

## CCMCC – Charging Order checklist for court officers

**Claim Number:** \_\_\_\_\_ **Charging Order Number:** \_\_\_\_\_

This checklist is to assist court officers to determine whether an application for a charging order is suitable for issue or whether it should be returned to the applicant. If suitable for issue the checklist will provide guidance on whether the interim order can be made by the court officer or a DJ.

<b>Section A: Issue of the application</b>		
Before issuing a charging order the court officer must be satisfied that the application form is fully completed, supporting documents are attached and the correct fee has been paid or fee remission has been approved.		
1) Do you have the correct fully completed application form? You require either <b>Form N379</b> - Application form (land or property) or <b>Form N380</b> – Application form (securities).	<input type="checkbox"/> Yes – proceed to questions 2,3 or 4 (dependant on terms of application)	<input type="checkbox"/> No – return documents to applicant for re-submission
2) <b>Judgment debt applications</b> - If the application is in respect of a County Court order or judgment are the details quoted on the application form the same as the order for judgment?	<input type="checkbox"/> Yes –proceed to <b>Section B</b>	<input type="checkbox"/> No – go to question 5
3) <b>Liability Order applications</b> - If the application is in respect of a Liability order are the details quoted on the application form the same as the order provided?	<input type="checkbox"/> Yes – proceed to <b>Section B</b>	<input type="checkbox"/> No – go to question 5
4) <b>Land applications</b> - If the application is in respect of Land are the details quoted in section 8 of the application form the same as the office copy entry of the Land Register?	<input type="checkbox"/> Yes – proceed to <b>Section B</b>	<input type="checkbox"/> No – go to question 5
5) Is there any information provided by the applicant in Section 8 of the N379 or Section 6 of the N380 which explains any differences and provides sufficient confirmation/evidence for you to proceed?	<input type="checkbox"/> Yes – proceed to <b>Section B</b>	<input type="checkbox"/> No – return the application & documents to the applicant with a covering letter
<b>Section B: Making of an interim charging order</b>		
This section must be completed to determine if the court officer can make the interim order. The court officer may <b>only</b> deal with applications in Form N379. All applications in Form N380 must be referred to a DJ.		
6) <b>Refer to Sec 3 of the N379</b> – Did the judgment or order provide for payment by instalments?	<input type="checkbox"/> Yes – refer to question 7	<input type="checkbox"/> No - proceed to question 8
7) <b>Refer to Sec 3 of the N379</b> – Was the judgment or order made before the 1 <sup>st</sup> October 2012 and the debtor(s) is in arrears?	<input type="checkbox"/> Yes – refer to DJ	<input type="checkbox"/> No - proceed to question 8
8) <b>Refer to Sec 5 of the N379</b> – was the judgment or order in respect of which a charge is to be imposed made against that person as trustee of the trust (sec 2(1) (b) (i) of the 1979 Act)	<input type="checkbox"/> Yes – refer to DJ	<input type="checkbox"/> No - proceed to question 9
9) <b>Refer to Sec 5 of the N379</b> – Is the application for a charge on the interest of a partner in a partnership property under Section 23 of the Partnership Act 1890?	<input type="checkbox"/> Yes – refer to DJ	<input type="checkbox"/> No - proceed to question 10
10) Does the court officer have any reason to think that the application should be referred to a DJ	<input type="checkbox"/> Yes – please set out those reasons in 11) below	<input type="checkbox"/> No - issue interim order
11) Reasons for referral:		
<b>Name of court officer:</b>		<b>Dated:</b>