

## SCHEDULE 3

### PART II

#### SECTION III—INTERIM POSSESSION ORDERS

##### Hearing of the application

**55.25.**—(1) In deciding whether to grant an IPO, the court will have regard to whether the claimant has given, or is prepared to give, the following undertakings in support of his application—

- (a) if, after an IPO is made, the court decides that the claimant was not entitled to the order to—
    - (i) reinstate the defendant if so ordered by the court; and
    - (ii) pay such damages as the court may order; and
  - (b) before the claim for possession is finally decided, not to—
    - (i) damage the premises;
    - (ii) grant a right of occupation to any other person; and
    - (iii) damage or dispose of any of the defendant’s property.
- (2) The court will make an IPO if—
- (a) the claimant has—
    - (i) filed a certificate of service of the documents referred to in rule 55.23(1); or
    - (ii) proved service of those documents to the satisfaction of the court; and
  - (b) the court considers that—
    - (i) the conditions set out in rule 55.21(1) are satisfied; and
    - (ii) any undertakings given by the claimant as a condition of making the order are adequate.
- (3) An IPO will be in the form set out in the relevant practice direction and will require the defendant to vacate the premises specified in the claim form within 24 hours of the service of the order.
- (4) On making an IPO the court will set a date for the hearing of the claim for possession which will be not less than 7 days after the date on which the IPO is made.
- (5) Where the court does not make an IPO—
- (a) the court will set a date for the hearing of the claim;
  - (b) the court may give directions for the future conduct of the claim; and
  - (c) subject to such directions, the claim shall proceed in accordance with Section I of this Part.