

# POSSESSION PROCEEDINGS

Please Note: The Renters' Rights Act 2025 is now law but some changes are planned to be rolled out over 2026 and beyond. This guidance is correct as of the 1<sup>st</sup> May 2026 and any further changes will be incorporated as and when they are implemented and more detail is available. You may wish to see our blog post on the changes [here](#) with a list of frequently asked questions.

**NOTE: The below guidance is applicable in England only.**

Due to substantial changes to Welsh landlord and tenant law introduced on 1st December 2022 by the Renting Homes (Wales) Act 2016, this guidance is only applicable to rental properties in England. Guidance for rental properties in Wales can be found on the document centre under **Being a Tenant – Wales** and **Being a Landlord – Wales**.

## The final Section 21 Evictions

You will have heard a lot about the abolition of section 21 notices. From 1<sup>st</sup> May 2026 under the Renters Rights Act 2025 (RRA) a landlord can no longer issue a section 21 notice. The last notice must be “served” on the tenant before close of business on the 30<sup>th</sup> April 2026. Landlords should ensure that sufficient time is allowed for service of the notice. However, there will be a transition period and for **s21 notices sent to tenants before the 1<sup>st</sup> May 2026. You can still apply for possession of the property under the “accelerated possession” procedure, BUT proceedings must be started (the claim must be issued with the court) by the 31<sup>st</sup> July 2026. The relevant form to do so is [Form N5B](#).**

**Remember that the claim must be with the court by the 31<sup>st</sup> July and so time should be taken into account for “service” of the documents. FOR THIS REASON WE SUGGEST NOT LEAVING POSSESSION UNDER S21 TO THE LAST MINUTE. After this period s21 claims for possession can no longer be issued with the court and accelerated possession will no longer be available to landlords.**

## What to do when a tenant won't leave the property

If the tenant has not vacated the property at the end of the time specified in the section 8 notice, you will need to start possession proceedings to recover the premises. If you attempt to get the tenant to leave without following the correct process, you could be guilty of harassment and/or illegal eviction which is a criminal matter and could give rise to an **unlimited** claim for damages.

## Standard Possession Proceedings – Under Section 8.

As s21 notices will no longer exist all claims for possession made after the 1<sup>st</sup> May 2026 will need to be based on a ground under s8 of the Housing Act (as amended by the RRA.) The RRA has added several grounds to the standard fault based grounds and we have a dedicated factsheet on this named: Section 8 Notice (England) which is available with more information. Please note that if you have created a new tenancy after the 1<sup>st</sup> May then a year must elapse before notice can be served for the “no fault grounds” of sale of the property or the landlord or relative wishing to live in the property (ground 1 and ground 1A). For other grounds involving “fault” such as rent arrears or anti-social behaviour there is no protected period.

If you have served the tenant with a section 8 notice, then you will need to start proceedings for a standard possession order. You must do this within **twelve months** of serving the tenant with the section 8

notice. If the grounds for possession are based on rent arrears, then you can apply online to start the process by using [possession claims online](#). If the grounds for possession are anything other than rent arrears then use the [form N5](#) along with [form N119](#). You can find more information about this [here](#).

Once you have applied for the order, the tenant will receive notice of the proceedings. It is possible for the tenant to defend the application, and the tenant will need to submit the necessary form to do this **within 14 days**. Unlike evictions under s21 almost all claims for possession following the RRA 2025 will require a court hearing. The court will aim to list your possession claim for a hearing within eight weeks of you making the claim, although this is not guaranteed and you may have to wait longer.

The courts have several options available to them:

- **Dismiss the claim.** This would be used if the ground for possession was not established or they do not feel it is reasonable to grant possession for the discretionary ground used.
- If an application is made for a fault eviction on a discretionary ground, the court may choose to **adjourn the application** for a timeframe they think appropriate. The courts would normally impose conditions to meet during this timeframe such as repayment of rent arrears.
- The courts could **suspend/postpone an order for possession**, where a ground has been established and it is reasonable to evict. Possession is postponed

or suspended on the condition that moving forwards the tenant will meet the terms of the tenancy and any conditions imposed by the court.

- **Grant the possession order**, providing a date the tenant needs to leave the property by; this will normally be a date between 14 and 42 days.

If the tenants do not leave by the date specified, you can apply to the courts for enforcement. If you attempt to remove the tenant from the property without a Bailiff/High court Enforcement Officer, you can be guilty of illegal eviction.

### Arranging for a bailiff to evict the tenant

You can enforce a possession order either through the County Court or High Court by appointing a bailiff. If you want a High Court bailiff (known as a High Court Enforcement Officer) you will require permission from the courts. The best way to approach this would be to ask for enforcement to be transferred to the High Court during any hearing. If you are looking for information on how to enforce the order please call us.

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*NOTE: Please be aware there are links contained within this factsheet that may take you to external sites, we are not responsible for their content. This is a general advice and information factsheet only and should not be treated as a definitive guide and does not constitute legal or professional advice. We are not a law firm and information is not intended to create a solicitor client relationship. Law Express does not accept any responsibility for any loss which may arise from relying on information contained in this factsheet. This is not a substitute for legal advice and specific and personal legal advice should be taken on any individual matter. If you need more details or information about the matters referred to in this factsheet please seek formal legal advice. This factsheet is correct at time of going to print. The law set out in this factsheet applies to England, unless otherwise stated.*

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