

## Notes for the claimant (accelerated procedure)

These notes are not part of the claim form and need not be returned to the court. They are for guidance only in completing the claim form. They are not a full statement of the law, nor are they a substitute for legal advice. You can only use the accelerated possession procedure if you can make the statements printed in the claim form (as explained below) and attach the documents which it requires. If in doubt, take legal advice. You cannot ask for any other order than for possession and costs. For example, you cannot ask for an order for payment of rent arrears.

### Completing the claim form

- Write legibly in black ink.
- Fill in the full names and addresses, including postcode of the claimant and the defendant(s) and the full address of the premises on the front page.
- The statement must be made by the claimant, the claimant's litigation friend (if the claimant is a child or protected party) or the claimant's solicitor. If the claimant is a company or corporation, a person holding a senior position may sign on its behalf. The statement may not be signed by, for example, the claimant's managing agent.

The numbered notes below relate to similarly numbered sections in the claim form.

If you are a registered social landlord or a private registered provider of social housing claiming possession of premises let under a demoted assured shorthold tenancy, you should complete only sections 1, 2 and 7 to 12. Otherwise complete all sections as appropriate.

- 1.** If the premises of which you seek possession are part of a building, identify the part (e.g. 'Flat 3' or 'rooms 6 and 7').
- 2.** You must attach to the claim form a copy of the most recent tenancy agreement and a copy of the demotion order relating to that tenancy.
- 3.** Give the date of the first written tenancy agreement. If there has been more than one, give also the date of the most recent - otherwise delete the words in square brackets. Attach a copy (of each), marking them 'A' (and 'A1').
- 4.** Complete this section and delete section 5 if the tenancy (and any agreement for it) was made on or after 28<sup>th</sup> February 1997. Delete the word 'first' if it does not apply. If the property was let to an agricultural worker in connection with his employment, you may need to take appropriate advice before making this statement.
- 5.** Complete this section and delete section 4 if the tenancy (or the agreement for it) was made before 15<sup>th</sup> January 1989. Delete the word 'first' if it does not apply. A copy of the notice served at the start of the tenancy must be attached, if this section applies. Mark it 'B'. Say how and by whom the notice was served. If you did not serve the notice yourself, attach documentary proof of service, if you can (e.g. a receipted copy), marking it 'B1'. If the defendant

does not admit receiving the notice, the judge may fix a hearing so that evidence can be given.

**6.** Delete this section if there has been only the one tenancy.

**7.** The date on which the notice requires possession to be given must be at least two months after it was served. The notice must not require possession before the end of any current fixed term tenancy. In the case of a periodic tenancy, the date specified in the notice after which possession is required must be the last day of a period of the tenancy. If the tenancy agreement provides for notice to end it, this notice must comply with that provision. A copy of the notice must be attached. Mark it 'C'. Say how and by whom the notice was served. See note 5 above as to proof of service.

**8.** Delete the two options that do not apply.

**9.** If you have received a deposit on or after 6 April 2007, the judge cannot make a possession order if you have not complied with section 213 of the Housing Act 2004 and any Section 21 Notice you have served while you have not complied will be invalid. This section is for you to indicate whether you have complied. The court will usually also require evidence of compliance.

**10.** Set out the further evidence (if any) you wish the judge to take into account. Attach any documents referred to, marking them 'D1', 'D2' and so on.

**11.** With the exception of premises let on a demoted assured shorthold tenancy, the judge cannot make an order for possession to take effect before six months after the start of the (first) tenancy. Other than that, if an order for possession is made it will usually require the defendant to leave in 14 days unless the judge accepts that this would cause the defendant exceptional hardship. In that case, the judge may allow up to 6 weeks, but will not do so without fixing a hearing which you can attend, unless you indicate that you are content that the defendant's request be dealt with in your absence. Delete this section if you do want a hearing fixed if the defendant makes that request. If a hearing is fixed, the judge may order one party to pay the other's costs of attending.

**12.** If you do not seek an order for costs, delete the request.

**13.** The statement of truth must be signed. Proceedings for contempt of court may be brought against a person who signs a statement of truth without an honest belief in its truth. Unless a solicitor is acting for you, you must give the address of your residence or place of business (or, if you do not have such an address in England and Wales, some address within England and Wales where documents may be sent to you). If you agree that the court and the defendant(s) may communicate with you by Document Exchange, telephone, facsimile or email, complete the details.