

## SCHEDULE 2

### CCR ORDER 6

#### PARTICULARS OF CLAIM

##### Recovery of land

**Rule 3.**—(1) In a claim for recovery of land the particulars of claim shall—

- (a) identify the land sought to be recovered;
- (b) state whether the land consists of or includes a dwelling-house;
- (c) give details about the agreement or tenancy, if any, under which the land is held, stating when it commenced and the amount of money payable by way of rent or licence fee;
- (d) in a case to which section 138 of the Act applies (forfeiture for non-payment of rent), state the daily rate at which the rent in arrear is to be calculated; and
- (e) state the ground on which possession is claimed, whether statutory or otherwise.

(2) In proceedings for forfeiture where the claimant knows of any person entitled to claim relief against forfeiture as underlessee (including a mortgagee) under section 146 (4) of the Law of Property Act 1925(1) or under section 138 (9C) of the County Courts Act 1984(2), the particulars of claim shall give the name and address of that person and the claimant shall file a copy of the particulars of claim for service on him.

(3) Where possession of land which consists of or includes a dwelling-house is claimed because of non-payment of rent, the particulars of claim shall be in the prescribed form and shall also—

- (a) state the amount due at the commencement of the proceedings;
- (b) give—
  - (i) (whether by means of a schedule or otherwise) particulars of all the payments which have been missed altogether; and
  - (ii) where a history of late or under-payments is relied upon, sufficient details to establish the claimant's case;
- (c) state any previous steps which the claimant has taken to recover arrears of rent and, in the case of court proceedings, state—
  - (i) the dates when proceedings were commenced and concluded; and
  - (ii) the dates and terms of any orders made;
- (d) give such relevant information as is known by the claimant about the defendant's circumstances and, in particular, whether (and, if so, what) payments on his behalf are made direct to the claimant by or under the Social Security Contributions and Benefits Act 1992(3); and
- (e) if the claimant intends as part of his case to rely on his own financial or other circumstances, give details of all relevant facts or matters.

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(1) 1925 c. 20.

(2) 1984 c. 28; section 138 was amended by the Administration of Justice Act 1985 (c. 61), sections 55 and 67(2), schedule 8; and by the Courts and Legal Services Act 1990 (c. 41), section 125(2), schedule 17, paragraph 17.

(3) 1992 c. 4.