

PRACTICE DIRECTION – BILLS OF SALE

THIS PRACTICE DIRECTION SUPPLEMENTS RSC 0.95 (SCHEDULE 1 OF THE CPR)

ENTRY OF SATISFACTION

1. Notwithstanding the provisions of RSC Order 95, rule 2(1), (1A) and (2), if a consent to the satisfaction signed by the person entitled to the benefit of the bill of sale can be obtained, the application under RSC Order 95, rule 2(1) can be made by affidavit or witness statement instead of by claim form.
2. If paragraph 1 applies and the application is made by affidavit or witness statement–
 - (1) CPR Part 23 will apply to the application;
 - (2) the affidavit or witness statement will constitute the application notice;
 - (3) the affidavit or witness statement need not be served on any other person; and
 - (4) the application will normally be dealt with without a hearing.
3. Where the consent of the person entitled to the benefit of the bill of sale cannot be obtained, the application under RSC Order 95, rule 2(1) must be made by claim form in accordance with CPR Part 8 and RSC Order 95, rule 2(3) will apply.