

# Possession proceedings: being evicted

**This factsheet looks at what happens when your landlord asks the bailiffs to evict you.**

If your landlord obtains a possession order, the court will set a date when you should move out. If you do not leave, your landlord must apply to the court to get the bailiffs to evict you. You can legally stay in the property until the bailiffs evict you. Any attempt by your landlord to get you to leave, such as changing the locks when you're out or threatening you, will be illegal.

## Get advice

You might be able to get the court to stop or delay your eviction at any stage of the possession process, even up to the date set for the bailiffs to evict you. Get legal advice as soon as possible.

If you are eligible for legal aid a housing solicitor could represent you at court. Check if you're eligible by calling the Civil Legal Advice helpline on 0345 345 4 345.

## Bailiffs' warrants

Your landlord can ask the court to issue a bailiffs' (or 'eviction') warrant if you:

- don't move out by the date set out in an 'outright' possession order
- break the conditions attached to a 'suspended' possession order.

The warrant lets your landlord arrange for bailiffs appointed by the court to evict you.

## Notice of eviction

County court bailiffs will send you a 'Notice of Eviction' (Form N54) to tell you the date and time they are coming.

Your landlord might use a High Court bailiff (known as enforcement officers or sherrifs) to evict you instead. You should get notice of this but you may get no further warning telling you your eviction date.

## Can you stop the eviction?

The court can't always stop the bailiffs coming. It depends on the type of tenancy you have and the reason why your landlord wants to evict you. The court may have the power to:

- suspend the warrant if you can show that you are dealing with the problems that caused the possession action in the first place, eg paying off rent arrears

- postpone ('stay') the warrant if you need time to sort out a problem such as welfare benefits
- cancel ('set aside') the warrant if it was made unfairly.

## When the bailiffs arrive

Ask to see identification. The bailiffs will ask you and anyone else in the property to leave immediately. They might give you time to leave if you or anyone else is elderly or disabled, but they don't have to. You should hand the keys to the bailiffs.

Bailiffs must not use physical violence or offensive language. If you refuse to leave, they will probably get the police to attend.

## Your belongings

If you leave any belongings behind, the bailiffs will either put them outside, or lock them in the property. Your landlord must look after them for a reasonable time if they are left inside, but they could charge you for this. Contact the landlord to arrange to collect them.

Bailiffs must not damage your things. They need separate permission from the court to take your belongings towards payment of rent arrears. Ask to see their permission.

## After eviction

Your landlord will probably change the locks after you've been evicted. If you try to move back in, you will be committing a criminal offence and can be arrested.

## When should you leave?

If you are seeking help with housing from the council after you're evicted, stay in the property until the bailiffs come, unless the council puts it in writing saying that you can leave earlier.

## Further advice

You can get further advice from [england.shelter.org.uk/housing\\_advice](http://england.shelter.org.uk/housing_advice), local Shelter advice service or local Citizens Advice. If you have nowhere to sleep tonight, are at risk of harm or losing your home within the next 2 months, call Shelter Helpline on 0808 800 4444 for advice and information on your options.\*

\*Calls are free from UK landlines and main mobile networks.



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## Note

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