, Part I, paragraphs 26 and 27; by the Police Act 1996 (c. 16), section 103(1), schedule 7, Part 1, paragraph 1, and by the Police Act 1997 (c. 50), section 88, schedule 6, paragraphs 19 and 21; and by S.I. 1991/724 and 1996/3141.

(18) **1976 c. 57**; section 23 was amended by S.I. 1996/3071. Section 35 was amended by the Local Government Act 1985 (c. 51), section 102(2), schedule 17 and by S.I. 1996/3071.

Mental Health Act 1983(19)

Rule 12.—(1) In this rule— a section referred to by number means the section so numbered in the Mental Health Act 1983 and “Part II” means Part II of that Act;

“place of residence” means, in relation to a patient who is receiving treatment as an in-patient in a hospital or other institution, that hospital or institution;

“hospital authority” means the managers of a hospital as defined in section 145 (1).

(2) An application to a county court under Part II shall be made by a claim form filed in the court for the district in which the patients' place of residence is situated or, in the case of an application made under section 30 for the discharge or variation of an order made under section 29, in that court or in the court which made the order.

(3) Where an application is made under section 29 for an order that the functions of the nearest relative of the patient shall be exercisable by some other person—

(a) the nearest relative shall be made a respondent to the application unless the application is made on the grounds set out in subsection (3)(a) of the said section or the court otherwise orders, and

(b) the court may order that any other person, not being the patient, shall be made a respondent.

(4) On the hearing of the application the court may accept as evidence of the facts stated therein any report made by a medical practitioner and any report made in the course of his official duties by—

(a) a probation officer, or

(b) an officer of a local authority or of a voluntary organisation exercising statutory functions on behalf of a local authority, or

(c) an officer of a hospital authority:

Provided that the respondent shall be told the substance of any part of the report bearing on his fitness or conduct which the judge considers to be material for the fair determination of the application.

(5) Unless otherwise ordered, an application under Part II shall be heard and determined by the court sitting in private.

(6) For the purpose of determining the application the judge may interview the patient either in the presence of or separately from the parties and either at the court or elsewhere, or may direct the district judge to interview the patient and report to the judge in writing.

Mobile Homes Act 1983(20)

Rule 13.—(1) An application—

(a) under section 1 or 2 of the Mobile Homes Act 1983; or

(b) pursuant to paragraph 4, 5 or 6 of Part I of Schedule 1 to that Act; or

(c) with respect to any question arising under paragraph 8 (1) or 9 of the same Part of that Schedule,

shall be made by a claim form and the respondent shall file an answer.

(2) Any application to which paragraph 1 (b) applies may include an application for an order enforcing the rights mentioned in section 3 (1)(b) of the Caravan Sites Act 1968(21).

(19) 1983 c. 20; section 145(1) was amended by the Health Authorities Act 1995 (c. 17), section 2(1), schedule 1, Part III, paragraph 107; by the National Health Service and Community Care Act 1990 (c. 19), section 66(1), schedule 9, paragraph 24(9); and by the Mental Health (Amendment) Act 1994 (c. 6), section 1.

(20) 1983 c. 34.

(21) 1968 c. 52; section was amended by the Criminal Justice Act 1982 (c. 48), sections 38, 46.

(3) Any application to which this rule applies may be heard and determined by the district judge and may, if the court thinks fit, be dealt with in private.

Post Office Act 1969(22)

Rule 15.—(1) An application under section 30 (5) of the Post Office Act 1969 for permission to bring proceedings in the name of the sender or addressee of a postal packet or his personal representatives shall be made by a claim form.

(2) The respondents to the application shall be the Post Office and the person in whose name the applicant seeks to bring proceedings.

Rentcharges Act 1977(23)

Rule 16 Where for the purposes of section 9 of the Rentcharges Act 1977 the sum required to redeem a rentcharge is to be paid into the county court, it shall be paid into the court for the district in which the land affected by the rentcharge or any part thereof is situated.

Sex Discrimination Act 1975 and Race Relations Act 1976

Rule 17.—(1) In this rule—

- (a) “the Act of 1975” and “the Act of 1976” mean respectively the Sex Discrimination Act 1975(24) and the Race Relations Act 1976(25);
- (b) in relation to proceedings under either of those Acts expressions which are used in the Act concerned have the same meanings in this rule as they have in that Act;
- (c) in relation to proceedings under the Act of 1976 “court” means a designated county court and “district” means the district assigned to such a court for the purposes of that Act.

(2) A claimant who brings a claim under section 66 of the Act of 1975 or section 57 of the Act of 1976 shall forthwith give notice to the Commission of the commencement of the proceedings and file a copy of the notice.

(3) CPR Rule 35.15 shall have effect in relation to an assessor who is to be appointed in proceedings under section 66 (1) of the Act of 1975.

(4) Proceedings under section 66, 71 or 72 of the Act of 1975 or section 57, 62 or 63 of the Act of 1976 may be commenced—

- (a) in the court for the district in which the defendant resides or carries on business; or
- (b) in the court for the district in which the act or any of the acts in respect of which the proceedings are brought took place.

(5) An appeal under section 68 of the Act of 1975 or section 59 of the Act of 1976 against a requirement of a non-discrimination notice shall be brought in the court for the district in which the acts to which the requirement relates were done.

(6) Where the claimant in any claim alleging discrimination has questioned the defendant under section 74 of the Act of 1975 or section 66 of the Act of 1976—

- (a) either party may make an application to the court in accordance with CPR Part 23 to determine whether the question or any reply is admissible under that section; and

(22) 1969 c. 48.

(23) 1977 c. 30.

(24) 1975 c. 65; section 66 was amended by the Race Relations Act 1976 (c. 74), section 79(4), schedule 4, paragraph 5; by the County Courts Act 1984 (c. 28), section 148(1), schedule 2, Part V, paragraph 55; and by S.I. 1996/438.

(25) 1976 c. 74.

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

(b) CPR Rule 3.4, shall apply to the question and any answer as it applies to any statement of case.

(7) Where in any claim the Commission claim a charge for expenses incurred by them in providing the claimant with assistance under section 75 of the Act of 1975 or section 66 of the Act of 1976—

(a) the Commission shall, within 14 days after the determination of the claim, give notice of the claim to the court and the claimant and thereafter no money paid into court for the benefit of the claimant, so far as it relates to any costs or expenses, shall be paid out except in pursuance of an order of the court, and

(b) the court may order the expenses incurred by the Commission to be assessed whether by the summary or detailed procedure as if they were costs payable by the claimant to his own solicitor for work done in connection with the proceedings.

(8) Where an application is made for the removal or modification of any term of a contract to which section 77 (2) of the Act of 1975 or section 72 (2) of the Act of 1976 applies, all persons affected shall be made respondents to the application, unless in any particular case the court otherwise directs, and the proceedings may be commenced—

(a) in the court for the district in which the respondent or any of the respondents resides or carries on business; or

(b) in the court for the district in which the contract was made.

Solicitors Act 1974(26)

Rule 18 Any application under Part III of the Solicitors Act 1974 may be heard and determined by the district judge and may, if the court thinks fit, be dealt with in private.

Telecommunications Act 1984(27)

Rule 18A.—(1) CPR Rule 35.15 applies to proceedings under paragraph 5 of Schedule 2 to the Telecommunications Act 1984.

Applications under section 19 of the Trade Marks Act 1994(28)

Rule 18B The CPR Patents Court Practice direction shall apply with the necessary modifications to proceedings brought under section 19 of the Trade Marks Act 1994 in a county court.

Trade Union and Labour Relations Consolidation Act 1992(29)

Rule 19.—(1) Where a complainant desires to have an order of the Certification Officer under section 82 of the Trade Union and Labour Relations Consolidation Act 1992 recorded in the county court, he shall produce the order and a copy thereof to the court for the district in which he resides or the head or main office of the trade union is situate.

(2) The order shall be recorded by filing it, and the copy shall be sealed and dated and returned to the complainant.

(3) The sealed copy shall be treated as if it were the notice of issue in a claim begun by the complainant.

(26) 1974 c. 47.

(27) 1984 c. 12.

(28) 1994 c. 26.

(29) 1992 c. 52.

(4) The costs, if any, allowed for recording the order shall be recoverable as if they were payable under the order.

(5) The order shall not be enforced until proof is given to the satisfaction of the court that the order has not been obeyed and, if the order is for payment of money, of the amount remaining unpaid.

Trustee Act 1925, s.63(30)

Rule 20.—(1) Any person wishing to make a payment into court under section 63 of the Trustee Act 1925 shall make and file in the office of the appropriate court a witness statement or an affidavit setting out—

- (a) a brief description of the trust and of the instrument creating it or, as the case may be, of the circumstances in which the trust arose;
- (b) so far as known to him, the names and addresses of the persons interested in or entitled to the money or securities to be paid into court;
- (c) his submission to answer all such inquiries relating to the application of such money or securities as the court may make or direct;
- (d) his place of residence, and
- (e) an address where he may be served with any notice or application relating to such money or securities.

(2) The appropriate court for the purposes of paragraph (1) shall be the court for the district in which the person or any of the persons making the payment into court resides.

(3) The costs incurred in the payment into court shall be assessed by the detailed procedure and the amount of the assessed costs may be retained by the person making the payment into court.

(4) The district judge may require, in addition to the witness statement or affidavit, such evidence as he thinks proper with regard to the matter in respect of which the payment into court is made.

(5) On the making of the payment into court the court shall send notice thereof to each person mentioned in the witness statement or affidavit pursuant to paragraph (1)(b).

(6) An application for the investment or payment out of court of any money or securities paid into court under paragraph (1) may be made without notice but on the hearing of the application the court may require notice to be served on such person as it thinks fit and fix a day for the further hearing.

(7) No witness statement or affidavit in support of the application shall be necessary in the first instance but the court may direct evidence to be adduced in such manner as it thinks fit.

(8) The application may be heard and determined by the district judge.

(9) Paragraphs (6) to (8) are without prejudice to any provision of the County Court Funds Rules enabling or requiring the court to transfer money from a deposit to an investment account of its own motion.