



## **WRITS OF POSSESSION**

Rule changes approved by the Civil Procedure Rule Committee on 21 August 2021 will come into effect today, as follows.

### **Stay on Enforcement of Possession Proceedings**

The stay imposed on enforcement of possession proceedings (save against trespassers) has been extended to 20 September 2020 by an amendment to Rule 55.29.

Accordingly, the QB Enforcement Section will not:

- a) Issue writs of possession;
- b) Process applications for permission to issue writs of possession or writs of restitution in aid of a writ of possession;
- c) Process any of the above received, but not processed, since the suspension/restriction came into force;

until the first working day after 20 September 2020, namely **21 September 2020**.

### **Notice of Eviction**

The 14-day notice of eviction required by Rule 83A before a writ of possession can be executed may not be delivered before **21 September 2020**.

### **Permission of the court to issue a Writ of Possession**

The amendment to Rule 83(2), which removes the requirement for permission of the court to be obtained to issue a writ of possession, also comes into effect on **21 September 2020**. Judicial permission is still required to issue a writ to enforce section 33D Immigration Act, orders over 3 months old against trespasser and writs of restitution.

### **Transfers from the County Court to the High Court for the enforcement of a possession order**

Rule 30(4), which requires applications to the High Court for transfer of proceedings for the enforcement of a judgment or order for possession to be made to the District Registry (where the possession order is in respect of land that is located within the area of a District Registry), will take effect from **21 September 2020**. This also applies to applications for stays of enforcement.