
STATUTORY INSTRUMENTS

2001 No. 256

The Civil Procedure (Amendment) Rules 2001

Amendments to the Civil Procedure Rules 1998

20. In RSC Order 45, in rule 3—

(a) in paragraph (2)—

(i) delete “mortgage proceedings to which Order 88 applies”; and

(ii) after “made in” insert—

“proceedings by a mortgagee or mortgagor or by any person having the right to foreclose or redeem any mortgage, being proceedings in which there is a claim for—

(a) payment of moneys secured by the mortgage;

(b) sale of the mortgaged property;

(c) foreclosure;

(d) delivery of possession (whether before or after foreclosure or without foreclosure) to the mortgagee by the mortgagor or by any other person who is alleged to be in possession of the property;

(e) redemption;

(f) reconveyance of the land or its release from the security; or

(g) delivery of possession by the mortgagee”;

(b) after paragraph (2), insert—

“(2A) In paragraph (2) “mortgage” includes a legal or equitable mortgage and a legal or equitable charge, and reference to a mortgagor, a mortgagee and mortgaged land is to be interpreted accordingly.”; and

(c) in paragraph (3), after “permission”, insert “as is referred to in paragraph (2)”.