

Guide to trespasser,
squatter and activist eviction
from land and property



The Sheriffs Office[®]
We recover more for you

Version 1.5
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.

The Sheriffs Office

Guide to trespasser, squatter and activist eviction from land and property

1.	Introduction	2
2.	Evicting trespassers from property or land under a writ of possession	4
3.	Evicting trespassers from land under Common Law	10
4.	Special consideration when evicting protesters & activists	12
5.	Health & safety when planning evictions	13
6.	Police support	15
7.	Prevention of squatters and activists	16
8.	About The Sheriffs Office	17
9.	Useful links	18
10.	Glossary of terms	19



1. Introduction

A squatter or trespasser is a person occupying your property or land without your permission. If you have asked them to leave, but they refuse to do so, then you will need to take further action to have them removed.

Trespassers can be removed from land either under Common Law or via a court order of possession. In the case of property, a possession order must be obtained.

When evicting under Common Law, a Certificated Enforcement Agent should be used. When enforcing a possession order, this can be done either by a County Court Bailiff (CCB) acting under a warrant of possession, or by a High Court Enforcement Officer (HCEO) under a writ of possession. Permission is NOT required from the court to transfer up a possession order from the County Court to the High Court.

This Guide will cover eviction under Common Law and under a High Court writ of possession by an HCEO.

CCB or HCEO?

CCBs tend to work regular office hours, which limits the time available for enforcement. In the case of the eviction of squatters from commercial property, an early morning call can be a key determining factor in the speed and efficiency of an eviction.

CCBs have an ever-increasing workload, compounded by court cutbacks, which in some parts of the country can result in long delays before eviction can take place.

HCEOs will have enforcement agents and support teams available at very short notice for whatever time is best to undertake the eviction.

Early hours of the morning is often a good time, when everyone is asleep and so don't have time to set barricades or booby traps, hide or lock themselves onto the building. This is particularly essential when dealing with protesters and activists.

CCBs do not normally carry out a risk assessment before they repossess a property. In simpler cases, this may not be necessary, but it can be vital in more complex ones, especially higher profile cases where protests are expected. This can often result in the CCB walking away from the property without completing the eviction.

Larger HCEOs will carry out risk assessments and health and safety planning in advance, to establish whether specialist method of entry teams and Police support might be required. This approach protects all parties to the eviction, including the client.



Questions to ask when selecting an HCEO

Before instructing an HCEO to carry out an eviction, we recommend that you ascertain their experience and ask the following questions:

- Do they have the appropriate insurances in place and what is the value of cover?
- Do they have a track record in this kind of work?
- Do they have enough experienced and skilled enforcement agents available to manage the eviction?
- Do they have access to specialist teams, e.g. at height / method of entry, if required?
- Do they have the resources to properly secure the property to prevent re-entry after a successful eviction?

Squatters in residential property

Squatting in residential property is a criminal offence under the Legal Aid, Sentencing and Punishment of Offenders Act 2012, with penalties of up to 51 weeks in prison and/or a maximum fine of £5,000. Under section 144 of the Act, squatting is a criminal offence if:

- The person is in a residential building as a trespasser having entered it as a trespasser,
- The person knows or ought to know that he or she is a trespasser, and
- The person is living in the building or intends to live there for any period.

The offence is related to the entering of the building, rather than refusing to leave when asked. The owner can, therefore, call the Police, who can enter the property and arrest the trespasser and take them to the Police station.

This legislation does not cover:

- Squatters in commercial property, even if it is being used as a residence
- Tenants who have stayed in residential premises after their lease or licence has expired
- Tenants who are in arrears with rent payments

Never carry out an eviction yourself

Never try to remove trespassers by force yourself as you could be accused of a criminal act under the Protection from Eviction Act 1977.

We would recommend that you have a witness whenever you visit the premises, so you cannot be falsely accused of using threats or violence. If you do secure a peaceable re-entry, you still have a duty of care for their possessions.



2. Evicting trespassers from property or land under a writ of possession

A possession order against “persons unknown” will be obtained by a landowner or landlord when they wish to remove trespassers, squatters or activists from their property.

A writ may also be used to evict from land. Whilst obtaining a writ will take longer and may cost more than acting under Common Law; it does provide the landowner with more protection. Should the same trespassers, for example travellers, return, the HCEO can remove them again under a writ of restitution (a writ in support of another writ) without the need to restart the full court process.

Where to start proceedings

In the majority of cases, the claimant will be required to start the claim in the County Court. The claim can be issued in any County Court, rather than the Court in the same district as the property to be repossessed.

However, under exceptional circumstances, the claimant may be able to apply through the High Court. These circumstances include:

- Complicated disputes of fact
- Points of law of general importance
- A claim against trespassers where there is a substantial risk of public disturbance or serious harm to persons or property

Previous cases such as the removal of protestors in Parliament Square, the Dale Farm eviction and Occupy at St Paul's would most probably meet the third criterion. The value of the property is not, on its own, enough justification to start a claim in the High Court.

If a claim is wrongly started in the High Court, it may be struck out or transferred to the County Court. This will cause delays and extra costs, which will probably be unrecoverable.

Court process

There are two types of possession order against trespassers; general form of possession and interim possession proceedings.

The court process is largely the same except the interim possession order (IPO) is in two stages – an interim possession order, then a final possession order. You must apply for both and a final order for possession will normally be made at a hearing shortly after the interim possession order has been made.



You can apply for an interim possession order if the squatters are occupying, without your consent, a building, a part of a building, or the land next to a building. It does not cover open land.

You also have to have an immediate right to possession of the premises being occupied (and have had that right for the whole time the premises were illegally occupied), and you need to make your claim for possession within 28 days of the date on which you first knew your premises were being occupied without your consent.

You can still apply for the possession order, even if you do not know the squatters' names – you can refer to the defendant as 'Persons unknown'.

Serving notice of the interim order or notice of hearing

When the court issues your application for an interim possession order, you must serve the documents to the squatters within 24 hours by putting a copy on the door of the premises and putting them through the letterbox in a sealed, transparent envelope addressed to 'the occupiers'. The same process applies when issuing a general form of possession and normal service applies between serving the notice of hearing and the actual hearing date.

Once you get your interim possession order and date for the hearing for a final possession order, you must serve it within 48 hours (in the same way you served the notice of application). The squatters can plead their case at the hearing, but if your claim is upheld, you will be awarded an order for possession, which instructs the squatters to leave. The trespassers can be removed 24 hours after the final order is served.

The main advantage of the IPO is the penal notice attached that in theory can be enforced by the local constabulary; however, the general form of possession is far swifter and a writ can normally be obtained within 3-7 days of serving the claim pack, whereas an IPO would typically take 14-28 days.

Transfer up procedure

If the squatters do not leave of their own volition once the County Court possession order has been awarded, the order can be transferred to the High Court (using form N293A) for enforcement by an HCEO under a writ of possession. Leave from the court is NOT required to transfer to the High Court.

Your HCEO will normally manage the transfer up process on your behalf.

- You must have a final order for possession, not an interim order
- Apply for the transfer using Form N293A – most HCEOs will manage the transfer up process on your behalf for no fee
- Send payment for the court fee
- The writ of possession is then applied for by the HCEO on your behalf, using Form 66 which is sent to the High Court of District Registry for sealing



Where the possession order was awarded in the High Court, this will be enforced by an HCEO under a writ of possession without the need to transfer up. Form PF86a should be sealed in the High Court when applying for Writ No. 66.

Giving notice of eviction

There is no requirement for the HCEO to give notice of eviction. The trespassers will have already been served notice of the interim or general possession order. In the case of activists and protesters, the element of surprise will normally be useful to prevent lock-ons, barricades and booby traps.

Types of writ

Writ of possession

The writ of possession is issued by the High Court after a judgment or order for possession of either property or land against “persons unknown” has been awarded and transferred to the High Court for enforcement using an HCEO.

If the judgment or order is issued in the High Court, then it must be enforced by an HCEO and may be against persons known or unknown.

Writ of restitution

The other relevant High Court writ is the writ of restitution. This is used if, after the successful eviction of trespassers from commercial property or land under a writ of possession, the same trespassers re-enter that property or land again. This writ will allow the HCEO to again enforce and remove the trespassers accordingly.

Court fee

There is a court fee to obtain a writ of possession or a writ of restitution. Please check our website for [current court fees for these and other writs](#).



Eviction from property under a writ of possession

The HCEO will plan the eviction in advance, including a health & safety and risk assessment, meetings with the Police, where appropriate, and putting specialist method of entry teams on standby if the risk assessment indicated they might be needed (this is more common when the trespassers are activists and protesters).

A skilled locksmith will normally be used to gain access quietly to maintain the element of surprise, although forced entry is sometimes the only option.

Once inside, the HCEO eviction team will remove all occupants from the property. At The Sheriffs Office we will give them reasonable time to pack all their belongings, but if anything is left behind, we will issue a torts notice concerning the disposal of abandoned goods.

The HCEO will ensure that the eviction team has removed all squatters from the property. If just one person is left hiding inside, they can wait until everyone has left, then simply let the other squatters back in. Specialist HCEO eviction teams know where people can hide and are skilled at finding and removing everyone from the building.

Once the eviction is completed, the writ of possession will need to be signed by the property owner, their agent or their solicitor to confirm that the repossession is complete and the property has been handed back to the owner. Once the writ is signed off, the eviction team is not permitted to re-enter to remove anyone else from the property without a new writ of possession (or writ of restitution). Another good reason for checking all the squatters have been removed.

The property owner or their agent will probably need to have a clean-up team on hand. There is every chance there will be rubbish and detritus everywhere, graffiti on walls and damage to the building.



Eviction from land under a writ of possession

Although landowners have the right to remove trespassers under Common Law, there are a number of reasons why you might want to consider evicting under a writ of possession:

- The writ provides landowners with greater protection than they would have under Common Law
- Notice of the date and time of eviction do not have to be given
- Whilst the Police have a duty to prevent a breach of the peace, they may be more supportive of your efforts to remove trespassers if you have a writ
- If the same trespassers return, you can remove them under a writ of restitution, without needing to restart the court process
- You can combine the writ of possession with a writ of control

If you had originally given permission for occupation of the land in exchange for payment of rent, should the occupants default on the rent, you may obtain a second judgment for the outstanding rent and then combine the writ of possession with a writ of control, which allows the HCEO to seize assets to sell to recover the outstanding rent at the same time as the eviction.

In this case, the judgment must identify the individuals by name; it cannot be left as “persons unknown”.

The HCEO may seize goods and chattels, including cars and caravans, as long as the caravan can be moved. This includes caravans that have been linked up to an electricity supply.

If squatters return

Once squatters have been successfully removed and possession is given back to the rightful owner, we advise our clients to keep a security team in place to guard the property and prevent squatters from re-entering, be they the same people as before or a new group. This is especially important in the 48 hours immediately after eviction as this is the most common time for re-entry to be attempted.

If, for whatever reason, the same squatters do re-enter the premises, the best method of removing them, assuming they were evicted in the first place using a writ of possession, is via a writ of restitution.

If trespassers and squatters return to premises post-eviction, they cannot be removed again under the original writ of possession, as this may only be executed once.

Once the original writ of possession is signed off it cannot be re-executed, but fortunately the process of obtaining a writ of restitution is quite fast and straightforward. In effect, the writ of restitution is a writ to support another writ of execution.



Once it has been issued by the Master (the HCEO will normally take care of arranging this), then it is executed in the same way as was the original writ of possession

If the trespassers are not the same people, then a new writ of possession will be required.



3. Evicting trespassers from land under Common Law

The main advantage of evicting under Common Law is that you can act straight away and do not need to go to court. However, we do find that, on some occasions, the Police can be reluctant to support the removal if it is done under Common Law and without a court order.

Eviction under Common Law is normally undertaken by Certificated Enforcement Agents (EA), previously known as Certificated Bailiffs.

The advantages of this are that the Certificated EA will know the relevant law and procedure and will act within those laws. He will also know how to conduct a risk assessment and follow health and safety procedure before and during the eviction. Finally, he will have the necessary resources and manpower available to conduct the eviction.

Many HCEOs can act on your behalf under Common Law as all their enforcement agents must be certificated.

The process

The Certificated EA can be instructed by the landowner or their agent. They will serve eviction notices, giving a maximum timescale (often 24 hours) to vacate the site, returning when this is up to ensure the trespassers have left.

If they remain, the Certificated EA can remove them and their vehicles from the site using tow trucks if necessary. You may need to have a clean-up team on stand-by to remove the detritus they leave behind.

Police support

If the Police have to be brought in to support the eviction, the Police have discretionary power under the Criminal Justice and Public Order Act 1994, which allows them to evict trespassers providing two or more people have entered the land for the purpose of residing there AND reasonable steps have been taken by the landowner to ask the trespassers to leave.

If this is the case, then one of these conditions must also be met for the Police to evict the trespassers:

- Any one of the trespassers damages the land or property on the land
- Any one of them threatens or abuses the landowner, a member of their family or one of their employees or agents of the occupier.
- There are six or more vehicles, including caravans, on the land



If it is possible that there is a risk of breach of the peace, the Police may advise the landowner to obtain a writ of possession first.

Obtaining a writ and then choosing to act under Common Law

Landowners can obtain a court order and still choose to remove the trespassers under Common Law. Halsbury's Laws of England (Paragraph 1400, Volume 45, 4th Edition) state that:

“If a trespasser peaceably enters or is on land, the person who is in or entitled to possession may request him to leave, and if he refuses to leave, remove him from the land using no more force than is reasonably necessary. This right is not ousted if the person entitled to possession has succeeded in an action at law for possession but chooses not to sue out his Writ.”

Local authorities

Government advice to Local Authorities is that they should obtain a court order to remove trespassers from land owned or managed by the local authority.

Should the trespassers on private land be obstructing a public highway, then the local authorities can act to remove them without the landowner's co-operation.



4. Special consideration when evicting protesters and activists

Protesters have long been a problem for landowners and local authorities – Parliament Square, the Newbury Bypass, Greenham Common, to name just a few high-profile examples, as well as more local protests against roads and building developments.

A developer, landowner or local authority could be seriously impeded by the arrival and encampment of protesters, both because of damage they could cause to the site and the delay and cost of their removal.

Protesters can cause significant damage to a site - building blockades, tunnelling, encampments and general rubbish and mess on site. And, of course, part of their aim is to generate negative publicity for the proposed development and the developer.

We come up against protesters physically attached to the property known as 'lock on' – for example, chained to the property or with their arms or legs concreted in, or living in tunnels or up in the trees.

They are sometimes also looking for confrontation with the officers to generate publicity for their cause.

These situations require specialist services to deal with them, for example tunnelling teams, abseilers, climbers, boat teams for access by water and dog handlers. If they are going to be needed to complete the eviction, you need to know this in advance. They're not quite as easy to muster as a tow truck or locksmith! On the other side of the coin, such services have a cost associated with them, and you don't want to engage services unless you know they will be needed.



5. Health & safety when planning evictions

Health and safety planning is important when preparing for an eviction, whether for smaller or large-scale evictions, but particularly so for large evictions and where there are activists and protesters.

There are the key elements that go into planning the health and safety aspect of evictions by a High Court Enforcement Officer (HCEO) under a writ of possession.

Legislation

Three key and relevant pieces of legislation relating to the enforcement of a writ of possession are:

- Health and Safety at Work Act 1974 (HASAW)
- Human Rights Act 1988 (HRA)
- Courts Act 2003 – section 99 covers the right of the HCEO to request Police support and section 189 makes it an offence to obstruct an enforcement agent executing a High Court writ

The safety of the public is to be considered a paramount objective. Unlawful, reckless or careless actions may render those responsible individually liable to criminal and/or civil action. Every care must be taken to ensure that members of the public are not placed at risk of injury or damage by any action or circumstance arising from the execution of the writ of possession.

Hazards

The following issues should be considered when looking at potential hazards:

- Hazardous substances and/or processes undertaken on the premises
- Biohazards and physical hazards arising from the presence of persons and animals on the site
- Electricity and gas supplies, conveyed via pipes or portable cylinders
- Chemical hazards or water contamination by hazardous substances
- Hazards arising from the physical situation of the site, or from extreme weather conditions

Resistance

There are also risks associated with resistance to the eviction. As you might expect this is a not an uncommon occurrence! These include:

- Violence, whether from physical assault, with or without the use of weapons, or missiles, not to mention verbal abuse and threats
- Physical obstructions and fortified areas – people and devices
- Physical prevention of removal by people locking themselves onto structures or to machinery
- Using structures at height to resist removal
- Using confined and fortified spaces to resist removal



These all pose potential risks to the enforcement agents, Police officers, the squatters themselves, and also to the general public. This risk is likely to be increased if the squatters are under the influence of drugs and/or alcohol at the time of the eviction.

Human rights

The HCEO should consider, document and manage the human rights issues that are affected or are likely to be affected by the execution of the writ of possession, endeavour to negate any potential actionable causes arising from the conduct of the execution and ensure the integrity of their conduct during the execution of the writ of possession.

Key aspects to be taken into consideration include:

- The removal of the squatters' personal effects from the site and arrangements for them to be collected by their owner if necessary
- Protecting the personal property of persons not party to the writ of possession
- Safety of members of the public, the enforcement agents and the person in and around the premises
- Freedom to carry out business and daily life of members of the public

Any action that the HCEO and his team undertake must be proportionate, lawful, properly authorised and necessary to the execution of the writ. Where possible, the HCEO should try to reach a negotiated agreement to leave the site first.

Training

Proper training is essential. We train our enforcement agents working on evictions to deal with everything that nature or the occupants might present them with, from asbestos contamination, through livestock to waterborne operations!

Operational plan

All the above points – and many more – will form part of the highly detailed operational plan, which will include some or all of the following:

- Risk assessments and site visits prior to the eviction
- Communications plan
- Operational plan and timetable
- Emergency plan
- Briefing of all persons engaged in the operation

It is a thorough, robust and comprehensive process – if you are speaking to an HCEO about an eviction, make sure they show you their planning processes and that they have fully trained EAs and everything in place to manage the eviction in a professional and appropriate manner.



6. Police support

Depending on the case, the Police may need to attend with the enforcement team, in which case they will be involved in the pre-eviction briefings. If it is unlikely they will be required, it is good practice to alert them to the eviction and have them on stand-by just in case their support is needed on the day.

The Department for Communities and Local Government (formerly The Office of the Deputy Prime Minister or ODPM) [Guidance on Managing Unauthorised Camping](#) (February 2004) advises that the Police should always be notified of an eviction and called in to stand by to prevent a breach of the peace, and that, if the Police advise that it is inappropriate to carry out an eviction, it should always be delayed until an agreed time.

A landowner who proceeds against Police advice might lay himself or herself open to a damages claim if the eviction then resulted in assault, injury or damage to person or property.

Under s61 of the Criminal Justice and Public Order Act 1994, the Police can, at their discretion, tell trespassers to leave land as long as reasonable steps have been taken by or on behalf of the landowner to ask them to leave and there are two or more people intending to reside on the land. Any one of three further conditions must be met:

- If any of those persons has caused damage to the land or to property on the land; or
- Used threatening, abusive or insulting words or behaviour towards the occupier, a member of his family or an employee or agent of his; or
- Those persons have between them six or more vehicles on the land



7. Prevention of squatters and activists

Securing property

Good security is paramount to prevent occupation. This may be a range of solutions, such as CCTV – which can be supplied on a temporary basis, so avoiding capital expenditure – alarms, good strong security doors and screens, as well as good motion-detection lighting, so any would be intruder is instantly floodlight.

It may also mean security guards, either on site full-time or conducting regular checks. And if there is rear access, make it difficult for squatters to get in, with fences, strong gates, possibly barbed or razor wire on top.

If practical, you might think about cutting off services to the property, so that anyone breaking in will find the lack of power and water quite uninviting.

The main idea is to make your property look as uninviting as possible to the squatter.

Keeping the property occupied

You will undoubtedly decrease your risk of squatters if the premises are occupied. Property guardians can be one option, and you may also want to consider short term lets, commercially or to charities, or for use as a pop-up shop to prevent leaving the premises vacant.

Securing land

Where you can, put fences and gates or barriers in place to prevent access. You may want to consider round the clock security, such as guards and also alarms, remote monitoring and CCTV. It is, of course, easier to secure an industrial site or a car park, than open land, but you can create natural barriers such as trees, banks of earth, logs, rocks etc.

Post-eviction security

We would recommend that you arrange your post-eviction security in advance of the eviction, so you can get the locks changed, put up security screens and doors, and possibly have security measures such as guards, CCTV and alarms, ready to be implemented as soon as the squatters leave. You don't want them back!



8. 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 2003 and the High Court Enforcement Officers Regulations 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
- Employment tribunal award
- Debtor tracing
- European judgment
- Debt collection

Property and land

- Eviction
- Security
- Repossession
- Rent collection
- 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 over 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!



9. Useful links

BT Directory Enquiries	www.bt.com
Companies House	www.companieshouse.org.uk
HCEOA	www.hceoa.org.uk
HCEO Regulations	http://www.legislation.gov.uk/uksi/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
Registry Trust	www.trustonline.org.uk
Tracing services	http://thesheriffsoffice.com/services/debtor-tracing
Further reading	www.thesheriffsoffice.com/articles/

Legislation and regulations

Part 3 of the Tribunals, Courts & Enforcement Act 2007	http://www.legislation.gov.uk/ukpga/2007/15/part/3
Taking Control of Goods Regulations 2013	http://www.legislation.gov.uk/uksi/2013/1894/contents/made
Taking Control of Goods (Fees) Regulations 2014	http://www.legislation.gov.uk/uksi/2014/1/contents/made
Certification of Enforcement Agents Regulations 2014	http://www.legislation.gov.uk/uksi/2014/421/contents/made
The Civil Procedure (Amendment) Rules 2014 No 407	http://www.legislation.gov.uk/uksi/2014/407/pdfs/uksiem_2014_0407_en.pdf
Court and enforcement fees	https://www.thesheriffsoffice.com/services/court-fees-enforcement-fees



10. Glossary of terms

Certificated enforcement agents

This is an enforcement agent (formerly known as a certificated bailiff) who has been granted a certificate by a judge to levy distraint/distress. They now come under the umbrella term 'Enforcement Agent'. The certificate lasts for two years and cannot be granted to anyone employed in a business that buys debt or any officer of a County Court.

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.

Enforcement agent

An enforcement agent (EA) is the person who will attend the debtor's premises to enforce the High Court 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.

N293A

The form used to transfer up the order of possession to the High Court for enforcement by an HCEO. Permission to transfer up is not required in the case of "persons unknown".

High Court Enforcement Officer, HCEO

An enforcement agent authorised by the Lord Chancellor to enforce High Court writs. HCEOs normally operate their own private companies and are not civil servants. The writ will be issued in the HCEO's name and the enforcement of that writ remains his responsibility, although he is permitted to authorise enforcement agents to act on his behalf when enforcing a writ.

Older people and the vulnerable (still all relevant for eviction?)

Enforcement agencies must ensure that the genuinely vulnerable and socially excluded are protected. The potentially vulnerable include: elderly, people with a disability, the seriously ill, the recently bereaved, single parent families, pregnant women, unemployed people, those who have obvious difficulty with English and children. Enforcement agents must withdraw from domestic premises if the **only** person present is, or appears to be, under the age of 18 or a person who is vulnerable, although they can ask when the debtor will be home. If the child appears to be less than 12, the enforcement agent must withdraw without making any enquiries.

Persons unknown

In the case of trespassers, the owner is unlikely to know the names of all or any of the occupants, in which case he will apply for an order against "persons unknown", removing the need to know exactly who is on the premises.



Possession order

An order issued by the County Court giving the owner an immediate right to possession of the premises being occupied. This is required before a writ of possession can be obtained.

Possession – writ of

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.

Restitution – writ of

A writ of restitution is a writ to support another writ of execution. Once the writ of possession has been executed, it is completed, so a writ of restitution will be requested to enable the eviction of squatters who reoccupy the property, without the requirement to restart court proceedings.

Setting aside judgment

When the 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 debtor will have to explain why they want the judgment set aside. If the court does set aside judgment, then the debtor is allowed to put forward their defence, having provided the creditor with documents they intend to use and witnesses to support their defence. If they are successful, enforcement cannot proceed. If their application is denied, the creditor may proceed with enforcement. Enforcement can continue whilst the application is awaiting a hearing.

Signing off the writ

Once the eviction is completed, the writ of possession will need to be signed by the property owner, their agent or their solicitor to confirm that the repossession is complete and the property has been handed back to the owner.

Transfer of judgment to High Court

When an order for possession against “persons unknown” is issued in the County Court, the claimant can transfer it up to the High Court for enforcement by an HCEO under a writ of possession. The transfer form is the N293A and there is a court fee. The HCEO will normally manage the transfer up process on the claimant’s behalf once instructed.

Validity of the writ

An unexecuted writ of possession is valid for a period of 12 months from the date of issue. It is deemed to be executed when all persons are removed from the land or premises and vacant possession has been given to the claimant.



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

0333 001 5100

thesheriffsoffice.com

The Sheriffs Office
Vaughan Thomas House
141 Walter Road
Swansea, SA1 5RW

DX: 52966 Swansea
info@thesheriffsoffice.com