

Notes for the defendant

The claimant has used the accelerated procedure because it is said you have an assured shorthold tenancy or demoted assured shorthold tenancy. If so, the court is not allowed to consider whether it is reasonable or fair to make the order for possession. Therefore, if what is written in the claim form and in the defence form make it clear that the claimant is entitled to possession, the court will make the order without fixing a hearing.

The claimant cannot use the procedure if you have a tenancy of the whole, or part of a property that is required to be licensed under parts 2 or 3 of the Housing Act 2004, unless the local authority has granted a licence for the property or an application has been made to it for one. The claimant has given a declaration as to whether he requires (or does not require) a licence on the claim form.

You can check with your local authority whether a licence has been granted or an application for a licence has been received. Your authority maintains a public register of licensed properties which is available for inspection during normal working hours.

From 6 April 2007, the claimant cannot use the procedure if a deposit that has been taken for the tenancy has not been protected under sections 212 to 213 of the Housing Act 2004.

If you think there are reasons why the court should not make a possession order, you should consider getting advice from a solicitor or an advice agency immediately. If you dispute the claim, fill in the defence form and return it to the court office within

14 days of receiving the claim form. If you cannot give exact dates in your defence form, give them as nearly as you can. Make it clear that the dates you give are approximate. The judge can only take account of legally valid reasons.

You may qualify for assistance from Community Legal Service Fund (CLS F) to meet some or all of your legal costs. Ask about the CLS F at any county court office or any information or help point which displays this logo.

Community
Legal Service



Court staff can only help you complete the defence form and tell you about court procedures. They cannot give legal advice.

If the court makes a possession order without a hearing, you will be entitled to apply, within 14 days of receiving the order, for it to be reconsidered. The application would have to show some good legal reason for varying or revoking the order.

Normally, if the court makes a possession order, it will tell you to leave the premises within 14 days. The judge can allow up to 42 days but only if satisfied that leaving within 14 days would cause you hardship which is exceptional (that is, worse than would usually be suffered by someone having to leave within 14 days). If you believe there are exceptional circumstances in your case, fill in section 11 of the defence form and return it to the court office. Usually, an order for possession in 14 days will still be made but a hearing will be fixed within the 14 day period. The judge will decide at the hearing whether or not to extend the period.

If the court orders you to pay the claimant's costs, normally the order requires payment within 14 days. If you would be unable to pay in that time, fill in section 12 of the defence form and give details of your means.

If you use the defence form, you must sign the Statement of Truth. Proceedings for contempt of court may be brought against a person who signs a Statement of Truth without an honest belief in its truth.

Send documents for the court to the court office at

Telephone:
Fax:

Please address all correspondence to "The Court Manager".

CERTIFICATE OF SERVICE

(completed on court copy only)

I certify that the claim form of which this is a true copy was served by me on

by posting it to the defendant(s) on

at the address stated on the first page of the claim form.

OR

The claim form has not been served for the following reasons:

Officer of the Court