

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



The Sheriffs Office[®]
We recover more for you

Version 3.5
May 2024

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 the new simplified procedure which came into effect on 24th August 2020. This new procedure aligns the process for enforcement by an HCEO and a County Court Bailiff (CCB). Section 42(2) of the County Courts Act 1984 gives the County Court power to transfer a case to the High Court and Section 42(5) states that if proceedings for enforcement are transferred, the order may be enforced as if it were a High Court order by an authorised High Court Enforcement Officer (HCEO).

The new procedure under Civil Procedure Rule 83.13 allows an application to the court for the Writ of Possession. It provides for a notice period to be given by the enforcement officer/bailiff to a tenant/occupier before eviction in private and social housing, as well as commercial property/land. It also provides for the removal of the issue of a writ requiring judicial permission.

The primary advantage of using an HCEO is a faster eviction. Before lockdown took effect in England and Wales in March 2020, some CCBs were taking between 16 and 20 weeks to gain possession. We cannot comment on timescales for other HCEOs, but we aim to gain possession within 28 days.

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 and court processes 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 an HCEO

Most HCEOs can carry out an eviction within four weeks of receipt of the writ, including the serving of notice of eviction, whereas a Country Court Bailiff (CCB) may take much longer.

It is worth checking with the County Court how long it will take for a CCB to carry out the eviction and then instructing an HCEO in the event of unreasonable delay.

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 leave (permission) to do so at the time of the initial application for the order for possession. The application is made using form N244 if applying retrospectively.

Once leave to transfer to issue a writ has been granted, simply instruct us and we will complete the remainder of the process on your behalf.

The possession order does not become a High Court order, although once leave has been given to transfer, enforcement can be undertaken in the High Court.

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 writ of possession

If the tenant does not leave on or before the possession date, you can instruct your HCEO to start the enforcement process, culminating in the eviction of the tenants.

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.

HCEOs must give seven clear days' notice of the intention to enforce the debt aspect, as well as notice of possession.



Part one – eviction of tenants

County Court bailiff or High Court Enforcement?

Factors to take into consideration when deciding who to use to enforce a possession order will include:

- How quickly they can act
- The cost
- Difficult evictions

Speed of action

In some areas of the country, there may be a considerable delay before a CCB can carry out an eviction – pre lockdown in March 2020, this was up to 20 weeks, but this could extend to many months in some areas with the backlog post eviction. We aim to complete the eviction within 28 days.

We recommend that you apply to transfer the possession order to the High Court at the point of making 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.

The new aligned procedure for enforcement of residential possession orders requires the service of a notice of eviction. As soon as the writ of possession is issued, the HCEO will serve a 14-day notice of eviction and will attend on the date of eviction.

The cost

On face value, CCBs seem cheaper than HCEOs, but they are not necessarily more cost effective. There is a court fee for a warrant of possession.

The [court fees for a request to issue a writ of possession](#) is on our website. Should there be any additional court costs, we will advise you at the point of instruction, so you can decide how to proceed.

It is, therefore, a commercial decision and comes 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.

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 a particularly aggressive, difficult or vulnerable tenants, in some instances CCBs have been known to refuse 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, including liaison with the Police where necessary.

Applying for a possession order

Assuming you have an assured shorthold tenancy (AST), if you wish to evict your tenant you must issue the tenant with either a section 21 notice, or a section 8 notice, 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 N5/N5B and sending it to the court
- The Government PCOL online system www.possessionclaim.gov.uk/pcol/.
- The Government's online Accelerated Possession procedure - <https://www.gov.uk/accelerated-possession-eviction>.

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.

New simplified process

The new procedure under Civil Procedure Rule 83.13 allows an application to the court for the writ of possession.

It provides for a notice period to be given by the enforcement agent to a tenant/occupier before eviction in private and social housing, as well as commercial property or land.

It also removes the requirement for permission from court to issue the writ.

Applying for leave 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 best time to do this is at the point of initial application for the order for possession. You will need to make your request for leave to transfer up in the freeform box, as there is no specific box for this purpose.

When leave to transfer is not required

Where the claim is against trespassers, provided the writ is issued within three months of the order, permission to transfer to the High Court for enforcement is not required. This must be issued under trespasser proceedings.

Valid reason for application

When seeking leave, 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, 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.

Already have a possession order?

If you already have a possession order in place, 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.

Normally a hearing (“on notice”) will not be required, but if it is, the [court fee](#) will increase. 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



We find that the following wording used in part 10 of the N244 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.

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

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.

Further changes to the procedure

Permission is no longer required to request a writ of permission to be issued and sealed in the High Court or District Registry. The court fee for this step has also been removed.

Once the landlord has leave to transfer up, the HCEO will obtain the writ of possession on their behalf.



Serving notice of eviction

Previously, the landlord was required to serve the tenant/s with notice of the application to issue the writ of possession. This is NO LONGER required.

Prior to the changes introduced in August 2020, we normally advised giving notice of eviction to tenants (unless doing so would increase the risks of undertaking the eviction).

The August 2020 new procedure has made it a compulsory requirement to give the tenant/s not less than 14 days' notice before the writ of possession is enforced by an HCEO. This is exactly the same for the enforcement of a warrant of possession by a CCB.

The notice of eviction must be addressed to all persons against whom the possession order was made and any other occupiers. It must be in the form prescribed by Practice Direction 83, which is Form 66 or 66A (as appropriate) for a writ of possession.

The notice of eviction must be delivered by inserting it through the letter box in a sealed transparent envelope. If that is not practicable, then by attaching a copy to the main door or some other part of the land so that it is clearly visible. If that is also not practicable, by placing stakes in the land in places where they are clearly visible and attaching to each stake a copy of the notice in a sealed transparent envelope.

If you have a compelling reason to not deliver a notice of eviction, you may apply to court to dispense with the notice. The court may also extend or shorten the timeframe for service of the notice of eviction.

We will manage the process of serving notice of eviction on your behalf, as part of our service. The notice of eviction must be served by the HCEO/CCB.

Proceedings brought before 3rd August 2020

Any proceedings brought before 3rd August 2020 need to have a reactivation notice served. The notice will need to include information on how the tenant has been impacted by the coronavirus pandemic. If not provided, the court can adjourn proceedings until it has been provided.

Regulations and guidance

Please visit our website for updated regulation and guidance on any restrictions on evictions at <https://thesheriffsoffice.com/resources/enforcement-legislation-updates>



Transfer a possession order to the High Court

Step 1 – application to transfer

The application is made using form N244. There is a [court fee](#). Permission to transfer the order for possession to the High Court for enforcement must be applied for and obtained under Section 42 of the County Courts Act 1984.

The best time to do this is at the point of initial application for the order for possession.

If you did not obtain permission at the time of initial application, then you can do so using form N244, which incurs a court fee.

Step 2 – instruct your HCEO

Most HCEOs permit online instruction. [Our instruction form can be found on our website.](#)

We will ask you whether you wish to obtain a writ of possession or a combined writ of possession and writ of control (for the recovery of rent arrears).

Step 3 – issue of a writ of possession

Once you have instructed us, we will manage the rest of the process on your behalf to obtain the writ. There is a court fee for the writ of possession.

Step 4 – notice to tenants

Once the writ of possession has been awarded, we will serve the tenant with 14 days' notice of eviction before the enforcement process commences.



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, provided the value of the judgment is £600 or more.

Adding an order for money to the possession order (section 8 only)

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. There is no additional court fee.

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.

In order to instruct the HCEO to enforce both elements, you must advise the HCEO at the point of instruction, so that they can replace form PF88 with form PF89.

In reality, the HCEO is unlikely to gain possession and recover money at the same time. We recommend that a claimant carry out a trace on the tenant following the eviction, when attempts to recover the money can then be made at the new address.

Obtaining a CCJ for money only

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 respond to the proceedings. If the defendant indicates that they intend to file a defence, they have a further 28 days to do so. Judgment can be requested if the defendant fails to meet prescribed deadlines.

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. This can range from forthwith up to 28 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.



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 which must be paid at the same time the forms are submitted. The fee is paid to HMCTS 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 useful too – we can reverse look up landline numbers to find the bill payer's name. 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 – 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 compliant with the current data protection legislation, 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 court fee for transferring a CCJ to the High Court for enforcement, which results in the issue 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. 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.

If the debtor pays in full – the judgment amount, interest, court fees and the 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.

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. 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, 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 HCEOs 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)*



Part three – health and safety procedures

All our enforcement agents are highly experienced and are all PAYE employees, our Enforcement Agents carry the latest body cameras and possess a minimum Level 2 Certificate in Taking Control of Goods (TCOG).

Enforcement agent training

The Level 2 TCOG qualification also incorporates training in conflict management, vulnerability and mental health awareness.

Our enforcement agents have also undertaken additional, mandatory industry approved training and a further refresher course designed by our award-winning Training Division prior to any recommencement of visits, which included how to identify any vulnerabilities or changes in circumstances.

In addition to the comprehensive enforcement agent training we have specially trained welfare support teams based in each of our regional offices to help deal with any vulnerable debtors.

Post-lockdown procedures

Evictions and enforcement visits will be contactless in line with HCEOA safe working practices guidance, including observing appropriate social distancing measures and have supplied our enforcement agents with appropriate protective equipment to use during any visits.

We will not enter premises or take control of goods at residential addresses where we are notified that any individual living at that address has coronavirus or is isolating.

You can view our [full post-lockdown strategy on our website](#).



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.

Our strategic network of authorised HCEOs, enforcement agents and suppliers means that we can undertake the enforcement more quickly and with a higher likelihood of success.

Underpinning our growth year-on-year is our focus on client service and a comprehensive “end to end” range of specialist services for the recovery of debt, property and land, making instructing us quick and easy.

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 removal

Trustpilot score for The Sheriffs Office

We have a Trustpilot score of 4.6 stars (out of 5), based on over 300 reviews currently and [constantly](#) increasing.

We have also won and been shortlisted for numerous industry awards, and, up to 2019, we were 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.



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.hceo.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 Residential Landlords Association	https://www.nrla.org.uk/
Property118	www.property118.com
Possession Claim Online	https://www.possessionclaim.gov.uk/pcol/
Registry Trust	www.trustonline.org.uk
Tracing services	http://thesheriffsoffice.com/services/Debtor-tracing
Court and enforcement fees	https://www.thesheriffsoffice.com/services/court-fees-enforcement-fees
Further reading	www.thesheriffsoffice.com/articles/



Glossary of terms

Accelerated possession procedure

A service for landlords to make a claim to evict tenants using the accelerated possession procedure if they're on an assured shorthold tenancy.

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 where the debtor usually lives or carries on business. 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 or direct via the court using form N1. 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.

District Registry

A district registry is part of the High Court situated in various districts of England and Wales, dealing with High Court family and civil business. District registries are often co-located at county courts.



Enforcement agent

An enforcement agent (EA) is the person attending the property to enforce the writ. They must undergo 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 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, and the fee 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 authorises 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. Under the Coronavirus Act 2020, a Section 21 Notice gives six 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. Under the Coronavirus Act 2020 it is six months, apart from circumstances including antisocial behaviour, domestic abuse, significant rent arrears or where the tenancy was obtained in breach of the Right to Rent rules. 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 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

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