Charging Order Future Operating Model v18 (reflecting rules made in December 2015) 080216

Application for charging order received at centralised unit

Refer to court officer checklist for issue

If application meets all criteria in Section A

No

Return to creditor for correction

Yes

CCMCC electronically transfer in case record before Issuing CO application

Does charging order meet all criteria in Section B

If application meets all criteria in Section B

Court officer decision

interim charging order approved & drawn Create 50 day obligation using code 14

Interim order sent to Creditor for service

If application doesn't meet criteria in Section B

Refer to District Judge

DJ approves interim charging order

Creditor doesn't serve Interim order

No Certificate of Service filed

Creditor applies to extend time for service with app & fee

Creditor serves Interim order within 21 days of date of order

Certificate of service filed for each interested party (within 28 days)

Parties agree or no response to interim charging order received

Reconsideration of court officer decision filed within 14 days of order

Objections filed within 28 days of service contesting the interim order

To DJ for appropriate order

Order made dismissing application and discharging ICO

Time for service extended Order drawn and dispatched

Draw and dispatch final charging order for service

Further directions/listing

Application made to vary/discharge final order

Transfer to local court for hearing

Order made to transfer charging order to local court

Send file to Debtor's home court

Interim order approved and order for transfer to Home court

Debtors Home court receives file

CCMCC contact home court via email to obtain hrg date

Refer to District Judge

Order for directions made

CCMCC draw up order with hrg date.

Interim order approved & allocate hearing date

Court to serve parties with notice of hearing

Interim order sent to Creditor for service

Creditor serves Interim order not less than 21 days before the hearing

Certificate of service filed (not less than 2 days before hearing or at hearing)

CCMCC transfer file to hearing centre for Final CO hearing

Creditor doesn't serve Interim order

No certificate of Service filed

Home court receives file for final charging order hearing

To DJ for transfer order

transfer to relevant court to list for hearing with objections

List for hearing. Court to serve all notices of hearing

Objection to final charging order made not less than 7 days before hrg

Hearing before District Judge

Further directions/listing

Draw and dispatch final charging order for service

Interim Charging order discharged

Charging order discharged/ modified

List for hearing

Application made to vary/discharge final order

Key

Centralised unit process

Debtors Home court process

Judicial intervention