

The Rt Hon Shabana Mahmood KC MP  
Lord Chancellor and Secretary of State for Justice  
Ministry of Justice  
102 Petty France  
London  
SW1H 9AJ

14 October 2024

Dear Lord Chancellor,

## **Renters' Rights Bill - Improving access to justice for landlords, letting agents and tenants**

Congratulations on your appointment as Lord Chancellor and Secretary of State for Justice. Propertymark is the UK's leading professional body representing over 18,000 property agents, in 12,800 branches, operating in residential sales, lettings, commercial property, valuers, and auctioneers as well as inventory service providers. Property agents interact with the legal and justice systems at various levels and therefore we have an interest in ensuring they are fit for the purpose and support business needs.

Following the Second Reading of the Renters' Rights Bill on 9 October 2024, I am writing on behalf of Propertymark. The Bill includes several measures that will fundamentally change the way that tenants rent property and subsequently will impact letting agents and their landlords. You will be aware that through the Bill, the UK Government has pledged to abolish Section 21 of the Housing Act 1988 possession notices and encouraging landlords and letting agents to seek a grounds-based approach to possession via a Section 8 notice.

As you will know, a third of all possession cases are Section 21 notices which are 'accelerated' claims that bypass the courts system. Therefore, the removal of Section 21 will mean more cases going through the courts. Even with the current fast track system in place via Section 21 notices, the capacity of the court system to deal with possession claims is limited and subject to significant delays, which was conceded by Ministers during the Second Reading debate. Following the removal of Section 21, there is concern that without increasing capacity in the court system, once the changes come into force, letting agent agents and their landlords will not know how long they will be expected to wait for a hearing and ultimately possession of their property.

To improve access to justice for both landlords, letting agents and tenants, it is imperative that the removal of Section 21 takes place alongside essential court reform. This includes:

- **Digitalisation of the court service** - Propertymark's research paper, Reforming the PRS: Letting Agent Views of the Renters' Rights Bill, demonstrates that 88% of letting agents do not think the courts will have the resources they need after Section 21 is removed. In our briefing to MPs before the Second Reading, we drew attention to the fact that the wait time for a warrant to be issued in a PRS possession claim is around 29 weeks on average and can sometimes be as high as 40 weeks in London. This is unacceptable, and the situation could worsen unless changes are implemented. With the plans to digitalise more court procedures relating to housing possession cases, mandatory notices for eviction should be integrated into the Possession Claim system.
- **Implementing reforms ahead of the Renters' Rights Bill passing** - we welcome the acknowledgement of the Secretary of State for Housing, Communities and Local Government

that court reform is essential and the need to increase the digitalisation of administrative processes as part of the process. However, these reforms must be made in advance of abolishing Section 21 otherwise the most serious cases such as those involving anti-social behaviour will be further delayed.

- **Speeding up hearing times** - not only should the UK Government improve the digitalisation of administrative processes, but expand online platforms for filing evidence, ensure that more hearings are conducted remotely, the duration of hearings should be extended and increase the number of judges and bailiffs to reduce delays in issuing and enforcing warrants. Furthermore, without improving the condition of the court estate including greater support and information on how to use systems and procedures as well as reliable wi-fi, the proposed initiatives for reform will be severely compromised.
- **Automatic rights to a High Court Enforcement Officer for landlords** - waiting times for Private County Court Bailiffs differ drastically throughout England and Wales depending on geographic location and need. A lack of County Court Bailiffs in many areas contributes to delays in enforcing a Possession Order. Delays can be prevented by landlords being provided with automatic rights to a High Court Enforcement Officer to provide a viable and fast alternative service to using County Court bailiffs to evict tenants. Regrettably, even when landlords do regain possession via the courts, there can be further delays due to the shortages of personnel working as bailiffs. Furthermore, some local authorities advise tenants in receipt of a Section 21 notice to stay in the property for as long as possible until bailiffs are called. This of course is a breach of the Homelessness Code of Conduct and in such cases local authorities should find alternative accommodation.
- **Establish a dedicated housing court** - to take the pressure off the county court system, the UK Government should consider the introduction of a dedicated housing court, which could be set up to hear possession cases as well as disputes outlined in the Renters' Rights Bill, which would be otherwise heard in the First-Tier Tribunal. This would improve access to justice for tenants, restore confidence for landlords and agents as well as allow judges to specialise in housing legislation.

We would be extremely grateful if we could meet with you to gain clarity on plans and timescales the UK Government are considering on improving the court system, and if it would be of assistance, to offer you direct access to our members which range from SME'S through to the largest corporate agencies via a roundtable discussion.

Your officials can liaise with Propertymark's Head of Policy and Campaigns, Timothy Douglas via telephone on 07920 588936 or by emailing [timothydouglas@propertymark.co.uk](mailto:timothydouglas@propertymark.co.uk)

I look forward to hearing from you in due course

Best wishes,



**Nathan Emerson MNAEA MARLA MNAEA(Comm.)**  
**Chief Executive Officer**  
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