

## Enforcing a possession order through the High Court



From 1 June 2021 in England and 1 July 2021 in Wales, the legislation restricting High Court enforcement officers (“HCEOs”) from carrying out evictions was lifted. HCEOs were once again able to arrange and enforce evictions.

As a result, we are seeing an uplift in Judges granting landlord’s permission to transfer a County Court order for possession, to the High Court for enforcement by a Writ of Possession which is carried out by the HCEOs. This aligns with other changes to residential possession proceedings, which are slowly reverting to their pre-pandemic processes.

### How to obtain a Writ of Possession

The procedure to transfer up to the High Court for enforcement of a County Court possession order is straight forward and enforcement is, on the whole, quicker than enforcement in the County Court.

An order for possession states the date that the tenant(s) must vacate the property. As soon as this date has passed and the landlord has confirmed that the tenant(s) remain in the property, the transferring up process can begin.

The first step is to apply to the County Court to transfer up to the High Court. The application should include a certificate which confirms that the property or land which is subject to the order has not been vacated. It is then a case of waiting for the writ to be issued by the High Court.

The next step, when a writ has been issued is for the HCEO to serve a Notice of Eviction on the tenant, which gives the tenant 14 days’ notice that if they remain in the property, the HCEOs will return to evict them (i.e. execute the writ).



Many HCEOs also carry out a risk assessment whilst attending the property to serve the notice. They will ask the landlord whether they know if the tenant(s) have any previous convictions, have used any form of violence or threatening behaviour previously, might be vulnerable or be suffering from mental health issues. If any of these issues apply then it might be necessary to increase the number of HCOEs attending to carry out the eviction, which will increase the overall fee.

The final step can take place once the 14 day period has expired. The HCOEs will carry out the eviction on an agreed date and return the property to the representative of the landlord who will also be in attendance, usually with a locksmith to ensure the property is secured afterwards.

It is worth noting that it is always beneficial when preparing the claim form for possession, for the landlord to include a request for the claim to be transferred to the High Court for enforcement. This will mean that the court/judge are aware of the request from the offset and counsel can raise this at the possession hearing, which will save time.

## How quickly can possession be gained using HCOEs?

The process usually takes 3 to 4 weeks. Landlords are likely to opt for enforcement through the High Court as it is a much quicker process than the County Court process. Regaining possession of their property quickly is a clearly of benefit to the landlord as they not only have their property back, but it also means that the out-going tenant's arrears don't continue to accrue. Overall, it is the most time efficient way for a landlord to take back possession of their property.