

## SCHEDULE 4

### PART II

#### II SALE OF LAND ETC. AND CONVEYANCING COUNSEL

##### Scope of this Section

**40.15.**—(1) This Section—

- (a) deals with the court’s power to order the sale, mortgage, partition or exchange of land; and
- (b) contains provisions about conveyancing counsel.

(Section 131 of the Supreme Court Act 1981(1) provides for the appointment of the conveyancing counsel of the Supreme Court)

(2) In this Section “land” includes any interest in, or right over, land.

##### Power to order sale etc.

**40.16** In any proceedings relating to land, the court may order the land, or part of it, to be—

- (a) sold;
- (b) mortgaged;
- (c) exchanged; or
- (d) partitioned.

##### Power to order delivery up of possession etc.

**40.17** Where the court has made an order under rule 40.16, it may order any party to deliver up to the purchaser or any other person—

- (a) possession of the land;
- (b) receipt of rents or profits relating to it; or
- (c) both.

##### Reference to conveyancing counsel

**40.18.**—(1) The court may direct conveyancing counsel to investigate and prepare a report on the title of any land or to draft any document.

(2) The court may take the report on title into account when it decides the issue in question.

(Provisions dealing with the fees payable to conveyancing counsel are set out in the practice direction relating to Part 44)

##### Party may object to report

**40.19.**—(1) Any party to the proceedings may object to the report on title prepared by conveyancing counsel.

(2) Where there is an objection, the issue will be referred to a judge for determination.

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(1) 1981 c. 54; section 131 was amended by the Courts and Legal Services Act 1990 (c. 41), Schedule 10, paragraph 48.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(Part 23 contains general rules about making an application)