



Andrew Wilson
Chairman
The High Court Enforcement Officers Association

By email

5 November 2020

Dear Andrew,

GUIDANCE ON ENFORCEMENT DURING THE NATIONAL LOCKDOWN IN ENGLAND

Following the announcement by the Prime Minister about the implementation of national restrictions in England to reduce the spread of Coronavirus from 5 November, I am writing to request that you ask your members to adhere to the following guidance while the measures are in place.

During the time when restrictions are in force under the Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020, I would request that in addition to the ongoing requirement for your members to adhere to the Government's Covid-secure guidance for enforcement agents, that they also do not enter residential properties in England for the purpose of enforcement by taking control of goods.

I would also request that during this time, your members do not attend residential properties in England for the purpose of enforcing a writ of possession or restitution, including serving notice of enforcement, except in the following limited circumstances: illegal trespass or squatting by persons unknown, nuisance or antisocial behaviour, domestic abuse, fraud or deception and properties unoccupied following the death of the defendant. In other words, where the order for possession has been granted:

- Following a claim against trespassers to which rule 55.6 (service of claims against trespassers) of the Civil Procedure Rules 1998 applies;
- Under section 84A of the Housing Act 1985;
- On Ground 2, Ground 2A or Ground 5 in Schedule 2 to the Housing Act 1985;
- On Ground 7A, Ground 14, Ground 14A or Ground 17 in Schedule 2 to the Housing Act 1988;
- Under case 2 of Schedule 15 to the Rent Act 1977; or
- On Ground 7 in Schedule 2 to the Housing Act 1988 and where the person attending is satisfied that the dwelling house is unoccupied at the time of attendance.

I also intend to introduce an exemption for cases with extreme pre-Covid rent arrears and will provide further detail shortly.

The Government is clear that this pause on evictions from residential premises is necessary for the protection of public health. It is a priority to ensure that struggling households in both the private and

social rented sector are not forced from their homes at a time when finding alternative accommodation could present practical difficulties, in order to control the spread of infection, prevent any additional burden falling on the NHS and avoid hindering local authorities in their efforts to protect public health. I am grateful to you for confirming your members' agreement to my previous request regarding a winter pause on eviction activity and I will write again with any further updates.

As you will appreciate, this is a rapidly changing situation and we will continue to keep our approach under review in order to ensure it remains responsive and proportionate.

I am grateful for the continued support and cooperation of the Association in these matters.

Yours ever

A handwritten signature in black ink that reads "Robert Buckland". The signature is written in a cursive, slightly slanted style.

RT HON ROBERT BUCKLAND QC MP