

CORONAVIRUS BULLETIN 6
INFORMATION FOR QUEEN'S BENCH COURT USERS
POSSESSION CLAIMS AGAINST TRESPASSERS UNDER CPR PART 55 - QBD

Practice Direction 51Z – Stay of Possession Proceedings and Extension of Time Limits – Coronavirus has been amended by the 120th Update issued by the Master of the Rolls on 20 April 2020. The amendments exclude the following from the stay imposed on possession proceedings brought under CPR Part 55, and clarify that such claims may be issued:

- (1) A claim against trespassers to which rule 55.6 applies;
- (2) An application for an interim possession order under rule 55.28(1); or
- (3) An application for case management directions which are agreed by all the parties.

The following procedures have been introduced in the QB Enforcement Section to allow claims against trespassers which are permitted to be brought, and are not subject to a stay, to be dealt with as efficiently as possible during the period of Coronavirus restrictions.

Claims under Rule 55.6

1. Draft Claim Form and Particulars of Claim, (or issued and filed Claim Form and Particulars of Claim in an existing QB claim), Witness Statement and Certificate of urgency with draft Order to be E-filed and also sent to QB Enforcement Section gbenforcement@Justice.gov.uk in PDF form.
2. Permission to issue given by the Master and Order approved, without a hearing or by telephone hearing at Master's discretion. The draft Order must include a protocol for Defendants to dial in to a telephone hearing for the return date.
3. Claim Form issued and Order sealed electronically.
4. The Claim Form and sealed Order will be emailed to High Court Enforcement Officer/Solicitor for Claimant who will serve in accordance with CPR 55.6.
5. Certificate/Statement of service to be emailed to gbenforcement@Justice.gov.uk and E-filed.
6. Return hearing to be conducted by telephone conference call arranged by Claimant.
7. Order following telephone hearing and PF86 to be approved by the Master and Possession Order sealed.
8. Writ of Possession sealed.
9. Writ executed by High Court Enforcement Officer.

Applications for an Interim Possession Order (IPO) under Rule 55.20

1. The documents required under Rule 55.22 must be E-filed and also sent to qbenforcement@Justice.gov.uk in PDF form.
2. The court will issue the claim form and the application for the IPO and send these by email to the High Court enforcement officer/solicitor for the claimant.
3. The hearing of the application will be by telephone no later than 3 days after the date of issue.

An application for case management directions agreed by all parties

Submit by E-filing and by sending the application notice and draft order to qbenforcement@Justice.gov.uk

Generally

The Practice Note of the Chief Master and Senior Master dated 30 September 2016 55APN.1 continues to apply. Please Note in particular paragraph 5:

Unless there is real urgency (a need for immediate attention), the High Court will rarely be the suitable venue.

Barbara Fontaine

Senior Master of the Queen's Bench Division

21 April 2020