

## POSSESSION PROCEEDING LISTING PRIORITIES IN THE COUNTY COURT

Issued: 17.09.2020

Issued by: The Master of the Rolls

1. When possession proceedings resume on Monday 21 September 2020, on the expiry of the stay, it is critical to ensure court time is used effectively and proportionately. Consistency is also important. This will include considering whether a case is a priority.
2. The decision as to whether or not a case is a priority is a matter for the judge. Listing is a judicial function.
3. By way of guidance, these cases would generally be considered a priority:
  - (a) Cases with allegations of anti-social behaviour, including Ground 7A of Schedule 2 to the Housing Act 1988 and Section 84A of the Housing Act 1985.
  - (b) Cases with extreme alleged rent arrears accrued, that is, arrears equal to at least
    - (i) 12 months' rent, or
    - (ii) 9 months' rent where that amounts to more than 25% of a private landlord's total annual income from any source.
  - (c) Cases involving alleged squatters, illegal occupiers or persons unknown.
  - (d) Cases involving an allegation of domestic violence where possession of the property is alleged to be important for particular reasons which are set out in the claim form (and with domestic violence agencies alerted).
  - (e) Cases with allegations of fraud or deception.
  - (f) Cases with allegations of unlawful subletting.
  - (g) Cases with allegations of abandonment of the property, non-occupation or death of defendant.
  - (h) Cases concerning what was allocated by an authority as 'temporary accommodation' and is specifically needed by the authority for reallocation as 'temporary accommodation'.
4. Other circumstances may warrant priority, and this guidance may be updated.
5. Subject to the above, priority would generally be given to claims issued before the stay commenced in March 2020.
6. When the Court reaches a decision over the priority or urgency of a case, it should have regard to the impact not only on the claimant and defendant in that case but also on other claimants and defendants in other cases.