

Rapid eviction of tenants from residential property

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Options for evicting tenants



- County Court bailiffs
 - Can be slow, depending on area
 - Ministry of Justice statistics show 41.5 weeks from claim to eviction in 2017
 - Warrant of possession fee £121
- High Court Enforcement Officer (HCEO)
 - Evict within 7 to 14 days of receiving writ – avoid further arrears and potential damage
 - Writ fee (£66) and HCEO fee
 - At The Sheriffs Office we have never failed to complete an eviction



What we'll be covering



- What is High Court enforcement
- Section 42 County Court Act 1984
- Transfers to the High Court
- Things to consider
- Rent arrears
- Complimentary eBook for landlords
- Questions



What is High Court Enforcement



- HCEO – individual authorised by MoJ, operating in private companies
- England and Wales
- Writs of execution
 - Writs of possession (named and unknown)
 - Writs of control for money
 - All High Court judgments
 - All employment tribunal and ACAS awards



Section 42



Why is it needed?

- CPR 40.14A (4)
- Where the certificate is required for the purpose of enforcing the judgment or order in the High Court, the applicant must also either
 - (a) state that:
 - (i) it is intended to enforce the judgment or order by execution against goods; or
 - (ii) the judgment or order to be enforced is an order for possession of land made in a possession claim against trespassers; or
 - (b) confirm that an application has been made for an order under section 42 of the County Courts Act 1984 (transfer to High Court by order of the County Court) and attach a copy of the application to the request for a certificate



Application



- Complete form N5 or N5b
 - Requesting your right to apply for transfer of enforcement to a High Court Enforcement Officer, pursuant to Section 42 of the County Court Act 1984.
 - CPR 83.13
 - Aggravating factors



HMCTS Guidance



- Existing possession orders without leave
- Form N244
- Regardless of there being an existing warrant of possession
- County Court loses enforcement jurisdiction



Will the application be granted?



- Discretion of the Judge
- Some Judges have concerns
- To give notice or not to give notice?
- Councils telling tenants to sit tight
- Is giving notice a deal breaker?



They even took the
kitchen sink!



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Obtaining the writ



- Ask your HCEO
- They will advise you on which paperwork you will need to send
- The HCEO will then prepare the correct paperwork for you



Obtaining the writ



- N244 - issue in the High Court. Application for permission to issue a writ under CPR 83.13(2)
- Complete PF92 - order for permission to issue a writ – no court fee
- PF88 - request for issue of writ of possession

OR

- PF89 - request for issue of writ of possession and writ of control combined
- Form No.66 – the writ of possession



Things to consider



- Cost
- Locksmiths
 - Where possible use your HCEO's locksmith
- Tenants' goods
- Security



Rent arrears



- CCJ
 - You can obtain a CCJ for the owed money at the same time as applying for the possession order
- Do your tenants have assets?
- Tracing ex or absconded tenants



Complimentary eBook



<http://thesheriffsoffice.com/resources/tenant-eviction-ebook>



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Contact details



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Questions?



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