Case preparation and how possession proceedings in the county court

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hqn TRAINING

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Thanks for attending.

Attached;

- Slides
- Word copy of the income preaction for
- The ASB/breach of tenancy Equality and proportionality form
- Mock statement for income

Here is the screen shot of the certificate of service form to show service

Method of service	Deemed day of service
First class post or other service which provides for delivery on the next business day	The second day after it was posted, left with, delivered to or collected by the relevant service provider provided that day is a business day; or if not, the next business day after that day
Document exchange	The second day after it was left with, delivered to or collected by the relevant service provider provided that day is a business day; or if not, the next business day after that day
Delivering the document to or leaving it at a permitted address	If it is delivered to or left at the permitted address on a business day before 4.30pm, on that day; or in any other case, on the next business day after that day
Fax	If the transmission of the fax is completed on a business day before 4.30pm, on that day; or in any other case, on the next business day after the day on which it was transmitted
Other electronic method	If the email or other electronic transmission is sent on a business day before 4.30pm, on that day; or in any other case, on the next business day after the day on which it was sent
Personal service	If the document is served personally before 4.30pm on a business day, it is served on that day; or in any other case, on the next business day after that day

In this context 'business day' means any day except Saturday, Sunday or a bank holiday; (under the Banking and Financial Dealings Act 1971 in the part of the UK where service is to take place) includes Good Friday and Christmas Day.

<u>Possession orders 6 years;</u>

A landlord must apply for the court's permission to issue a warrant of possession more than six years after the possession order or money judgment was made.

If a landlord wants to enforce an order beyond the six-year time limit, they need to apply for permission of the court under the Civil Procedure Rules - CPR 83.2 using Form N244, and they need to show valid reasons for the delay in seeking enforcement in a supporting witness statement.

The application for permission is normally made without notice to the tenant. This means the landlord's application for permission to enforce might end up being granted without the tenant having an opportunity to be heard. The court can direct that the application should be served on the tenant and dealt with at a hearing.

The court should not grant permission to enforce a court order outside the time limit unless there are exceptional circumstances to justify it.

In deciding whether to give permission outside the general six-year time limit, the court is likely to consider:

- whether it is 'demonstrably just' to allow enforcement
- whether there is any prejudice to the defendant in doing so
- what takes the case 'out of the ordinary'

- how long ago the order was made
- what steps the claimant has taken to recover the arrears since then
- what changes of circumstances have occurred
- what payments have been made, particularly in recent months

Madina; the process server we use in london is;

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e: tlovett@ilnetwork.co.uk | w: www.ilnetwork.co.uk
a: 6 Radiant House, 28-30 Fowler Road, Hainault, Essex, IG6 3 UT

Serving Court Papers to Someone in Prison

Serving process to prisoners is a challenge for several reasons. First, scheduling a time to serve these papers requires knowing and understanding that prisons run on strict timetables. Individuals looking to serve papers can't just arrive at any time looking to meet with the prisoner in question.

Probation officer can also help

The Prisoner Location Service is used for finding which prison is holding someone. To make an enquiry, you can email them: findaprisoner@justice.gov.uk. Alternatively, you can write using the following address:

Prisoner Location Service

PO Box 2152

Birmingham

B15 1SD

You will be required to provide various information as part of your request:

- your name, or the organisation you represent
- your address including postcode
- name of the prisoner
- the reason you want to find them
- any other names they may have used
- their date of birth

The prisoner must give their permission for their information to be shared, unless the requestor belong to certain organisations such as the police or a solicitors' firm. The service will make checks with the prisoner, prison security and other bodies before they supply the information.

When seeking to serve the claim form/hearing notice on the prisoner there are a number of issues you may wish to consider:

- do you know the prison the intended defendant is being held at? This is important as if you do not it is unlikely the prison service will provide that type of information and you would need to ascertain it from elsewhere
- it is not possible to serve on the last known residential address. This is because you are aware that the intended defendant no longer resides at that address. This issue was considered by in *Brown.*
- depending on the type of claim, personal service may be required
- where personal service is not essential the documents can be delivered to the prison for the prisoner
- if personal service is required you may wish to consider making an application to the court asking it to dispense with service. This is only available in exceptional circumstances and so will depend in the specific facts in the case you are dealing with. This power of the court is available under CPR 6.16(1)
- if personal service is required you may also wish to consider whether to make an application for alternative service. This power is available to the court for service in the jurisdiction under CPR PD 6A. Examples of alternative service which may be ordered by the court

Thanks

Aisha

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