

SCHEDULE 3

PART II

SECTION III—INTERIM POSSESSION ORDERS

Application to set aside IPO

55.28.—(1) If the defendant has left the premises, he may apply on grounds of urgency for the IPO to be set aside before the date of the hearing of the claim.

(2) An application under paragraph (1) must be supported by a witness statement.

(3) On receipt of the application, the court will give directions as to—

(a) the date for the hearing; and

(b) the period of notice, if any, to be given to the claimant and the method of service of any such notice.

(4) No application to set aside an IPO may be made under rule 39.3.

(5) Where no notice is required under paragraph (3)(b), the only matters to be dealt with at the hearing of the application to set aside are whether—

(a) the IPO should be set aside; and

(b) any undertaking to re-instate the defendant should be enforced,

and all other matters will be dealt with at the hearing of the claim.

(6) The court will serve on all the parties—

(a) a copy of the order made under paragraph (5); and

(b) where no notice was required under paragraph (3)(b), a copy of the defendant's application to set aside and the witness statement in support.

(7) Where notice is required under paragraph (3)(b), the court may treat the hearing of the application to set aside as the hearing of the claim.