

SCHEDULE 2 CCR ORDER 49 MISCELLANEOUS STATUTES

Rule 7 Injunctions to prevent environmental harm: Town and Country Planning Act 1990 etc.

- (1) An injunction under –
 - (a) section 187B or 214A of the Town and Country Planning Act 1990;
 - (b) section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990; or
 - (c) section 26AA of the Planning (Hazardous Substances) Act 1990,
 may be granted against a person whose identity is unknown to the applicant; and in the following provisions of this rule such an injunction against such a person is referred to as ‘an injunction under paragraph (1)’, and the person against whom it is sought is referred to as ‘the respondent’.
- (2) An applicant for an injunction under paragraph (1) shall describe the respondent by reference to –
 - (a) a photograph;
 - (b) a thing belonging to or in the possession of the respondent; or
 - (c) any other evidence,
 with sufficient particularity to enable service to be effected, and the form of the claim form used shall be modified accordingly.
- (3) An applicant for an injunction under paragraph (1) shall file evidence by witness statement or affidavit –
 - (a) verifying that he was unable to ascertain, within the time reasonably available to him, the respondent’s identity;
 - (b) setting out the action taken to ascertain the respondent’s identity; and
 - (c) verifying the means by which the respondent has been described in the claim form and that the description is the best that the applicant is able to provide.
- (4) Paragraph (2) is without prejudice to the power of the court to make an order in accordance with CPR Part 6 for service by an alternative method or dispensing with service.

Rule 12 Mental Health Act 1983

- (1) In this rule –

a section referred to by number means the section so numbered in the Mental Health Act 1983 and ‘Part II’ means Part II of that Act;

‘place of residence’ means, in relation to a patient who is receiving treatment as an in-patient in a hospital or other institution, that hospital or institution;

‘hospital authority’ means the managers of a hospital as defined in section 145(1).
- (2) An application to a county court under Part II shall be made by a claim form filed in the court for the district in which the patients’ place of residence is situated or, in the case of an application made under section 30 for the discharge or variation of an order made under section 29, in that court or in the court which made the order.

- (3) Where an application is made under section 29 for an order that the functions of the nearest relative of the patient shall be exercisable by some other person –
 - (a) the nearest relative shall be made a respondent to the application unless the application is made on the grounds set out in subsection (3)(a) of the said section or the court otherwise orders; and
 - (b) the court may order that any other person shall be made a respondent.
- (4) On the hearing of the application the court may accept as evidence of the facts stated therein any report made by a medical practitioner and any report made in the course of his official duties by –
 - (a) a probation officer; or
 - (b) an officer of a local authority or of a voluntary organisation exercising statutory functions on behalf of a local authority; or
 - (c) an officer of a hospital authority,
provided that the respondent shall be told the substance of any part of the report bearing on his fitness or conduct which the judge considers to be material for the fair determination of the application.
- (5) Unless otherwise ordered, an application under Part II shall be heard and determined by the court sitting in private.
- (6) For the purpose of determining the application the judge may interview the patient either in the presence of or separately from the parties and either at the court or elsewhere, or may direct the district judge to interview the patient and report to the judge in writing.

Rule 17 Omitted

Rule 18A Telecommunications Act 1984

CPR Rule 35.15 applies to proceedings under paragraph 5 of Schedule 2 to the Telecommunications Act 1984.

Rule 19 Trade Union and Labour Relations Consolidation Act 1992

- (1) Where a complainant desires to have an order of the Certification Officer under section 82 of the Trade Union and Labour Relations Consolidation Act 1992 recorded in the county court, he shall produce the order and a copy thereof to the court for the district in which he resides or the head or main office of the trade union is situate.
- (2) The order shall be recorded by filing it, and the copy shall be sealed and dated and returned to the complainant.
- (3) The sealed copy shall be treated as if it were the notice of issue in a claim begun by the complainant.
- (4) The costs, if any, allowed for recording the order shall be recoverable as if they were payable under the order.
- (5) The order shall not be enforced until proof is given to the satisfaction of the court that the order has not been obeyed and, if the order is for payment of money, of the amount remaining unpaid.