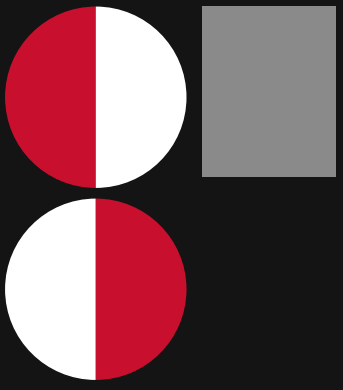
Transferring Possession Orders to the High Court

A step-by-step guide to Section 42 of the County Courts Act 1984

For landlords, managing agents and solicitors who hold a County Court possession order and want a High Court Enforcement Officer to enforce it by writ of possession instead of waiting for a County Court bailiff.

Our partner solicitor company can handle the transfer and/or the application for permission for a fixed fee of £250 plus VAT, plus the court fee.



Contact our team for help

London 020 8090 2439 · South 023 8192 0037
Midlands 0121 582 1051 · North 0161 791 1735
sales@qualitybailiffs.co.uk · www.qualitybailiffs.co.uk

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Transferring Possession Orders to the High Court: A Step-by-Step Guide

Oct 20, 2026

Introduction

A County Court possession order can be enforced by a High Court Enforcement Officer (HCEO) instead of a County Court bailiff. To do that, you need two things: an order under **section 42 of the County Courts Act 1984** transferring enforcement to the High Court, and a **writ of possession** sealed by the High Court. This guide takes a landlord, managing agent or solicitor through every step, form, fee and letter needed to get from the possession order to the HCEO's eviction.

Why transfer up? County Court bailiffs handle every kind of civil enforcement in their area. Waiting lists for an eviction appointment often run to months, especially in London and the South East. An HCEO works to their own schedule. Once the writ is sealed and the 14-day notice of eviction has run, enforcement can usually be booked quickly.

Who this guide is for:

- Landlords and letting agents acting for themselves (litigants in person)
- Solicitors and paralegals preparing transfer-up applications
- Managing agents for residential and commercial property

What you need first: a sealed County Court possession order whose date for giving possession has passed, with the occupiers still in the property.

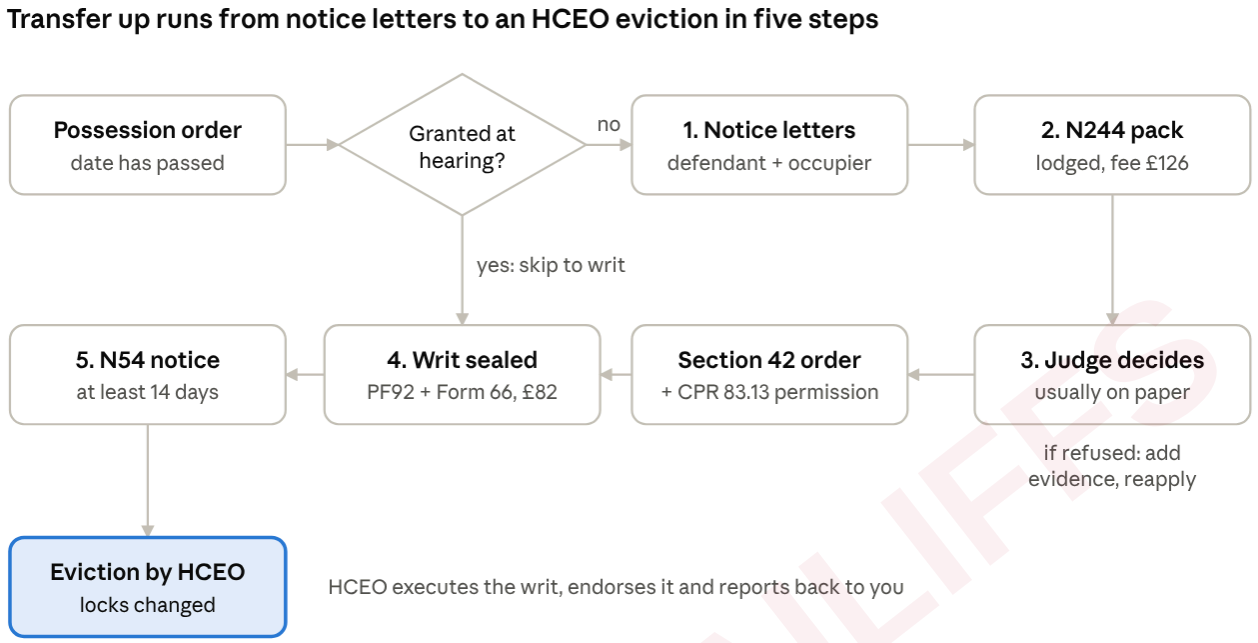
> **Fixed-fee option:** our partner solicitor company can handle the transfer up and/or the application for permission for a fixed fee of £250 plus VAT, plus the court fee. Quality Bailiffs can then act as your HCEO to carry out the eviction.

Disclaimer: this guide is general information, not legal advice. Take independent legal advice before acting on court proceedings or enforcement.

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At a glance



Section 42 transfer up · 5 steps, 1 decision

If section 42 permission was granted at the possession hearing, go straight to the writ (Step 4). Otherwise, notice to the occupiers and a well-evidenced N244 application come first. Court fees total £208 from 13 July 2026.

Before you start: eligibility checks

Check these points before you prepare anything. Any one of them can stop a transfer or get a writ set aside later.

Check	What to confirm	Why it matters
Possession date has passed	The order is outright, or a suspended order's terms have been broken, and the date for giving possession has expired	There is nothing to enforce until the occupier is in breach
No outstanding applications	The tenant has no pending appeal, set-aside or suspension application	A transfer application can't be made while one is pending (*Ahmed v Mahmood* [2013] EWHC 3176 (QB))
Section 42 permission not already given	Read the possession order: the judge may have granted transfer at the hearing	If it was granted, skip straight to Step 4 (the writ)

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Check	What to confirm	Why it matters
No debt moratorium	The tenant is not in a Breathing Space or mental health crisis moratorium	A writ based on rent arrears can't be pursued during a moratorium
Order under 6 years old	Date of the possession order	After 6 years, separate permission is needed under CPR 83.2
Who is in occupation	Names of the defendants, and whether anyone else lives there	Everyone in actual possession must get notice (CPR 83.13(8))
Money judgment	Arrears and costs awarded on the order	Sums of £600 or more can be added to a combined writ of possession and control (Form 66A)

Tip: ask for transfer at the possession hearing. When you issue the possession claim, ask in the claim (or at the hearing) for permission to transfer up under section 42. If the judge grants it in the possession order, there is no separate N244, no extra application fee and no wait for a paper decision, so you can go straight to the writ (Step 4) once the possession date passes. Since section 21 was abolished on 1 May 2026, more claims are contested Section 8 claims, and County Court delays are expected to grow.

Trespassers are different. Orders against squatters or unauthorised encampments don't need a section 42 order. They transfer by certificate on Form N293A. Permission to issue the writ is only needed if the order is more than 3 months old (CPR 83.13(3)). This guide covers landlord and tenant orders.

Step 1: Send notice letters to the defendant and "the Occupier"

Before applying to court, send **two separate letters** by post to the property: one to each named defendant and one addressed to **"The Occupier"**, in case someone other than the tenant is living there.

Why it matters. Permission for a writ of possession won't be granted unless everyone in actual possession has had "such notice of the proceedings as appears to the court sufficient" to let them apply for any relief (CPR 83.13(8)). In *Partridge v Gupta* [2017] EWHC 2110 (QB), the High Court held that letters warning of the application were enough. Formal service of the N244, or notice of a hearing date, is not required as long as the notice is sufficient.

How to prepare the letters:

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1. Print on your own headed paper. A litigant in person should put their own name and address at the top.
2. Fill in the claim details: claimant and defendant names, court name, judge's name, date of the order, property address, and the date possession should have been given.
3. State that you are giving notice of **both** applications:
   - to the County Court for leave to transfer enforcement to the High Court under section 42 of the County Courts Act 1984, and
   - to the King's Bench Division of the High Court for a writ of possession under CPR 83.13.
4. Add a line recommending they get independent legal advice.
5. Date and sign both letters. Keep copies and proof of posting (a certificate of posting from the Post Office is cheap and persuasive).
6. Allow a reasonable gap before lodging the application so the occupiers have a real chance to respond. **Seven days is a sensible minimum.**

Template wording (from *Template Letters to Defendant and Occupier*):

> We refer you to the Order of [Deputy] District Judge [name] sitting at the [court] County Court on [date] stating that the defendant give the claimant possession of [address] on or before [date], for which you have failed to comply.
>
> We are writing to formally provide you with notice of the following:
>
> 1. Our application to [court] for leave to transfer the enforcement of the Order to the High Court under Section 42(2) of the County Courts Act 1984. This allows a High Court Enforcement Officer to obtain possession of the property rather than a County Court Bailiff, and
> 2. Our subsequent application in accordance with Civil Procedure Rules 83.13 to the King's Bench Division of the High Court for the issue of a Writ of Possession following permission from the County Court under Section 42 of the County Courts Act 1984 as stated above.
>
> This letter is deemed as sufficient notice and service of the application notice itself is not required, for further reference see Gupta v Partridge 2017.

Don't forget: two letters, one to the defendant and one to "The Occupier". A copy of each becomes **Exhibit G** to your witness statement.

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Step 2: Prepare the application pack (N244, witness statement, draft order, cover letter)

The application goes to the **County Court hearing centre that made the possession order**. It has four parts, plus the exhibits.

> **Save the time and effort.** Our partner solicitor company can prepare and make the applications to both the County Court and the High Court for you, for a fixed fee of currently **£250 plus VAT**, plus court fees.

2a. Form N244 application notice

Use the same general application form you may have used during the possession claim. Download N244 from GOV.UK.

N244 box	What to put
Court, claim number, parties	Exactly as on the possession order
Q3: What order are you asking the court to make and why?	"An order under section 42 of the County Courts Act 1984 transferring the order for possession dated [date] to the High Court for enforcement, and permission under CPR 83.13 to issue a writ of possession, because [delay / arrears / damage – summarise]."
Q4: Draft order attached?	Yes
Q5: How do you want the application dealt with?	Without a hearing
Q9: Evidence	"The attached witness statement"
Statement of truth and signature	Signed by the claimant or their legal representative

Send the original plus 2 copies.

2b. Witness statement

The witness statement decides the application. **Most refused transfer-up applications fail because the judge isn't given enough evidence of delay or hardship.** The court has a discretion and needs a justifiable good reason to transfer.

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Use the *Template Witness Statement*. Keep only the paragraphs that apply, and back each one with an exhibit:

1. **Who you are.** You are the claimant, applying under section 42 to transfer the judgment dated [date] for enforcement.
2. **The order.** On [date] the court ordered possession of [address] (Exhibit A).
3. **Breach.** The defendant has failed to vacate and remains in occupation.
4. **Bailiff delay.** Give the delay quoted by the County Court bailiffs, or the delays reported if you couldn't get through (Exhibit E). This is the single most persuasive point, so get it in writing.
5. **Prejudice to you.** Rent lost per month, current arrears, financial hardship (Exhibits B, C, D).
6. **Third parties.** For example, a new tenant waiting in temporary accommodation.
7. **Nuisance or damage.** Complaints, photos, repair invoices (Exhibit F).
8. **Risk of resistance.** Threats to resist eviction, or a failed County Court eviction attempt.
9. **Vulnerability.** Disclose any known vulnerability of the occupiers. The judge will consider it, and hiding it risks the order being set aside.
10. **Notice given.** You wrote to the defendant and "The Occupier" (Exhibit G).
11. **Request.** Ask for leave under section 42 to transfer to the High Court for enforcement by an HCEO.

Finish with the statement of truth: *"I believe that the facts stated in this witness statement are true. I understand that 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."*

2c. Draft order

Attach a draft of the order you want, plus 2 copies. Suggested wording:

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> UPON the Claimant's application dated [date] and UPON reading the witness statement of [name]
>
> IT IS ORDERED THAT:
>
> 1. The order for possession dated [date] be transferred to the High Court for enforcement pursuant to section 42 of the County Courts Act 1984.
> 2. The Claimant has permission pursuant to CPR 83.13 to issue a writ of possession [and of control] to enforce the said order.
> 3. This order having been made without a hearing, any party affected may apply to set aside, vary or stay it within 7 days of service.

Asking for CPR 83.13 permission in the same order saves a second application to the High Court. Some registries still expect the High Court to deal with permission. If the County Court leaves paragraph 2 out, apply to the District Registry using the same evidence.

2d. Cover letter to the court

Use the *Template Letter to Court* on your headed paper. It should:

- quote the claim number and parties ("Re: [Claimant] v [Defendant]")
- list the enclosures: N244 (original plus 2 copies), the notice to the occupiers, a copy of the possession order, the witness statement, and the draft order (plus 2 copies)
- confirm payment of the without-notice application fee (by cheque, card or PBA account number)
- ask for the papers to go to a District Judge at the earliest opportunity, and give the address for returning the sealed order

Step 3: Lodge the application and obtain the section 42 order

1. **Send the pack** to the County Court hearing centre that made the possession order, by post, by email where the court accepts it, or by CE-File for professional users. Keep a full copy of everything.
2. **Pay the fee.** A without-notice application is **£126** (fee 2.5(a), from 13 July 2026; previously £123). If the court lists a hearing and treats the application as on notice, the fee is **£321**. Fee remission is available through Help with Fees.
3. **A District Judge decides it on paper.** They may grant it, refuse it, or list a hearing if they want to hear from the occupiers or need more evidence.
4. **Receive the sealed order.** Check it grants transfer under section 42, and ideally permission under CPR 83.13 as well. Check the names, the property address and the date of the possession order against the original.

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5. **If it is refused**, read the reasons. Usually the evidence of delay or prejudice was thin. Gather better evidence, such as written confirmation of the bailiff delay, and apply again, or ask for the decision to be reconsidered at a hearing.

What the judge considers. The court must be satisfied there is a good reason to transfer. Factors for the landlord include bailiff delay, growing arrears, damage and anti-social behaviour. Occupiers can argue that there is no real evidence of delay, that the cost is disproportionate, or that they need more time to find somewhere to live, especially where there are children (Shelter Legal).

Where the case goes next. Under CPR 30.4(3), if the property is in the area of a High Court District Registry, the transferred proceedings go to that District Registry unless the County Court directs otherwise. Properties in London go to the Central Office of the King's Bench Division at the Royal Courts of Justice.

> **Let our partner solicitor company do it for you.** Our partner solicitor company can save you all of this time and effort. For a fixed fee of currently **£250 plus VAT** (plus court fees), they will make the applications to the County Court and the High Court on your behalf. The fee is the same even if only the High Court application is needed because you already have permission to transfer.

Step 4: Apply for the writ of possession

Once you have the possession order and the section 42 order, apply to the **District Registry covering the property** (or the Central Office of the King's Bench Division for London) for the writ to be sealed.

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The forms

Form	What it is	Notes
PF92 (often called PF92A)	Request to issue a writ of possession, or a combined writ of possession and control, for a transferred County Court possession order	Named in PD 83 para 5.1
Form 66	Writ of possession	Use when there is no money judgment to enforce, or it is under £600
Form 66A	Combined writ of possession and control	Use to recover arrears and costs of £600 or more at the same time

Completing the writ

1. **Heading:** In the High Court of Justice, King's Bench Division, [name] District Registry. Give the High Court claim number (the registry allocates it) and the County Court claim number, and quote the section 42 order ("Sent from the County Court at [court] by Order dated [date]").
2. **Parties:** the claimant and defendant, as on the possession order.
3. **"TO:"** the named, authorised HCEO who will enforce it. For Quality Bailiffs this is **Luke Peacock**, an enforcement officer authorised to enforce writs of possession and control issued from the High Court.
4. **Schedule 1:** the date of the possession order and a full description of the land, matching the order exactly, including any flat number, garage or parking space.
5. **Schedule 2** (combined writ only): the judgment sum and interest, fixed costs, assessed costs, minus payments received, plus fixed costs on issue. Judgment interest is at 8% under section 17 of the Judgments Act 1838.
6. **Issued on the application of:** your name and address, or your solicitor's.
7. **Addresses for enforcement:** the full property address, including county and postcode.

Lodging and fee

- Send PF92, the Form 66 or 66A writ (with copies for sealing), a copy of the possession order and the sealed section 42 order to the registry.
- Pay the sealing fee of **£82** (fee 7.1, from 13 July 2026; previously £80) at the same time.
- The registry seals the writ and returns it to you, or to the HCEO if you ask.

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If the County Court did not grant CPR 83.13 permission, apply to the District Registry for permission on N244 first, with the same witness statement and evidence that the occupiers were given notice (Step 1).

> **Already have permission to transfer?** Our partner solicitor company can still make the High Court application for the writ for you, for the same fixed fee of currently **£250 plus VAT**, plus the court fee.

Step 5: Instruct the HCEO and recover possession



High Court Enforcement Officer serving an N54 Notice of Eviction

1. **Instruct the HCEO** named in the writ. Send the sealed writ, the possession order, the section 42 order, and everything you know about the occupiers: who lives there, any children or vulnerable adults, pets, dogs, threats of resistance, and access details. The HCEO plans the attendance around that information.
2. **Notice of eviction (Form N54).** In residential landlord and tenant cases, the HCEO must deliver a notice of eviction at least **14 days** before the eviction date, addressed to everyone named on the order and "any other occupiers" (CPR 83.8A; PD 83 para 2A). It goes through the letterbox in a sealed transparent envelope, or is fixed to the main

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door or to stakes in clearly visible places. If the eviction doesn't go ahead on that date, a fresh notice (Form N54A) must be given at least 7 days before the new date. No notice is needed for trespassers who never had permission to occupy.

3. **Eviction day.** The HCEO attends with enough enforcement agents for the job. Police are usually told in advance to prevent a breach of the peace. If occupiers refuse to leave, the writ allows reasonable force. Writs of possession can't be executed on a Sunday or a bank holiday without a court order (CPR 83.6(3)).
4. **Securing the property.** Have a locksmith ready to change the locks as soon as possession is handed over. Arrange boarding up or security staff if needed. You are responsible for any belongings or pets left behind.
5. **Return of the writ.** The HCEO endorses the writ with how it was enforced and sends a copy of that statement to the claimant.

Money judgment. With a combined writ (Form 66A), the HCEO can also take control of goods to recover the arrears and costs in Schedule 2. Interest runs at 8% from the date of transfer.

Tenant challenges. A tenant can apply to the High Court on N244 to stay or set aside the writ (CPR 83.7), usually on at least 3 clear days' notice. A challenge to the possession order itself goes back to the County Court. Ask your HCEO whether any application has been made before the attendance.

Fees and costs

Court fees for a typical transfer up come to **£208**: £126 for the section 42 application and £82 to seal the writ. Enforcement costs come on top. Court fees are those in force from 13 July 2026 (GOV.UK).

Item	Cost	Paid to	Notes
Section 42 application on N244 (without notice)	£126	County Court	Fee 2.5(a); £321 if dealt with on notice. No fee if asked for at the possession hearing
Sealing the writ of possession (Form 66 or 66A)	£82	High Court District Registry	Fee 7.1
Separate CPR 83.13 permission application, if needed	£126	High Court	Only if the County Court didn't grant permission

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Item	Cost	Paid to	Notes
Partner solicitor: transfer up and/or permission	£250 + VAT, plus court fee	Partner solicitor company	Fixed fee
HCEO enforcement	Quoted per job	HCEO	All-inclusive or time-spent. Paid by the landlord and not recoverable from the occupier
Locksmith, security, boarding up	Varies	Your contractors	Arrange before eviction day

For comparison, a County Court warrant of possession costs £152 (fee 8.6), but you then wait for a bailiff appointment.

Common pitfalls and why applications are refused

Pitfall	Consequence	How to avoid it
Thin witness statement: no evidence of bailiff delay or prejudice	Application refused	Get the delay in writing from the bailiff service. Exhibit arrears schedules, mortgage statements and photos
Only one letter sent, or none to "The Occupier"	Permission refused, or the writ set aside later under CPR 83.13(8)	Send two letters, keep proof of posting, and exhibit them
Applying while the tenant has an appeal or set-aside application pending	Application can't proceed (*Ahmed v Mahmood*)	Check with the court before you apply
Draft order leaves out CPR 83.13 permission	A second application to the High Court is needed	Ask for both in one draft order
Property description on the writ differs from the order	Registry rejects the writ, or enforcement problems on the day	Copy Schedule 1 word for word from the possession order
Wrong writ form	Arrears can't be collected, or the writ is returned	Form 66 for possession only; Form 66A when also enforcing £600 or more

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Pitfall	Consequence	How to avoid it
Sending the writ to the wrong registry	Delay	Use the District Registry covering the property (CPR 30.4(3)), or the Central Office for London
HCEO not told about vulnerable occupiers or risk	Aborted attendance, further delay and cost	Give a full risk picture when you instruct
Tenant in a Breathing Space moratorium	Enforcement based on arrears must stop	Check the Insolvency Service register before you apply

Document checklist

Tick these off as you go. Keep a copy of everything you send to the court.

Stage 1: Notice letters

- [ ] Letter to each named defendant (Template Letters to Defendant and Occupier)
- [ ] Letter to "The Occupier"
- [ ] Proof of posting

Stage 2: County Court application pack

- [ ] Signed cover letter to the court (Template Letter to Court)
- [ ] Completed N244 "transfer up" application (original plus 2 copies)
- [ ] Signed witness statement with statement of truth (Template Witness Statement)
- [ ] Draft order, section 42 plus CPR 83.13 (original plus 2 copies)
- [ ] Application fee of £126, or a PBA account number
- [ ] Exhibit A: sealed possession order
- [ ] Exhibit B: tenancy agreement (if relevant to arrears)
- [ ] Exhibit C: up-to-date schedule of rent arrears
- [ ] Exhibit D: evidence of your loss (rental valuation, mortgage statement)
- [ ] Exhibit E: correspondence with County Court bailiffs confirming the delay
- [ ] Exhibit F: evidence of nuisance or damage (complaints, photos, invoices)
- [ ] Exhibit G: copies of the letters to the defendant and occupier

Stage 3: High Court writ

- [ ] Sealed section 42 order received
- [ ] Form PF92 request for the writ

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- [ ] Form 66 (possession) or 66A (possession and control) made out to the HCEO, Luke Peacock
- [ ] Copies of the possession order and section 42 order
- [ ] Sealing fee of £82

Stage 4: Enforcement

- [ ] Sealed writ sent to the HCEO with occupier and risk information
- [ ] N54 notice of eviction delivered at least 14 days before eviction
- [ ] Locksmith and security booked for eviction day

Sources and contact

Quality Bailiffs materials: *Possessions – A guide to Transferring Up* (July 2026); *Transfer Possession Order High Court* blog post; Template Letters to Defendant and Occupier; Template Letter to Court; Template Witness Statement; Form 66 writ template.

External sources:

- HCEOA – I want to transfer my possession order myself
- HCEOA – Evicting someone with a writ of possession
- Practice Direction 83 – Writs and warrants
- Shelter Legal – Enforcement of possession orders by writs of possession in the High Court
- Garden Court Chambers – Notice requirements under CPR 83.13
- *Partridge v Gupta* [2017] EWHC 2110 (QB)
- GOV.UK – Court and tribunal fees: updates from July 2026
- GOV.UK – Get help paying court fees (Help with Fees)
- GOV.UK – Repossessing your privately rented property after 1 May 2026

Need help? Contact Quality Bailiffs: London 020 8090 2439 · South 023 8192 0037 · Midlands 0121 582 1051 · North 0161 791 1735 · sales@qualitybailiffs.co.uk

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