

PRESS ALERT

14th March 2005

Prison for reluctant gardener - update

New Charter Housing (North) Limited v Abbott

New Charter understands the Recorder has decided to set aside his judgment and relist this matter for a further hearing. While we have yet to have details, it would appear he has found fault with the issue of service of the application on the Defendant. He has therefore rescinded the Order made on 10th March at Oldham County Court and relisted the matter for 8th April 2005.

Rules of the Supreme Court (particularly rule 52) state the Court will fix a hearing date for the Claim at the time of filing of the application. Unless otherwise directed, there must be at least 14 days between service and hearing.

In this case, New Charter attended Oldham County Court with the necessary fee and application on Friday 4th March and the application was issued then. It then appears the Court listed the application for Thursday 10th of its own volition.

We received the application at 4pm on 4th March and served it on the Defendant on the 7th at 2:30pm - the earliest possible time that we could serve it. It appears the Recorder has decided to rescind the Order on the fact the Court did not specifically provide there should be a reduced period for service. We acted as quickly as we could, based on the hearing date set by the Court.

Press involvement in this matter has been based on information provided by us that was correct at the time it was provided. That information is not now correct as the Judge has retracted his Order.

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ENDS



business for neighbourhoods