



HM Courts &
Tribunals Service

IMPORTANT NOTE

Sealing of Tomlin Orders

From **3rd October 2016** a Court Associate of the RCJ, Chancery Division, Rolls Building will approve and seal Tomlin Orders if:-

- The Order is headed “Tomlin Order”
- The Order concerns only a claim for money (i.e. debt or damages, including any interest and costs)
- No other relief (e.g. injunction) has been sought
- The preamble to the Order contains the following wording:
“And the solicitors having certified that the only relief sought in this claim/counterclaim is the payment of money including any interest and costs, and that no ancillary relief has been sought at any stage”.
- The proceedings are stayed without any time limit (*not* discontinued or dismissed).
- None of the parties are acting in person, or are protected parties.
- The Order includes permission to apply.
- The Order refers to an attached schedule *or* to a dated schedule/agreement (which may be confidential) which is held in a specified place
(Note: if the Order refers to an attached confidential schedule it will be returned; no confidential schedules will be accepted by the court)

If the Order does not meet these requirements it will be returned for correction and re-submission

This is the correct form of wording for the Tomlin Order

....“AND the parties having agreed to the terms set out in [the attached schedule][a [confidential] schedule/agreement dated....., copies of which are held by the parties’ solicitors/the solicitors for the (*party*)] [and to there being no order for costs]

AND the solicitors having certified that the only relief sought in this claim/counterclaim is the payment of money including any interest and costs, and that no ancillary relief has been sought at any stage

IT IS BY CONSENT ORDERED that

- (1) all further proceedings in this claim be stayed except for the purpose of carrying the terms of the agreement into effect

AND for that purpose the parties have permission to apply [without the need to issue fresh proceedings].

- (2) [any provision in respect of costs] (*unless in preamble*)”

A Court Associate may also approve & seal the following orders:-

1. Order for an oral examination if the request is not for a Judge to conduct the examination
2. Order for dismissal by **consent** and if costs are not involved
3. Order for payment out of money by **consent** which has been paid into Court
4. Order for Solicitors ceasing to act if costs are not involved

Note: the Orders mentioned above will be marked:

“Entered and sealed by a Court Officer under CPR rule 40.6(3)”

***Approved by Chief Master Marsh 3rd October 2016
and amended 24th October 2016***