

## New Practice Direction

### Changes

A recent change has been made that relates to those who are permitted to represent Landlords at court.

Guidance was recently given to Judges which clarifies the rules about who can represent Local Authority and Social Landlords in the courts. The effects of these new rules are the following:

- 1) Local Authorities have the right to be represented by their employees. (Section 60 County Courts Act 1984).
- 2) Registered Social Landlords, which are companies, can be represented by their employees **provided** the Registered Social Landlord authorizes them to do so in writing and the Court gives permission. (Civil Procedure Rule 39.6).
- 3) Employees of ALMOs are not able to represent the Landlord as they are not employees of the Landlord.

In addition to the above, it is important to bear in mind that exactly the same situation applies to other managing agents. These bodies also have to consider the following:

- An employee of a managing agent is unable to represent the landlord
- A person who is employed by a Central Services Company (often found in group structures) is **unable** to represent a stock holding landlord.

Although this clarification is relatively recent, we can anticipate that more and more Judges will be making enquiries as to the right of a representative to attend at Court on behalf of the Landlord. It is therefore vital that to avoid the risk of hearings being adjourned or, in extreme cases, struck out that Landlords ensure they are properly represented.

### Signing documents

It is also important to consider the following rules with regard to signing documentation.

- It is quite clear that the N5 Claim Form and Particulars of Claim for Possession have to be signed by an employee of the Landlord, an Agent **cannot** sign on their behalf.
- An alternative is for a Legal Representative of the Landlord to sign the documentation.

- There is no restriction on who can sign the witness statement provided that person has the knowledge of the requisite facts.

Although the above ruling seems to be going very much against the tide in relation to reducing the cost of Litigation, it is important that housing professionals consider how the new rules will affect them.

If any assistance is needed in connection with representation in such cases or if you would like any further information about the new Guidance, please contact the Office.

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Principal

