



Tenancy Relations Fact Sheet 12

Possession Orders and the County Court

As per section 3 of the Protection from Eviction Act 1977, it is unlawful for the owner/landlord to enforce against the occupier, otherwise than by proceedings in the court, his right to recover possession of the premises.

What this means is that if you occupy a property as a tenant, you cannot be lawfully evicted from a property without a possession order from the court. If you are a landlord, you cannot evict your tenant without a possession order from the court.

If you are forcefully evicted or evicted without a possession order (i.e locks changed whilst you are away from the property), report this to the Rogue Landlord Team (0117 35 25010) at Bristol City Council as soon as possible.

Landlords

If you are evicting your tenant(s) under a section 8 notice on an Assured Shorthold Tenancy (AST), and the tenant has not vacated the property at the end of that notice period, you must apply for a **standard possession order**.

If you are evicting your tenant(s) under a section 21 notice on an Assured Shorthold Tenancy (AST) and the tenant has not vacated the property at the end of that notice period, you are able to apply for an **Accelerated or standard possession order** at the County Court.

You can only apply to the court when you have served a valid notice.

Application	How?	Cost	When can I use this?	Will there be a hearing?
Standard Possession Order	Form N5	£355*	Either when a s8 or s21 notice has been served	Yes
	Possession Claims Online (PCOL)	£325*	Either when a s8 or s21 notice has been served	Yes
Accelerated Possession Order	Form N5B	£355*	Only when a s21 notice has been served	No – unless ordered by the judge

**All costs incurred can be recovered on a successful possession order*

If the tenant has not vacated the property at the end of the date listed on the possession order, you must still follow the correct process within the law to have them evicted. This requires applying for a warrant of possession and allowing the bailiffs to lawfully evict your tenants. Only at this point will you have lawfully regained possession of your property.

Application	How?	Cost	When can I use this?
Warrant* of possession	Form N325	£121	Only upon expiry of the possession order if the tenant remains in the property.

* If you wish to apply for a writ of possession from the High Court, you should seek independent legal advice.

If you are evicting any other type of occupier, please seek advice on whether that occupier is entitled to a court order for possession before they are evicted

It is a **criminal offence** to illegally evict your tenants.

Tenants

The below information applies to those occupying a property under an Assured Shorthold Tenancy (AST). If you occupy under any other agreement, the following may not apply and you should seek advice.

If you are being evicted, you are entitled to leave the property only when a possession order has been granted and a warrant/writ of possession has been executed. The above outlines what a landlord must do to lawfully evict you.

If your landlord has served you a s21 notice and has applied to the court under the Accelerated Possession procedure and is successful, you will receive a possession order in the post and will not be invited to court. The possession order will give you a minimum of 14 days (from the date it is granted) to vacate the property – you do not have to leave at this point.

If your landlord has applied under the 'standard' process, you will be invited to attend a court hearing on a fixed date – you must attend this hearing or a possession order may be granted in your absence.

If you cannot attend the hearing, you should contact the County Court at the earliest opportunity to discuss arrangements – you may need to submit an application and pay £100 to change the date.

If you wish to contest a possession order that has been granted, the following options are available to you

Application	How?	Cost	When can I use this?	Notes
Appeal	Form N161	£120	Only when the possession order was granted incorrectly in a	Guidance notes on EX340

			point of law (i.e if a possession order was granted on an invalid s21 notice). Seek legal advice if you wish to appeal.	
Set Aside the Order	Form N244	£255	You can apply on any grounds. (i.e. if leaving the property would cause you hardship, or if you weren't notified of any hearing).	Guidance notes on 'N244 Notes'
Suspend a warrant	Form N244	£50	<u>Before</u> the warrant is executed. (You will be given 2 weeks' notice of bailiffs attending and executing a warrant).	Guidance notes on 'N244 Notes'

Please note: if a possession order with costs is awarded against you, at the point of enforcement (i.e execution of a warrant of possession) this will become a registered County Court Judgement (CCJ) and may affect your credit score.

Where to send any application?

If you are eligible, you can apply for 'Help With Fees' to cover any/part application costs. You should apply for this on form [EX160](#) and submit this with your application. All paper applications should be posted to or handed to:

**Bristol County Court
Bristol Civil and Family Justice Centre
2 Redcliff Street
Bristol
BS1 6GR**

Tel: 0117 366 4850
e-filing.bristol.countycourt@justice.gov.uk

Personal Support Unit (PSU)

Bristol County Court are very fortunate to have the volunteers at PSU who will sit with you and help you complete forms and sit with you in court if you are worried or anxious. It is a drop-in service and they are based at Bristol County Court.

Tel: 0117 366 4809
bristol@thepsu.org.uk

Disclaimer: This information is not intended as an authoritative interpretation of the law, only the Courts can do that. Neither does this information cover every case. For further guidance, it may be advisable to seek legal guidance from a solicitor.

© Bristol City Council. Nov 2019