

# NOTES TO ACCOMPANY AUGUST 2001 24<sup>th</sup> SUPPLEMENT

**Amendments to existing material are included as follows:**

## **Rules**

### **Items to be deleted before or on October 15 2001**

If you are likely to need to refer to any of the orders to be deleted before or on October 15 2001 you can still access the rules as they were at the **23rd Update** by downloading them as a **file in zipped format** [[link to /cpr\\_web/update.htm](/cpr_web/update.htm)].

### **Items which come into force on October 15 2001**

Please note that the amendments enclosed with this update (save for the very few exceptions listed below) do not come into force **until October 15 2001**. The changes involve not only the insertion of new text, but also remove a number of RSC and CCR Orders either completely or in part.

### **Items which come into force before October 15 2001**

Amendments to rules 16 and 17 of RSC Order 77 and rule 15 of CCR Order 49 came into force on **March 26 2001**, but were omitted in error from the previous update.

Amendments to RSC Order 112 and CCR Order 47 replacing references to 'blood tests' with 'scientific tests' are amendments which came into force on **April 1 2001** but were omitted in error from the 22nd update.

**Amendments to existing material are included as follows:**

## **Rules**

### **Part 6**

Rule 6.1 cross references amended to refer to new Part 55.

Rule 6.16 the following cross references at the end of the Rule have been deleted:  
para (a) O.10, O.97, O.113; para (b) O.7, O.43, O.49.

Rule 6.18 para (dd) [which is an inadvertent duplication of (ea)] is deleted.

Rule 6.24 was printed twice – the first entry (which is incorrect) is deleted.

### **Part 8**

Rule 8.2A(2) 'caes' corrected to 'cases'.

<b>Part 16</b>	Rule 16.8 the following cross references at the end of the rule have been deleted: O.88, O.97, O.6, O.43.
<b>Part 19</b>	Rule 19.9(3)(a) 'except' is deleted.
<b>Part 22</b>	Rule 22.1(1) new text replaces the existing text.
<b>Part 48</b>	Rule 48.7 sub-paras 4, 5, 6 and 7 renumbered as 3, 4, 5 and 6.
<b>Part 49</b>	Para (2)(f), the word 'and' deleted; para (2)(g) deleted.
<b>Part 51</b>	The heading is amended to 'Transitional Arrangements and Pilot Schemes'. Rule 51 is renumbered 51.1.. After Rule 51.1 a new Rule 51.2 has been inserted.
<b>Part 57</b>	Explanatory note at end deleted (originally included in error).

## Schedule 1

RSC Order 10	revoked from October 15 2001.
RSC Order 15	Rule 14(2) words 'under Rule 13' deleted and replaced by 'under CPR Rule 19.7'.
RSC Order 45	Rule 3 – 'mortgage proceedings to which Order 88 applies' deleted and new text inserted after 'made in'. New para (2A) inserted. In para 3 'as is referred to in paragraph (2)' inserted after 'permission'.
RSC Order 51	New title and Rule A1 inserted before existing Rule 1. Rule 2: 'District judge' added to those who may make an order to appoint a receiver.
RSC Order 62	Para 1(2) of Part II of Appendix 3 'Order 45, rule 3(2)' substituted for 'Order 88, rule 1 (mortgage claims)'.
RSC Order 77	Rule 16 para 2B 'of the Post Office' deleted. Rule 17 para (1) references to 'Post Office Act 1969' amended to 'section 92 of the Postal Services Act 2000'.
RSC Order 88	Rules 1, 2, 3, 4, 5 and 7 revoked from October 15 2001.
RSC Order 93	Rules 15 and 20 revoked from October 15 2001.
RSC Order 97	Order revoked from October 15 2001.
RSC Order 112	'blood tests' is replaced by 'scientific tests' wherever it appears.
RSC Order 113	Rules 1, 1A, 2, 3, 4, 5, 6 and 8 revoked from October 15 2001. Rule 7 para 1 'under this order' is amended to 'in a possession claim against trespassers under Part 55'.

## Schedule 2

CCR Order 4	Rule 3(a) revoked from October 15 2001.
CCR Order 6	Rules 3, 5 and 5A revoked from October 15 2001.
CCR Order 7	Order revoked from October 15 2001.
CCR Order 22	Rule 8 para 1A sub-para (a) new text substituted for existing text.
CCR Order 24	Rules 1, 2, 3, 4, 5, and 7 revoked from October 15 2001. Rule 6, para 1 'in a possession claim against trespassers under Part 55' substituted for 'under this order'. Rule 9 'a possession claim against trespassers under Part 55' substituted for 'proceedings for possession under Part I of this Order'. Rule 10 para (1) 'Part 55' substituted for 'rules 2 to 7'. Rule 12 para (9)(c); Rule 13 para (4) and Rule 14(3)(c) 'Part 55' substituted for 'Part 1 of this Order'.
CCR Order 25	Rule 13 para (1) – new para substituted. Rule 13 para (2) – new text: 'or the person against whom the possession order was made' inserted after 'debtor'.
CCR Order 38	Appendix B Part III table, para 10 'Section II of CPR Part 55 (Possession claims)' is substituted for 'rule 6 or 6A of Order 49'.
CCR Order 43	Order to be revoked from October 15 2001.
CCR Order 47	'blood tests' is replaced by 'scientific tests' wherever it appears.

CCR Order 49 Rules 1, 1A, 2, 4, 6A, 8, 9, 13 and 16 revoked from October 15 2001. Rule 6B words 'and powers of arrest' deleted from title.  
Rule 6B after para 7 new para 7A inserted;  
new para 8 substituted for existing para; new paras 8A, 8B and 8C inserted; new paras 9, 10 and 11 substituted for existing paras. New paras 11A and 11B inserted. Rule 15 amended to substitute 'Postal services Act 2000' for 'Post Office Act 1969' in the heading, and 'section 92 of the Postal Services Act 200' for 'section 30(5) of the Post Office SAct 1969' in para 1; in para 2 'universal service provider' is substituted for 'Post Office'.

## Practice Directions:

Practice Direction 2B	New para 11.1(a) substituted for the existing para.
Practice Direction 8B	Para A.2(1) the word 'schedule' is deleted. Table 1, references deleted as follows: RSC O.88, r.3; RSC O.97 (8 references); RSC O.113, r.1. Para B.1, sub-para 2 (a&b) deleted and single sub-para substituted; sub-para 3 the word shcedule is deleted. Table 2, references deleted as follows: CCR O.24, r.1(1); CCR O.43 (all refs); CCR O.49, r.1(2), r.4(5), r.4(9), r.4(14), r.4(15), r.6(5), r.6A(5), r.9(3), r.13(1). Para B.2 ref in parentheses to CCR O.7 deleted. Para B.7 sub-paras (1) and (2) deleted, (3) and (4) renumbered. Para B8 sub-para (2) deleted and sub-para (3) renumbered.
Practice Direction 12	New para 4.4 substituted for existing para.
Practice Direction 16	Para 6 is deleted and the remaining paras renumbered accordingly.
Practice Direction 23	Two consecutive paras are numbered 6.1; second reference renumbered 6.1A.
Practice Direction 35	Para 4.2 – new text substituted for existing text.
Practice Direction 39	Heading before para 8: space inserted in title between words 'authorities' and 'human'.
Practice Direction 49	Revoked with effect from October 15 2001
Practice Direction 52	Para 1.1 Section III moved to separate line (typesetting error). Para 5.8A: the word 'and' is inserted after sub-para (1) and deleted after sub-para (2); sub-para (3) is omitted. After para 5.8B new paras 5.8C and 5.8D inserted. Para 8.2 table 'Midland and Oxford Circuit' amended to 'Midland Circuit'; 'Oxford' removed from Hearing Only Centres for Midland Circuit and placed in the provincial list for South Eastern Circuit. Paras 8.9(2) and 8.10 – 'section 9(1)' is amended to read 'section 9'.
Practice Direction 55	New para 1.6 inserted.
Practice Direction 56	Para 1.1 sub-para (2) definition of 'the 1985 Act' added. Newpara 3.8 inserted after para 3.7. Para 4.2 reference to s47(5) amended to s37(5). Para 5.5 'immediately' inserted after 'the defendant must'. New paras 5.8 and 5.9 inserted after existing para 5.7. New paras 12.2 and 12.3 inserted after para 12.1.

## Other Practice Directions

Schedule 2 CCR Order 49 Practice Direction	New Practice Direction inserted.
Insolvency Practice Direction	New text and draft orders inserted after para 1.5.

## Pre-Action Protocols

Clinical Disputes	Telephone number of Secretary amended.
Professional Negligence	Word 'draft' deleted.

## Forms

Note the following forms included with this update **but which will not come into force until October 15 2001.**

N2	Claim form (probate claim).
N2A	Probate Form – notes for claimant.
N2B	Probate Claim – notes for defendant.
N3	Acknowledgement of service (probate Claim).
N205D	Notice of issue (probate claim).

The following is a list of new or revised forms included with the 23rd update (and reprinted here for convenience) **but which will not come into force until October 15 2001.**

N206B	Notice of issue (possession claim) a new form which does not replace N206.
N5	Claim form for possession of property – a new single claim form to be used for starting a claim in all possession cases, except forfeiture.
N5A	Claim form for relief against forfeiture – new form.
N7	Notes for defendant (mortgaged residential premises).
N7A	Notes for defendant (rented residential premises).
N7B	Notes for defendant (forfeiture of the lease).
N119	Particulars of claim (rented residential premises) – revised version of existing form.
N120	Particulars of claim (mortgaged residential premises) – revised version of existing form.
N121	Particulars of claim (trespassers) – new form.
N119A	Notes for guidance on completing particulars of claim (rented residential premises).
N11	Form of defence (Part 55 claims) – revised version of existing form.
N11R	Form of defence (rented residential premises) – revised version of existing form.
N11M	Form of defence (mortgaged residential premises) – revised version of existing form.
N26	Order for possession – revised version of existing order.
N27	Order for possession (forfeiture) – revised version of existing order.
N27(2)	Order for possession (rent arrears – suspended forfeiture) – revised version of existing order.
N28	Order for possession (rented residential premises)(suspended) – revised version of existing order.
N31	Order for possession (mortgaged residential premises)(suspended) – revised version of existing order.
N206A	Notice of issue – revised version of existing form.
N5B	Claim form for possession (accelerated procedure) – revised version of existing form.
N5C	Notes for the claimant (APP).
N5D	Notes for the defendant.
N11B	Defence Form (APP) – revised version of existing form.
N26A	Order for possession (APP) – revised version of existing form.

## COUNTY COURT FORMS WHICH BECOME OBSOLETE FROM OCTOBER 15 2001

N8	Notice to the respondent.
N8(1)	Notice to respondent when the matter will be heard under Order 24.

N8(2)	Notice to respondent in an application under Section 53 of the Landlord and Tenant Act 1954.
N8(4)	Notice to respondent in an application under Section 17 or 18 of the Leasehold Reform Act 1967.
N27(1)	Judgement for claimant (forfeiture) order refused under the Rent Acts.
N29	Order for possession (mortgage possession).
N36	Order for possession (under Order 24).
N220	Request for the service of a possession summons on the defendant's representative.
N220(1)	Notice to the representative of a defendant in an action for the recovery of land.
N229	Notice of admission in a possession action.
N291	Judgement for a defendant in action for the recovery of land.
N312 (now N208–210)	Originating application for determining the right to possession (Landlord and Tenant Act 1927).
N394	Originating application for determining the right to compensation (Landlord and Tenant Act 1927).
N395	Originating application of a certificate or determination of a question other than compensation (Landlord and Tenant Act 1927).

## **HIGH COURT FORMS WHICH BECOME OBSOLETE FROM OCTOBER 15 2001**

No 42	Default judgement in an action for the possession of land.
No 42A	Order for possession under Order 113.
No 11A	Originating summons for possession under Order 113.
PF5	Order as to service in an action for possession.
PF9	Summons for judgement for possession.
PF79	Judgement in default in an action for the possession of land.
PF91	Form of affidavit in support of an application to enforce a judgement for possession.

## **Coming into force**

### **Rules**

The above rule changes **come into force on October 15 2001**, with the following exceptions:

Amendments to rules 16 and 17 of RSC Order 77 and rule 15 of CCR Order 49 came into force on March 2001 and were omitted in error from the previous update.

Amendments to RSC Order 112 and CCR Order 47 replacing references to 'blood tests' with 'scientific tests' were omitted in error from the 22nd update and came into force on April 1 2001.

### **Practice directions**

The above practice direction changes **come into force on October 15 2001**.

### **Forms**

All forms relating to Part 55 and Part 57 **come into force on October 15 2001**. It is not proposed to produce additional forms in respect of Part 56.