



High Court Enforcement Agency

Martyn Spiers

WHERE TO TURN WHEN RELIABLE RENTERS BECOME TROUBLESOME TENANTS

INSTRUCTING THE HIGH COURT ENFORCEMENT OFFICER

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Martyn Spiers

- Business Development Manager at High Court Enforcement Group Ltd
- Level 2 Award in Taking Control of Goods
- Responsible for maintaining current business relationships and developing new business contacts
- Aim is to provide an education to new and existing Clients to help them gain an understanding of the industry, should they ever require our services

TODAY'S SPEAKER

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- Who currently owns property?
- Who has had to evict a tenant previously?
- Who rents out properties with the intention of evicting Tenants?

A SHOW OF HANDS...

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....Everyone lives happily ever after

THE ROMANTIC BELIEF

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- Murphy Owes Me Rent – Frank Harding, 1890
- Tale of a well-respected landlord, who owns several properties
- In one lives Murphy, who hasn't paid his rent for 'many a day'
- Not happy with his free ride, it tells of the abuse given to the landlord and the damage Murphy insists on causing before he leaves



HAVE YOU GOT TIME FOR ME TO TELL YOU A STORY?

Ministry of Justice data for Q2 2017 shows

- 32,077 Landlord Possession claims
- 25,195 Orders for Possession
- 16,018 Warrants for Possession
- 8,819 Repossessions by County Court Bailiff

“A sheriff I will send to him, to collar every cent, and they’ll march him off to prison, if he doesn’t pay the rent”

DOES THIS SOUND FAMILIAR?

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↑ From Claim to Court Order – up from 11.1 weeks up to 11.4 weeks

↑ From Claim to Warrant of Possession – up from 34.7 weeks to 35.9 weeks

↑ From Claim to Repossession by County Court Bailiff – up from 41.1 weeks to 42.5 weeks



Average UK Rent = £927.00 per month (HomeLet Rental Index September 2017)

X

Average time to repossession at 42.5 weeks (10.5 months)

= £9,773.50

THE LANDLORD'S DILEMMA

The High Court Enforcement Officer (HCEO)

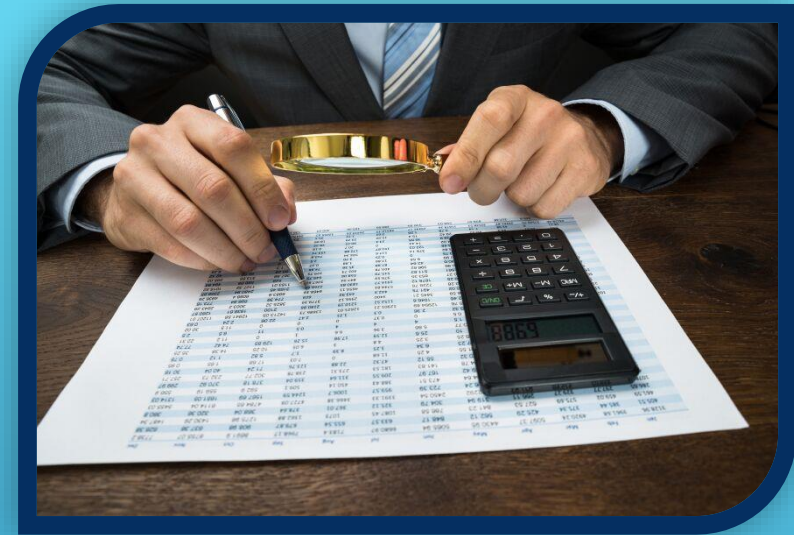
- Authorised by Lord Chancellor
- Only 46 HCEOs in England and Wales
- Only 32 remain active
- HCE Group have 19 HCEOs
- Authorised to enforce Writs of Control to recover monies (£600.00 and above)
- Authorised to enforce Writs of Possession to reclaim land and property



A Hypothetical Insurance Policy

WHAT'S THE ALTERNATIVE?

- Every Client is different, work may come from:
 - Firms of Solicitors
 - Letting Agents
 - Private Landlords
 - Landlord Insurance Companies
- You must serve either Section 8 or Section 21 notice on tenant
- You are required to obtain an Order for Possession, granting permission to transfer to the High Court for enforcement under Section 42 of the County Courts Act 1984
- This can be done by logging into Possession Claim Online website: <https://www.possessionclaim.gov.uk/pcol/> or by submitting Claim Form N5/N5B to your local Court
- There is a fee payable (£325.00 standard/£355.00 accelerated) in order to process your claim – you cannot claim rent arrears under the accelerated procedure



PRE-WRIT – CLIENT REQUIREMENTS

High Court Enforcement

Cost of initial claim - £325.00 standard
- £355.00 accelerated

Court Application Fee to Transfer - £100.00
Writ of Possession - £66.00

HCEO's Costs – £375.00 plus VAT
(Dependant on your choice of supplier)

Total - £941.00
(Depending on requirement of N244)

County Court Bailiff

Cost of initial claim - £325.00 standard
- £355.00 accelerated

Warrant of Possession - £121.00

Delay in County Court at: 4 weeks* - £927.00
8 weeks* - £1,854.00
12 weeks* - £2,781.00

(*based on average UK rent prices at £927.00 per month)

Total – ???



FEE OVERVIEW

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Landlord applies for their Order for Possession



Requests permission to transfer to the High Court under Section 42 of the County Courts Act 1984



At the Judge's discretion



Yes



Instruct the HCEO



No



**Obtain permission to transfer
using form N244 (Cost £255.00)**

SECTION 42 OF THE COUNTY COURTS ACT 1984

You will need to list your reasoning as to why you wish to transfer the matter to the High Court for enforcement:

- Significant delays in the County Courts meaning:
 - Landlord facing financial difficulty due to loss of rent
 - Increased risk of damage to the property
- HCEO able to action quicker given delays with County Court Bailiff
- HCEO will give 7 day Notice of Eviction to Tenant

“The Claimant requests the court’s permission pursuant to Section 42 of the County Courts Act 1984 without a further hearing that the possession order be transferred to the High Court for enforcement due to the delays in the County Court causing further financial hardship to the landlord and further risk of damage to the property by the tenant. We confirm the HCEO will serve a 7 day notice on the tenant prior to eviction.”

The Claimant requests the following order; that the proceedings for the enforcement of the said Judgment or order of the County Court be transferred to the High Court for enforcement under Section 42(2) of the County Courts Act 1984.”

SATISFYING THE JUDGE

1. Obtain Order for Possession with leave to transfer (under Section 42 of the County Courts Act 1984)

2. Permission to issue a Writ of Possession

- Application to the High Court District Registry for permission to issue a Writ of Possession
- Application fee of £100.00
- Show that every person is aware of impending actions and the Tenant has been notified
- N215: Certificate of Service

3. Request for the issue of a Writ of Possession

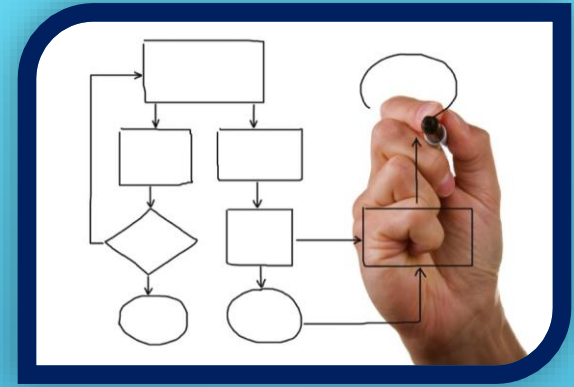
- Form PF88 for a Writs of Possession only
- Form PF89 for a Writ of Possession & Control (recovery of monies)

4. Obtain an order for permission to issue, form PF92

- Judge makes an order for the Writ of Possession or the Writ of Possession & Control, if requested

5. Writ of Possession

- Last form is No.66, which is the Writ
- £66.00 fee for the Court to seal the Writ



THE TRANSFER PROCESS FOR THE HCEO

Indicators which can affect the chance of recovery:

- Has the tenant lost their job or been made redundant?
- Has there been a relationship split, and has the main income been lost?
- Are there any health problems – mental or physical?
- Does the tenant suffer from drink or drugs misuse?

Consider the following:

- Are you likely to get your money back, including court costs if successful?
- Does the tenant have any other outstanding debts/CCJ's?
- Does the tenant have any other form of income?
- Does the tenant own any valuable assets?



RECOVERING RENT ARREARS

Possession Order → Permission to Transfer Using Section 42

HCEO Complete N244 Documentation and Advise Tenants of Intentions
(Days 1-2)

Court Process Forms (24-48 hours) → Notice of Eviction Issued by HCEO
(Days 3-10)

Enforcement of Writ of Possession – Eviction
(Approximately Days 10-14)

THE TRANSFER GOAL

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Prior Risk Assessments

- Is the tenant known to the police?
- Is there likely to be a breach of the peace?

Health and Safety Checks

- Are there any animals or livestock at the property?
- Anything hazardous at the property?

Notice of Eviction Sent to Tenant

- Trends show a high percentage leave upon receipt

Usually Send 2 Enforcement Agents

- Dependant on prior information & size of the job

Enforcement Agent's all equipped with top of the range body cameras

Locksmith – either provided by Client, or can be arranged by HCEO



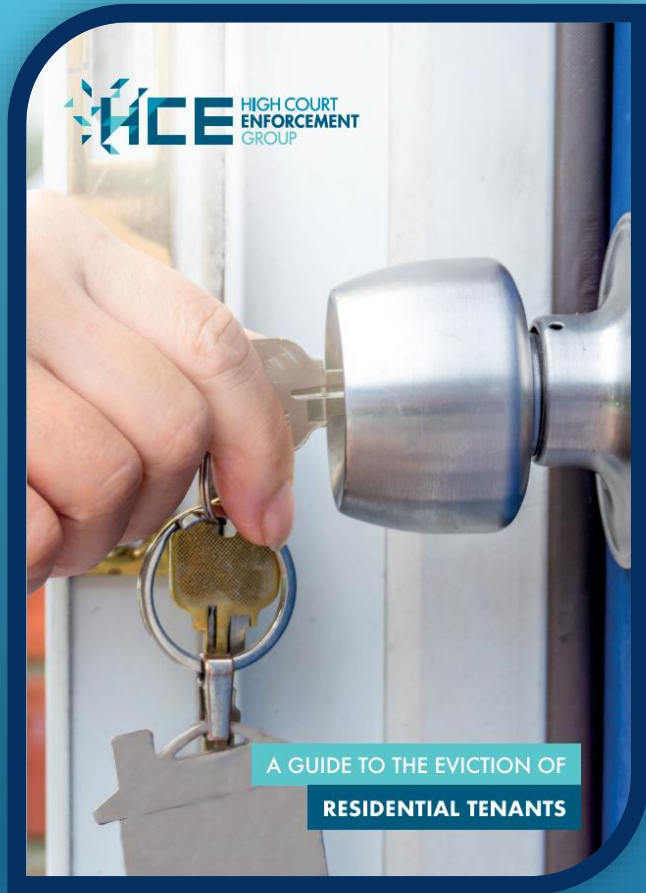
THE EVICTION

- Gather all information at the outset – **before handing over the keys!**
 - Contact details
 - Employment information
 - Date of Birth
 - Email address
 - Vehicle Registration Details
- Establish the tenants financials
 - Sight several statements
 - Attachment of Earnings
- Ask for a guarantor (obtain their contact information too)
- Photograph
 - Driver's License
 - Passport
- Referencing



HOW CAN YOU HELP?

Free E-book by E-mail



Free Regular Webinars



FREE ADVICE AND TRAINING

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“Your ‘one-stop-shop’ for all your enforcement needs”

- Judgment Enforcement
- Tribunal Awards
- Residential Repossessions
- Traveller/Squatter Evictions
- Commercial Rent Arrears Recovery (CRAR)
- Commercial Forfeiture
- Vehicle/Asset Recovery
- Process Serving
- Debtor Tracing
- International Enforcement (Connexx)

ALTERNATIVE SERVICES

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THANK YOU FOR LISTENING

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