

MO92B

Order for permission to issue a writ of possession in the High Court to enforce a Judgment or Order for giving of possession of land in proceedings in the County Court (claim against trespassers more than 3 months after date of judgment or order)

(Rule 83.13(3),(4),(7))

In the High Court of Justice
[King's Bench] [Chancery] Division
[..... District Registry]

Claim No.

Transferred from the County Court sitting at [by Order
under section 42(2) of the County Courts Act 1984 dated *(date)*]
[by certificate under Civil Procedure Rules 40.14A and 83.19, dated *(date)*]

Claimant

Defendant Master/District Judge (*name*)

ORDER

UPON THE APPLICATION by the *(party)* by application notice dated *(date)* for permission to issue a Writ of Possession under Rule 83.13(3) [and a Writ of Control under Rule 83.13(7)]

AND UPON READING

(a) The Judgment or Order of the County Court sitting at *(venue)* dated *(date)* whereby it was ordered that the *(party)* (being a trespasser or trespassers) do give to the *(party)* possession of land, namely *(define the land the subject of the proceedings)* [and do pay to the *(party)* *(insert any provisions as to the payment of money contained in the Judgment or Order)*].

(b) [The Order of the County Court sitting at *(venue)* dated *(date)* whereby it was ordered that the proceedings for the enforcement of the said Judgment or Order of the County Court be transferred to the High Court under section 42(2) of the County

MO92B Order for permission to issue a writ of possession in the High Court to enforce a Judgment or Order for giving of possession of land in proceedings in the County Court being a claim against trespassers where more than 3 months has expired since the date of the judgment or order granting possession of the land (Rule 83.13(4) and (7))

March 2024

Courts Act 1984][The Certificate of the County Court sitting at (*venue*) dated (*date*) whereby it was certified that the proceedings for the enforcement of the said Judgment or Order of the County Court be transferred to the High Court under section 42(2) of the County Courts Act 1984 and Civil Procedure Rules 40.14A(4) and 83.19];

(c) The witness statement of (*name*) dated (*date*) certifying that the land has not been vacated (*and regarding the lapse of time, who is, and extent of knowledge of the proceedings of those who are, the persons in actual possession of the whole or part of the land etc.*) And that the land which is the subject-matter of the above mentioned judgment or order (being that referred to in paragraph (a) above) is [located in the area of the [] District Registry] [not located in the area of any District Registry] and that the effect of the Order or Certificate referred to in paragraph (b) above and Civil Procedure Rule 30.4(3) is that this application is to be made to this location of the High Court and that it is appropriate for this application to be made to this Division of the High Court.

[(d) The witness statement of (*name*) dated (*date*) certifying that [(a)] the amount of money remaining due under the judgment or order is (*state amount*) and [(b)] [the whole] or [part] of any instalment due remains unpaid namely (*state instalment and amount unpaid*)]

IT IS ORDERED

1. That the (*party*) do have permission to issue a writ of possession in the High Court for the giving of possession of the land by the (*party*) in accordance with the said Judgment or Order and
2. That a writ of possession be issued and sealed accordingly.
- [3. That the said writ do include provision for enforcing the payment by the (*party*) of the said money adjudged or ordered to be paid by the said Judgment or Order.]

Dated..... (**date**)