

**From:** Sophie Rycroft <[Sophie.Rycroft@communities.gov.uk](mailto:Sophie.Rycroft@communities.gov.uk)>

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**To:** Sophie Rycroft <[Sophie.Rycroft@communities.gov.uk](mailto:Sophie.Rycroft@communities.gov.uk)>

**Subject:** Changes to the Civil Procedure Rules with respect to possession proceedings

Dear all,

As Government takes steps in the next phase of the COVID-19 response, it is right that we consider how the emergency measures that have been put in place to protect residents should be adapted. As part of this, the current pause for possession cases in the courts will end on 23 August. This is an important step towards transitioning out of emergency measures and ensuring all people – landlords and tenants – have appropriate access to justice.

However, we recognise that when possession cases are being heard, further steps may be needed to protect the most vulnerable. Landlords must follow strict procedures if they want to gain possession of their property, depending on the type of tenancy agreement in place and the terms of it. The Government has also been working closely with the working group convened by the Master of the Rolls to address concerns about the consequences of the current stay on housing possession claims ending.

Proposed changes to the Civil Procedure Rules in respect of proceedings for possession claims is one of the early outcomes of this group's work. These rules, which have been agreed by the Civil Procedure Rules Committee, will be implemented via the statutory instrument that has been laid on Friday 17 July by the Lord Chancellor, and will come into force from 23 August. The new rules will require a landlord seeking possession of their property to set out in their claim any relevant information about a tenant's circumstances, including information on the effect of the COVID-19 pandemic on a tenant's vulnerability or social security position. These rules will apply to all possession proceedings either new or existing, including accelerated possession proceedings. Where this information is not provided, judges will have the ability to adjourn proceedings. These changes will be in place until the end of March 2021 but could be extended.

In addition, there is another new rule that will require landlords to notify the Court and their tenant of their continued desire to seek repossession before the case will proceed, including in accelerated possession cases. This rule will ensure that the Court's time is spent on the right cases. In some instances, matters may have been resolved through other means and can be withdrawn.

As part of this, we will continue to engage with the working group to secure a voluntary agreement to encourage landlords wherever possible to initially only pursue priority cases through the courts. Priority cases include those involving anti-social behaviour, extreme rent arrears, domestic abuse, cases involving squatters, fraud or unlawful subletting.

The other rule changes that have been agreed are:

- the court will have flexibility on setting the date for the court hearing to allow it to fix a date either on or after the claim form is issued to the landlord. (Currently a hearing date is set at the same time as the claim form is issued)
- the requirement to fix a hearing 8 weeks after the claim form is issued to landlords will be suspended.
- Landlords will need to provide a rent arrears history in advance of the hearing (rather than providing at the hearing itself).

- High Court bailiffs will be required to provide notice of the eviction date to the tenant, in the same way that notice is provided by county court bailiffs. The notice will include information on how the tenant can apply to suspend the eviction and where to go to for advice.

The working group continues to consider other measures to be introduced to support the reopening of the courts, including arrangements to facilitate hearings and appropriate access to legal representation.

Kind regards,

Sophie.



Ministry of Housing,  
Communities &  
Local Government

Sophie Rycroft

Policy Manager, **Social Housing Response Team / Right to Buy**

3<sup>rd</sup> Floor NE | Fry Building | 2 Marsham Street | London | SW1P 4DF

\* [sophie.rycroft@communities.gov.uk](mailto:sophie.rycroft@communities.gov.uk) | ( 0303 444 8949