

The residential landlord's guide to evicting tenants and recovering rent arrears



The Sheriffs Office[®]
We recover more for you

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Disclaimer: Please note that this guide does not constitute legal advice. The author has used his best endeavours to make this guide as accurate and complete as possible, but requests that the reader be aware that the law of England and Wales frequently changes. The author strongly advises the reader to take legal advice before embarking on any enforcement action.

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Introduction

Thank you for reading this guide to the process of evicting tenants and recovering rent arrears.

This guide covers Section 42(2) of the County Courts Act 1984, which gives the county court a general power to transfer a case to the High Court, and section 42(5) provides that if proceedings for enforcement are transferred, the order may be enforced as a High Court order.

This latest edition includes the guidance on the transfer of possession proceedings from the County Court to the High Court, issued by HM Courts & Tribunals Service (HMCTS) on 20th February 2015.

We will also cover details of how you can recover any outstanding rent arrears from your former tenants using High Court Enforcement Officers (HCEOs).

This Guide gives an overview of how to enforce money judgments for rent arrears, however for a more in-depth look at recovering money please see our 'Guide to Enforcement' which can be downloaded for free on our [website](#).

The court fees detailed in this guide are correct at the time of publication. However, fees are occasionally amended, sometimes with short notice, so we recommend you check you are reading the latest version of this guide. You can download the latest version from our [website](#).



Overview of HCEO services for landlords

Why consider HCEO

Unfortunately, due to significant cuts in the Court Service, the delays in enforcing an order for possession by a County Court Bailiff (CCB) are usually considerable, often ranging from 6 to 16 weeks. We have heard of one court recently quoting nearer to six months.

In comparison, most HCEOs can carry out an eviction within days.

The law used to transfer the eviction to an HCEO

Under Section 42 of the County Court Act 1984, a matter can be transferred to the High Court for enforcement. It is best to apply for permission to do so at the time of the initial application for the order for possession. The application is made using form N244.

The possession order does not become a High Court order, although the granting of the transfer effectively means that the County Court loses enforcement jurisdiction. If you had already applied for a warrant of possession for enforcement by a CCB, then the judge will remove the authority of the warrant. This is to prevent an HCEO and a CCB both trying to enforce at the same time.

Once you get your Section 42 transfer

If the tenants don't leave before the possession date, you can now instruct an HCEO, who will apply for the writ of possession (a court fee of £60 is payable), and then conduct the eviction.

Rent arrears

If you are also owed rent arrears on the property, you can add a claim for money to the possession order, so that you do not need to apply separately for a judgment and writ of control.

It is worth bearing in mind, however, that since April 2014, HCEOs must give seven clear days' notice of the intention to enforce the debt aspect.

If you had not intended to notify the tenant of the eviction, this would alert them to a visit. You might want to base your decision on the likelihood of there being goods of sufficient value on site to cover the arrears – in our experience this is seldom the case.



Part one – eviction of tenants

County Court bailiffs or High Court Enforcement?

When deciding who to use to enforce a possession order usually comes down:

- How quickly they can act
- The cost
- Whether notice is given
- Difficult evictions

Speed of action

In some areas of the country, particularly around the larger cities, due to the volume of cases and the recent cuts to the court service, CCBs can take up anywhere from 6 to 16 weeks to arrange the eviction.

Once permission to use an HCEO is granted – it is best to request this at the same time as the initial application for the possession order – the enforcement aspect of the order will be transferred to the High Court for execution by an HCEO. The transfer time varies from court to court and can take up to 28 days, but normally takes far less.

As soon as the writ of possession is issued, the HCEO can attend within just a few days if required.

The cost

There is no doubt that the CCBs are cheaper than HCEOs but not necessarily more cost effective. The current court fee for a warrant of possession is £110.

HCEOs charges do vary however they are normally in the region of £300 to £800. However once the writ is received they can often evict within days rather than weeks (or even months in some cases).

It is therefore a commercial decision and will come down to whether you are prepared to lose the potential rental income from the CCB delays and whether you consider there is a risk of damage to the property if the tenants are not removed quickly.



Notice of eviction

The other point to remember is that a CCB will always send notification of an impending eviction. This will allow the tenant to prepare for the eviction and make other arrangements for housing and hopefully pack and leave before the day of the eviction.

Some would argue that it allows the tenant time to delay proceedings initiating further court applications with the sole intent of buying time (and costing the landlord further in the process).

At present, HCEOs are not required to give notice although we believe it sensible to do so. It is therefore at the landlord's instruction as to whether the HCEO sends notification first.

Difficult evictions

HCEOs will often have in-house specialist support teams and are usually more determined than the CCB to complete the eviction where the occupants are difficult. It is not uncommon for hostile tenants to barricade themselves in, climb onto roofs, launch projectiles, booby trap property and physically assault enforcement agents.

If you have particularly aggressive or difficult tenants in some instances CCBs have refused to evict them on the grounds of health and safety.

HCEOs are generally more experienced in dealing with difficult tenants and have the expertise to deal with difficult or dangerous situations.



Applying for a possession order

Assuming you have an assured shorthold tenancy (AST), if you wish to evict your tenant you must issue either a section 21 giving at least two months' notice to the tenant, or a section 8 which is usually due to rent arrears.

If the tenant does not move out by the date specified then the landlord can start the possession process.

Initial application

There are two methods of applying for a possession order:

- By completing form N5B and sending it to the court
- The Government PCOL online system www.possessionclaim.gov.uk/pcol/ - for section 8
- The Government's online Accelerated Possession procedure - <https://www.gov.uk/accelerated-possession-eviction> - for section 21

NOTE: In April 2015 the Section 8 forms were updated as a result of new legislation. You must ensure that you are using the correct forms, as the judge may refuse your application if you use the old forms.

Under current legislation, only County Court bailiffs (CCBs) can enforce possession orders issued in the County Court without seeking further permission.

Applying for permission to transfer to the High Court

Should you wish to use HCEOs you must seek leave of the court to do so under section 42 County Courts Act 1984, which allows a case to be transferred to the High Court for enforcement purposes.

The new guidance issued by HMCTS in February 2015 states that:

- Application to transfer the possession order is to be made on form N244
- A supporting fee needs to be paid, whether the application is without notice or on notice
- The application to transfer needs to be made regardless of whether there is an existing warrant of possession
- The current occupant must have received sufficient notice of proceedings to allow them to apply to the court for relief (apart from in the case of trespassers)
- Applications will be considered by a District Judge, who will decide whether a hearing is required
- When the transfer order is granted it means that the County Court bailiffs loses enforcement jurisdiction



When permission to transfer is not required

There are some circumstances where permission to transfer is not required:

- Where the claim is against trespasser, provided the writ is issued within three months of the order
- Where there is a claim for payment of moneys secured by mortgage, sale of the mortgaged property, foreclosure, delivery of possession to the mortgagee by the mortgagor, redemption, reconveyance of the land or its release from the security, or delivery of possession by the mortgagee

Valid reason for application

When seeking permission it **MUST** include the reason for the transfer and it is always advisable to include as much information about the reasons why you might want an HCEO to enforce the order.

The most common reason we have seen is the significant delays by the CCB due to the amount of work they have – some CCBs can take weeks if not months, to enforce the possession order and evict the tenants, thereby resulting in a significant loss of income for the landlord.

Other reasons given include, but are not limited, to the potential risk of damage to the property therefore causing extra expense to the landlord or if the landlord also has a money order for the rent arrears and wishes for an HCEO to enforce both the possession and the money order at the same time, thereby removing the need to instruct two enforcement agents.

It is important to note that the decision to permit the transfer of enforcement to the High Court is, ultimately, at the discretion of a Judge.

Once leave to transfer up has been issued, you or your chosen HCEO can obtain the High Court writ of possession.

Already have a possession order?

If you already have a possession order in place and have since found that the CCBs are going to take much longer than you were initially told, it is possible to submit an application and request that under Section 42 you be permitted to have the possession order enforced by an HCEO.

The form required is an N244. Again you must include the reason for your request but it is still up to the presiding Judge as to whether they grant your application. There is a court fee which must be paid at the same time the forms are submitted. The fee is paid to HMCTS (HM Courts and Tribunals Services) and is non-refundable.



The main points to remember when requesting the transfer to the High Court are:

- Request the transfer in your initial application for possession
- Give the reason for the transfer – for example CCB delays, risk to the property, loss of income
- Use the right wording in Question 3 of Form N244

We find that the following can help with the application:

“Following the possession order granted to [claimant], the tenant has not left the property by the date stipulated. The order states the right to ask the court, without further hearing, to authorise a High Court Enforcement Officer to evict the tenant. I have been advised by the court that the County Court Bailiffs will be unable to carry out the eviction before [date]. I therefore request that the Judge permit that the case be transferred without delay to High Court Enforcement Officers for enforcement purposes, as covered by Section 42 of the County Court Act 1984, to prevent further loss of rental income, which is currently over £X.”

If the possession order was awarded by virtue of Section 8 rent arrears, you can also add:

“We also request a money order enforceable by a High Court Enforcement Officer for £Y on a ‘rolling’ basis of £Z per day for use and occupation from the date of judgment to the date of possession.”

The single court

With the introduction of the single court in April 2014, applications can be submitted into and granted in any County Court, not just the court nearest the property you wish to take possession of.

However, so far it has been our experience that some courts are still refusing to grant the orders and are forwarding the application to the court closest to the property, which is causing further delays.

The current recommendation is to continue to submit your application into the court nearest the property until such time as the changes have bedded in.

If you already have a warrant of possession (for enforcement by a CCB), you need to advise the judge who is considering your transfer application under section 42 – this is to ensure that all courts involved are aware of the transfer application.



Illegal evictions

In recent months there have been many franchise bailiff companies offering High Court Enforcement services including an “express 7 day eviction” service. They claim that they can transfer up the possession order and enforce the writ within 7 days, without the need to seek leave of the court by virtue of section 42.

At present, a HCEO can ONLY use a standard writ of possession to evict trespassers. This means squatters and NOT a tenant that remains in a property after a possession date.

Accordingly, to use a High Court enforcement officer to conduct an eviction of a residential tenant they MUST obtain leave from the County Court under Section 42 of the County Court Act 1984. Without this any writ of possession enforced is invalid and any action taken under it illegal.

If so, the tenant may have a claim for considerable damages from the landlord, the company that evicted them and the authorised HCEO personally.



Transfer a possession order to the High Court

Once approval is granted under Section 42, the possession order will then be transferred to the High Court for the issue of a writ of enforcement.

Step 1

The transfer process is started with the completion of Part 1 and Part 3 of Form N293A. During this process, you will need to provide the order details and a copy of the sealed order.

The form should be signed by the claimant (normally the landlord) or their solicitor.

At The Sheriffs Office, we work with a firm of solicitors who manage the transfer up process on our behalf, ensuring the process is completed correctly and they will sign the form on your behalf where required.

Step 2

This completed form is then sent (or taken) to the County Court that issued the judgment. Providing everything is in order and the order or judgment still stands, then the court will seal Part 2 of the Form N293A, authorising the transfer to the High Court for the purposes of enforcement. However, it remains a County Court judgment.

Step 3

Once the Form N293A has been sealed, it is returned and can then be submitted to the High Court or a local District Registry (a High Court section within many County Courts) who will check the details of the forms and, providing everything is in order, will seal the writ of control accordingly.

Step 4

Once the HCEO receives the writ, enforce can commence straight away.

Speeding up the process

Landlords can expedite matters by attending the court personally and having the Form N293A sealed while they wait. This can cut the entire process to just a matter of days.

Transfer up costs

Whilst some HCEOs charge for the transfer up service, The Sheriffs Office offers this entire process free of charge. There is a court fee of £60 (correct at time of publication) which must be paid at the same time the forms are submitted. The fee is paid to HMCTS (Her Majesty's Courts and Tribunals Services) and is non-refundable.



Part two – recovery of rent arrears

Different options for rent arrears recovery

Private residential landlords may look to recover rent arrears either from existing tenants, or from tenants who have already left the premises.

If you are purely looking to recover the rent arrears, you will need start a County Court claim and obtain a County Court Judgment (CCJ). This can then be transferred up to the High Court for enforcement by an HCEO under a writ of control.

If you also wish to evict the tenants, then you can add an order for money for the rent arrears to the initial application for the order for possession.

Adding an order for money to the possession order

Once the order has been transferred to the High Court, the HCEO can enforce both the eviction element to gain possession of the property and the rent arrears order for money element at the same time.

If you do have an order for money added to the possession order, the fact that you would like to instruct an HCEO to enforce the money element of the order can support your application under Section 42.

Obtaining a CCJ

You can start your claim for the rent arrears using Form N1 or via the Government's Money Claim Online service.

Once your claim has been submitted, the defendant has 14 days in which to submit a defence. If no defence is submitted, you obtain judgment by default. This enables you to use a variety of enforcement methods to recover the monies owed.

Should the defendant respond within the timescales specified with a defence, the judgment will be transferred to a county court and you will have your opportunity to put your case before a district judge, in person if required. You will either need to represent yourself in court or engage a solicitor.

Transfer up the CCJ

Once your judgment is awarded, the judgment debtor (your tenant) will be given a set time period in which to pay, normally 14 days.

If they still do not pay, you can then apply to transfer the order to the High Court for enforcement provided it is for £600 or more.



The process is very similar to that for the possession order (see page 11 for more detail):

- Step 1 - the completion of Part 1 and Part 3 of Form N293A
- Step 2 – the completed form is sent (or taken) to the County Court that issued the judgment for the court to seal Part 2 of the Form N293A
- Step 3 – the sealed form is submitted to the High Court or a local District Registry to seal the writ of control accordingly.
- Step 4 - once the HCEO receives the writ, enforce can commence straight away

Transfer up costs

Whilst some HCEOs charge for the transfer up service, The Sheriffs Office offers this entire process free of charge.

There is a court fee of £60 (correct at time of publication) which must be paid at the same time the forms are submitted. The fee is paid to HMCTS (Her Majesty's Courts and Tribunals Services) and is non-refundable.

However, if enforcement is successful, the court fees are recoverable from the judgment debtor/tenant.



Tracing an absconded tenant

You may think that if your tenants take off in the middle of the night, never to be seen again, that all hope of rent arrears recovery is gone with them.

However, that is not necessarily the case. In modern Britain, it is very difficult to disappear without a trace. There are many data sources available - some accessible to all, others for specialist trace companies - that can prove invaluable in tracing all kinds of debtors, including absconded tenants.

So how can they be found?

The date of birth is perhaps the single most useful piece of data. This makes tracing people much easier. Even if they're not currently on the electoral roll, we can search marriage records to find a current address for their spouse.

We can search jointly for couples, married or co-habiting, to find details for one or the other. We can also look for any association with the tenant and trading names, either a sole trader "trading as" or a limited company.

Phone numbers are very useful too – we can reverse look up landline numbers. While we cannot get account holder details for mobile phones, we can check whether the phone is currently registered on the mobile network in the UK – very helpful in disproving claims that the tenant has gone to live abroad!

The sources of data that can be searched are quite wide-ranging. They are all Data Protection compliant of course, and include:

- Land Registry
- Birth, death and marriage records for England & Wales from 1984-2005
- BT database (updated daily)
- UK Directory Enquiry database
- Electoral Register
- DVLA - registered vehicle keeper details are only available if the case is being enforced by an HCEO
- HPI database - giving details of any financial interest, number-plate changes and insurance write off information of a vehicle
- Companies House

Many HCEOs provide tracing services, often offering a basic trace and a more detailed one where necessary. If you have any uncertainty about the location of your debtor, a trace can be worthwhile to improve the chances of successful enforcement.



How High Court enforcement works

The enforcement process is set into four stages, with enforcement fees assigned to each stage.

If you would like more detail about the enforcement of money judgments by HCEOs, please download our free 'Guide to Enforcement' from our [website](#).

Court fees

There is a £60 court fee for transferring a CCJ to the High Court for enforcement, which results in the award of the writ of control. If successful, this fee is recovered in full from the judgment debtor. HCEO fees are recovered in full from the judgment debtor when enforcement is successful.

If enforcement is unsuccessful, as judgment creditor you only have to pay a compliance fee of £75 plus VAT. You do not pay any other costs associated with the enforcement of your writ.

Compliance stage

The process starts with the compliance stage. Once the HCEO receives the sealed writ of control, they will send a 'Notice of Enforcement' to the judgment debtor.

The notice of enforcement must be sent to the debtor personally, giving them 7 clear days (excluding Sundays and bank holidays) to pay the sums due in full, at the place, or one of the places, where the debtor usually lives or carries on a trade or business.

If the debtor is a company or partnership the notice must be sent to the place, or one of the places, where the debtor carries on a trade or business or the registered office. Delivery can be by post, fax or other electronic means such as email.

The fee for this stage is currently £75 plus VAT. If the debtor pays in full – the judgment amount, interest, court fees and the £75 plus VAT enforcement fee for the compliance stage - after receiving the notice, the enforcement process is concluded. In the event that it is not possible to enforce the writ, the compliance fee is then payable by the creditor to the HCEO to go some way to covering the costs the HCEO has incurred.

Enforcement stage 1

If the debtor fails to make contact with the HCEO or requests to pay by instalments during the compliance stage, an EA will attend their premises to take control of goods (the new term replacing 'seizure').

This stage is known as Enforcement Stage 1 and the fixed charge at this point is £190 plus 7.5% of the sums to be recovered over £1,000, plus VAT. For example, if



the outstanding debt was £3,000, the 7.5% would only be charged on £2,000. The sums to be recovered are the judgment debt, court costs and execution costs.

If, when the EA attends, the debtor pays in full immediately or agrees to an acceptable instalment arrangement, then the matter ends there.

Enforcement stage 2

If the debtor refuses either to make any payment or to enter into an acceptable instalment arrangement covered by a controlled goods agreement (the term replacing walking possession agreement), then the matter moves to Enforcement Stage 2.

If a payment arrangement, with a signed controlled goods agreement, is subsequently broken, the EA will re-attend the property either under Enforcement Stage 2 or the Sale or Disposal Stage dependent upon the circumstances so far.

The fee for Enforcement Stage 2 is a flat £495 plus VAT.

Sale or disposal stage

Should enforcement get to the point where goods actually need to be removed, the enforcement progresses to the Sale or Disposal Stage.

The fee for this stage is £525 plus 7.5% of the sums to be recovered over £1,000, plus VAT. The costs of removal are normally included in this sale stage fee.

However, if the HCEO anticipates exceptionally high removal costs far greater than the sale stage fee, for example specialist equipment and personnel to remove an aircraft, he can apply to the court to have these added to the amount payable by the debtor.

The only other fees chargeable (without application to court) are for disbursements such as locksmiths, storage and auctioneers fees.

Other fees

Occasionally there may be the need for HCEOs to charge fees to the creditor. It is therefore the creditor's responsibility to inform the HCEOs of the following.

- Creditors should notify the appointed HCEO's office of all payments received and other contact with the debtor.
- Creditors must not request the suspension of a writ or make direct payment arrangements with debtors without appropriate notification and payment of fees due to the HCEO.

See *High Court Enforcement Officers Regulations 2004, SI 2004/400, reg 13(3)*



About The Sheriffs Office

We are one of the largest and most successful firms of authorised HCEOs and Certificated Enforcement Agents covering all of England and Wales.

It all started in the late 1970s as The Sheriffs Office in Northampton, dealing only with High Court writs within the county of Northamptonshire. With the Courts Act in 2004, Sheriff Officers were renamed High Court Enforcement Officers and the restrictive geographical boundaries were dropped.

Since then The Sheriffs Office has gone from strength to strength, growing year on year to become one of the top four HCEO firms with significant market share. Underpinning our success is our focus on client service and a comprehensive “end to end” range of specialist services for the recovery of debt, property and land.

A range of services for everyone

The Sheriffs Office provides the full range of High Court Enforcement and related services for solicitors acting on behalf of clients, as well as business of all sizes, landlords, commercial agents, local authorities, individuals and sole traders.

Money judgments

- High Court enforcement
- Asset recovery
- Employment tribunal award
- Debtor tracing
- European judgment
- Debt collection

Property and land

- Eviction
- Repossession
- Security
- Rent collection
- Tenant tracing
- Equine impoundment

Awards for The Sheriffs Office

We have won and been shortlisted for numerous industry awards, including:

- Winner 2015 - Chartered Institute of Credit Management “Enforcement Team of the Year”
- Winner 2014 - CCR Credit Excellence Awards “Legal and Enforcement Profession”
- Winner 2013 – Credit Today “Enforcement Team of the Year”

We are also the HCEO firm featured in the hit BBC programme “The Sheriffs Are Coming”, which has been watched by 30 million people and won the Broadcast Awards 2014 Best Daytime Programme.

Supporting the environment

We participate in a Carbon Offsetting project run by Carbon Footprint Ltd which is planting trees in Kenya to support local communities in the Great Rift Valley, so as to reduce poverty and provide habitats for wildlife, including lions!



Useful links

Accelerated Possession Procedure	https://www.gov.uk/accelerated-possession-eviction
BT Directory Enquiries	www.bt.com
Companies House	www.companieshouse.org.uk
Evicting Tenants	http://evicting-tenants.net/
GOV.uk	https://www.gov.uk/evicting-tenants/rules-you-must-follow
HCEOA	www.hceoa.org.uk
HCEO Regulations	http://www.legislation.gov.uk/ukxi/2004/400/regulation/13/made
Insolvency Service	www.insolvency.gov.uk
Instruction forms	http://thesheriffsoffice.com/instruct-us
Land Registry	www.landregistry.gov.uk/
Ministry of Justice	www.justice.gov.uk
National Landlords Association	www.landlords.org.uk
Property118	www.property118.com
Possession Claim Online	https://www.possessionclaim.gov.uk/pcol/
Registry Trust	www.trustonline.org.uk
Residential Landlords' Association	http://www.rla.org.uk/
Tracing services	http://thesheriffsoffice.com/services/Debtor-tracing
Further reading	www.thesheriffsoffice.com/articles/



Glossary of Terms

Accelerated possession procedure

An online Government service for landlords to make a claim to evict tenants using the accelerated possession procedure if they're on an assured shorthold tenancy and section 21 notice has been given.

Landlords who have given notice under section 8 can use the Government's Possession Claim Online (PCOL) service.

Assured shorthold tenancy

Most private tenancies started on or after 28th February 1997 are assured shorthold tenancies (AST). Tenancies between 1989 and 1996 are normally assured tenancies. An AST is protected by the Housing Act 1988 and there are specific rules that a landlord must follow if he wants to repossess the property.

Evicting or trying to evict tenants without following these rules is a criminal offence which can lead to a fine and/or up to two years in prison. The tenant might also be able to bring a civil claim for damages. The AST does not automatically end once the fixed term originally agreed has expired. It will continue and become a statutory periodic AST, the period being the interval at which rent is paid. So if rent is paid monthly, each period will begin on the first of the month.

Compliance stage (rent arrears)

The sending of the notice of enforcement must be sent to the debtor giving them 7 clear days to pay the sums due in full, at the place. If the debtor pays in full after receiving the notice, the enforcement process is concluded.

Control – writ of (rent arrears)

The writ of control is the High Court version of a warrant of execution in the County Court. It empowers an HCEO to take control of (seize) goods belonging to a tenant (judgment debtor) in order that the judgment debt for rent arrears is settled, either by way of payment or sale.

County Court Bailiffs

County Court bailiffs are civil servants employed by the court. They enforce orders for possession to evict tenants and a warrant of execution to enforce CCJs for rent arrears (and other money judgments) valued up to £5,000.

County Court Judgment or CCJ (rent arrears)

You may either use a solicitor to obtain your CCJ or you can use the Government's self-service called Money Claim Online. If the tenant still does not pay, you may proceed to enforcement. CCJs can be enforced for six years from the date they are awarded.

Enforcement agent

An enforcement agent (EA) is the person who will attend the property to enforce the writ. They must undergo a process of training and certification. In the case of High



Court enforcement, the EA will act under the direction and authority of the authorised HCEO.

Enforcement stage 1 (rent arrears)

If the debtor fails to make contact with the HCEO or requests to pay by instalments during the compliance stage, an EA will attend their premises to take control of goods (the new term replacing 'seizure') under Enforcement Stage 1. If, when the EA attends, the debtor pays in full immediately or agrees to an acceptable instalment arrangement, then the matter ends there.

Enforcement stage 2 (rent arrears)

If the debtor refuses to make any payment, to enter into an acceptable instalment arrangement, or breaks a payment arrangement, then the matter moves to Enforcement Stage 2.

Form N244

The form you use to request permission from the court to transfer your order for possession to the High Court for enforcement under Section 42 of the County Courts Act 1984.

Notice of enforcement (rent arrears)

Enforcement agents are required to give the tenant (judgment debtor) seven clear days' notice of enforcement before they visit. This does not include Sundays or bank holidays. This is called the Compliance Stage, the first stage of enforcement. There is a fee of £75, which will be recovered from the debtor if enforcement is successful.

Possession Claim Online (PCOL)

The Government online service to start possession claims where section 8 notice has been issued. There is an online Accelerated Possession Procedure for section 21.

Possession – writ of

A writ of possession authorizes HCEOs to repossess property from private residential tenants, provided court permission has been obtained to transfer up the order for possession under Section 42 of the County Courts Act 1984.

An order for possession against "persons unknown", e.g. squatters, may be transferred to the High Court for enforcement by an HCEO under a writ of possession without the need for court approval.

Sale or disposal stage (rent arrears)

Should enforcement get to the point where goods actually need to be removed, the enforcement progresses to the Sale or Disposal Stage.

Section 21

A Section 21 Notice does not have a set form, but must contain the information required by the Act. A Section 21 Notice can be given at any time, and this does give at least two months' notice of when possession is required. If the AST is for a fixed term, then the date of possession cannot be before the end of the fixed term.



Section 42

Under Section 42 of the County Court Act 1984, a matter can be transferred to the High Court for enforcement. It is best to apply for permission to do so at the time of the initial application for the order for possession.

Section 8

A Section 8 Notice has a set form for giving notice and the landlord must give the grounds for repossession. A Section 8 Notice can be given at any time, and the notice period given is for when possession proceedings will start, not when the tenant must leave. The period depends on which ground is being used, and will be up to two months. Please note – these forms changed as a result of new legislation introduced in April 2015 and you must use the new forms.

Setting aside judgment (for rent arrears)

When the tenant (debtor) applies to set aside judgment (sometimes used as a delaying tactic), the court will fix a date for the hearing, which both parties will attend. The tenant will have to explain why they want the judgment set aside. If the court does set aside judgment, then the tenant is allowed to put forward their defence, having provided the landlord (creditor) with the documents they intend to use and witnesses to support their defence. If they are successful, enforcement cannot proceed. If their application is denied, the landlord may proceed with enforcement. Enforcement can continue whilst the application is awaiting a hearing.

Taking control of goods and sale of goods (for rent arrears)

It is the duty of the HCEO or certificated enforcement agent to take control of (seize) the goods of the tenant (debtor) in order to sell (normally at auction) and raise the money to clear the debt. If sold at auction, the auctioneer will always try to get the best price for the goods, selling to the highest bidder on the day. Although not common, the court may also allow for the goods seized to be sold privately rather than at public auction if it can be demonstrated that a higher price is likely to be obtained. This is called private treaty.

Tracing absconded tenants

When enforcing a judgment for rent arrears against an absconded tenant, it's important to have all their correct details. This may include actually locating the tenant. Good information to gather includes: name, last known address, telephone number, vehicle registration, date of birth. Date of birth is the most useful, as 90% of the records hold a precise date of birth.

Transfer of rent arrears judgment to High Court

When a County Court Judgment (CCJ) is issued for £600 and above (including court costs), the Creditor can transfer it up to the High Court for enforcement by an HCEO. The transfer form is the N293A and there is a court fee of £60, which can be added to the debt. Once completed, a writ of control is issued, which give the HCEO the authority to enforce.



About The Sheriffs Office

We are a leading firm of authorised High Court Enforcement Officers (HCEO) and Certificated Enforcement Agents covering all of England and Wales.

It all started in the late 1970s as The Sheriffs Office in Northampton, dealing only with High Court writs within the county of Northamptonshire. With the Courts Act in 2004, Sheriffs Officers were renamed High Court Enforcement Officers and the restrictive geographical boundaries were dropped.

Since then The Sheriffs Office has gone from strength to strength, growing year on year to become one of the top four HCEO firms with significant market share.

Underpinning our success is our focus on client service and a comprehensive "end to end" range of specialist services for the recovery of debt, property and land.

A range of services for everyone

The Sheriffs Office provides the full range of High Court Enforcement and related services for individuals, sole traders, business of all sizes, landlords, commercial agents, local authorities and solicitors acting on behalf of clients.

Money judgments

- High Court enforcement
- Employment tribunal award
- Debtor tracing
- European judgment
- Debt collection

Property and land

- Eviction
- Security
- Repossession
- Rent collection
- Equine impoundment

The Sheriffs Are Coming

The Sheriffs Office is the HCEO firm featured in this hit BBC programme, winner of the Broadcast Awards 2014 Best Daytime Programme.

Supporting the environment

We participate in a Carbon Offsetting project run by Carbon Footprint Ltd which is planting trees in Kenya to support local communities in the Great Rift Valley, so as to reduce poverty and provide habitats for wildlife, including lions!

If you would like to find out more about our services,
please call us today on

0845 688 9757

thesheriffsoffice.com

The Sheriffs Office
Airport House
Purley Way
Croydon CR0 0XZ

DX 156870 Croydon 41

info@thesheriffsoffice.com