

PRACTICE DIRECTION - ACCELERATED POSSESSION PROCEEDINGS

THIS PRACTICE DIRECTION SUPPLEMENTS CCR ORDER 49, RULE 6A.

1. Where the judge is satisfied as to the matters set out in rule 6A(16), he will make an order for possession in accordance with rule 6A(17), whether or not the defendant seeks a postponement of possession on the ground of exceptional hardship under section 89 of the Housing Act 1980.
2. In a case in which the judge is satisfied that the defendant has shown exceptional hardship, he will only postpone possession without directing a hearing under rule 6A(17A) where-
 - (1) he considers that possession should be given up 6 weeks after the date of the order; and
 - (2) the claimant indicated on his claim form that he would be content for the court to make such an order without a hearing.
3. In all other cases where the defendant seeks a postponement of possession under section 89 of the Housing Act 1980, the judge will direct a hearing under rule 6A(17A).
4. If, at that hearing, the judge is satisfied that exceptional hardship would be caused by requiring possession to be given up by the date in the order of possession, he may vary that order under rule 6A(17C) so that possession is to be given up at a later date. That later date may be no later than 6 weeks after the making of the order for possession on the papers (see section 89 of the Housing Act 1980).