

Possessions - A guide to Transferring Up

This guide is for landlords and solicitors who already have a County Court Possession Order and want to transfer up their Order to the High Court to avoid the delays in the County Court enforcement process.

It provides a checklist of the essential materials needed and an overview of the templates landlords can use to create the key documents to apply to Transfer Up and reclaim their property.

Alternatively, **our partner solicitor company can do the transfer and/or the application for permission for you for a fixed fee of £250 plus VAT, plus the court fee.**

Please note Court fees are applicable at the relevant stages.

DISCLAIMER

This document is provided for general information only and does not constitute legal advice. It represents an example of how such materials might be prepared and may not be suitable for your specific circumstances.

No liability is accepted for any loss or consequences arising from their use. Independent legal advice should always be sought before taking action in relation to court proceedings or enforcement.



Letters to defendant / the occupant

Before applying to the Court, you must first send two separate letters – one addressed to the defendant, and one addressed to the occupant (in case they are different people). These should be sent by post to the same address.

Put this letter on your own headed paper, clearly identifying who it is from – or, if you are a litigant in person, put your own details on the letter. Insert the relevant details for your claim – court name, judge, order date, and property address.

The letter should give notice of your application to transfer the enforcement of the Order to the High Court under Section 42 of the County Courts Act 1984, and of the subsequent application to the King's Bench Division for permission to issue a Writ of Possession.

Don't forget to send two letters – one to the defendant and one to 'the occupant'.

Note: this letter is deemed sufficient notice of the application, and separate service of the application notice itself is not required (see *Gupta v Partridge* 2017). If you have any questions around this notice, we recommend that you obtain independent legal advice.



| Letter to Court and N244 form

This is the cover letter that must be sent to the Court, along with the completed N244 form and the witness statement (plus any supporting documents).

Add the relevant details for your claim where required and tailor it to your specific needs. It should be printed on your own headed paper, clearly identifying who it is from – or, if you are a litigant in person, put your own details on the letter.

You will also need to download and complete an N244 form. This is the same form you completed when you applied for a Possession Order, except this time you need to state you are applying for a Section 42 order to 'transfer up'.

Your application pack should include: the N244 application notice (original plus 2 copies), notice to the occupiers of the intending application, a copy of the original Order for Possession, a copy of your witness statement, and a draft of the Order requested (plus 2 copies).



Witness statement

This witness statement (plus any supporting documents) must be sent along with the completed N244 form and the cover letter to the Court.

Providing an accurate and detailed witness statement is key. The vast majority of Transferring Up applications that don't succeed are rejected because the judge isn't being provided with the right evidence.

Your statement should confirm you are the Claimant, refer to the Order made and the Defendant's failure to vacate, and explain why you are seeking leave under Section 42 to transfer the judgment to the High Court for enforcement – for example, delays reported by the County Court bailiffs, ongoing rent arrears, or nuisance to neighbours.

Keep the statements that are relevant to your case, delete those that don't apply, or add your own where needed.

Statement of truth: the facts stated in the witness statement must be true. Proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.



Transferring Up checklist

Use this checklist to make sure you have everything ready to make your application to your County Court.

Once your application is ready, send it to the County Court where the Order for Possession was made, and keep a copy of everything you send.

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- ☐ Signed letter to the Court
- ☐ Completed N244 'Transferring Up' form
- ☐ Witness Statement
- ☐ Supporting documents as appropriate to your case, for example:
 - ☐ A – Copy of the possession order (sealed by the court)
 - ☐ B – Tenancy agreement (if relevant to arrears)
 - ☐ C – Schedule of rent arrears (up to date)
 - ☐ D – Landlord's loss evidence (e.g. rental valuation, mortgage statement, or proof of financial loss)
 - ☐ E – Correspondence with County Court Bailiffs confirming delay
 - ☐ F – Evidence of nuisance/damage (e.g. neighbour complaints, photos, repair invoices)
 - ☐ G – Copy of letters to Defendant and Occupant warning of application being made

Keep a copy of everything you send to the Court.



Applying for the Writ of Possession

The procedure for the transfer to the High Court for a Writ of Possession, once permission is granted, is as follows.

Once you have an Order for Possession and an Order under Section 42, you can make an application for a Writ of Possession to the relevant District Registry of the High Court.

Under Civil Procedure Rule (CPR) 30.4(3), where a County Court transfers proceedings for the enforcement of a possession order to the High Court:

Location of the land: if the land/property subject to the possession order is located within the geographic area of a High Court District Registry, the transfer automatically defaults to that specific District Registry.

You need to complete two forms to make the application:

1. Form PF92A

The request to issue the Writ.

2. Form 66

The Writ of Possession itself. This should be made out to Andrew Coates, our High Court Enforcement Officer.

The court fee of £82 must be paid at the same time the forms are submitted.

