

# PRACTICE DIRECTION – CHARGING ORDERS, STOP ORDERS AND STOP NOTICES

## THIS PRACTICE DIRECTION SUPPLEMENTS PART 73

### SECTION I – CHARGING ORDERS

#### Application notice – rule 73.3

- 1.1 An application for a charging order must be made by filing an application notice in Practice Form N379 if the application relates to land, or N380 if the application relates to securities.
- 1.2 The application notice must contain the following information –
  - (1) the name and address of the judgment debtor;
  - (2) details of the judgment or order sought to be enforced;
  - (3) the amount of money remaining due under the judgment or order;
  - (4) if the judgment debt is payable by instalments, the amount of any instalments which have fallen due and remain unpaid;
  - (5) if the judgment creditor knows of the existence of any other creditors of the judgment debtor, their names and (if known) their addresses;
  - (6) identification of the asset or assets which it is intended to charge;
  - (7) details of the judgment debtor's interest in the asset; and
  - (8) the names and addresses of the persons on whom an interim charging order must be served under rule 73.5(1).
- 1.3 A judgment creditor may apply in a single application notice for charging orders over more than one asset, but if the court makes interim charging orders over more than one asset, it will draw up a separate order relating to each asset.

#### High Court and county court jurisdiction

2. The jurisdiction of the High Court and the county court to make charging orders is set out in section 1(2) of the 1979 Act.

#### Transfer

3. The court may, on an application by a judgment debtor who wishes to oppose an application for a charging order, transfer it to the court for the district where the judgment debtor resides or carries on business, or to another court.

## **Enforcement of charging orders by sale – rule 73.10**

- 4.1 A county court has jurisdiction to determine a claim under rule 73.10 for the enforcement of a charging order if the amount owing under the charge does not exceed the county court limit.
- 4.2 A claim in the High Court for an order for sale of land to enforce a charging order must be started in Chancery Chambers at the Royal Courts of Justice, or a Chancery district registry.  
(There are Chancery district registries at Birmingham, Bristol, Cardiff, Leeds, Liverpool, Manchester, Newcastle upon Tyne and Preston.)
- 4.3 The written evidence in support of a claim under rule 73.10 must –
  - (1) identify the charging order and the property sought to be sold;
  - (2) state the amount in respect of which the charge was imposed and the amount due at the date of issue of the claim;
  - (3) verify, so far as known, the debtor's title to the property charged;
  - (4) state, so far as is known –
    - (a) the names and addresses of any other creditors who have a prior charge or other security over the property; and
    - (b) the amount owed to each such creditor; and
  - (5) give an estimate of the price which would be obtained on sale of the property.
- 4.4 Sample forms of orders for sale are set out in Appendix A to this practice direction for guidance. These are not prescribed forms of order and they may be adapted or varied by the court to meet the requirements of individual cases.

## **SECTION II – STOP NOTICES**

5. A sample form of stop notice is set out in Appendix B to this practice direction.

# APPENDIX A

Appendix in PDF format

## APPENDIX B

Appendix in PDF format