



UK BAILIFFS

PRACTICAL CLIENT GUIDE | ENGLAND

Temporary Housing Evictions in England

STATUS | NOTICE | POSSESSION

A practical guide to homelessness placements, excluded occupation and assured-tenancy possession for councils, housing providers and professional landlords.

FOR LOCAL AUTHORITIES | HOUSING PROVIDERS | LANDLORDS | SOLICITORS

A clear route from document review to controlled, documented possession.

0330 133 1818 | help@ukbailiffs.org | ukbailiffs.co.uk

STATUS BEFORE DEPLOYMENT

Start with status, not the label

Temporary housing describes a purpose or duration. It does not, by itself, decide whether the occupier can be removed without a possession order.



The agreement, statutory basis and real occupation matter more than the heading on the paperwork.

1 How did occupation begin?

Identify the council duty, placement route, booking, licence, tenancy or sharing arrangement.

2 What protection applies?

Test the facts against the Protection from Eviction Act, Housing Act and any contractual rights.

3 Has the right ended?

Confirm the decision, notice, service, expiry, review or appeal position and authority to act.

THE OPERATIONAL QUESTION

Is this a legally verified possession instruction?

A temporary placement, a document headed 'licence', or an end-of-duty letter is not enough on its own. UK Bailiffs reviews the apparent route before accepting attendance. Where the documents or facts do not support a non-court route, the instruction is paused and the appropriate possession process should be used.

WALES IS OUTSIDE THIS GUIDE

This guide addresses England only. Welsh homelessness and occupation law follows a separate framework, including the Renting Homes (Wales) Act 2016. A Welsh instruction requires a separate, Wales-specific review before acceptance.

A FACT-SENSITIVE LEGAL CATEGORY

Keep the statutory routes separate

Classify the occupation before choosing the notice, court and attendance route.

THE ONE-SENTENCE CHECK

Section 188 is interim accommodation while the council decides what duty is owed; section 193 is the main housing duty after that decision - never treat a section 193 placement as section 188 simply because it is called temporary accommodation.

ASSURED TENANCIES: RENTERS' RIGHTS ACT 2025

From 1 May 2026, the mandatory grounds below sit in Schedule 2 to the Housing Act 1988. Each requires a section 8 notice, a possession order and court-authorised enforcement; none permits direct eviction.

GROUND 5G | SECTION 193 TEMPORARY ACCOMMODATION

The tenant must have occupied the property at some time as temporary accommodation under the main housing duty. The authority must notify the landlord that it is no longer required for that duty; the notice relied on must be dated within 12 months of that notification, subject to the court's just-and-equitable discretion. Minimum notice: four weeks.

GROUND 5E AND 5F | SUPPORTED ACCOMMODATION

5E recovers property held for supported accommodation from a tenant who did not take it to receive care, support or supervision. 5F applies only where it was supported accommodation when granted and a specified statutory circumstance is proved - including ended services or funding, threatened project viability, changed support needs, or unsuitable property features. Minimum notice: four weeks.

PROTECTION FROM EVICTION ACT 1977, SECTION 3A

ASYLUM ACCOMMODATION - THE STATUTORY TEST

The tenancy or licence must have been granted to provide accommodation under section 4 or Part VI of the Immigration and Asylum Act 1999. A link to asylum support in general is not enough.

HOSTEL ACCOMMODATION - THE STATUTORY TEST

The licence must confer occupation in a 'hostel' within the Housing Act 1985 definition, and the hostel must be provided by a body listed in section 3A(8). A hostel label, support service or private provider alone does not satisfy the exclusion.

THE LEADING AUTHORITY

What the Supreme Court actually decided

R (ZH and CN) v London Boroughs of Newham and Lewisham [2014] UKSC 62 remains the central authority for genuinely transient section 188 interim accommodation.

THE MAJORITY HOLDING - IN PRACTICAL TERMS

Where a local authority provides genuinely transient section 188 accommodation to a person who remains homeless while the authority completes its inquiries, the arrangement is not licensed for occupation 'as a dwelling' for section 3 of the Protection from Eviction Act 1977. On those facts, section 3 does not require a possession order.

It is a route-specific decision, not a universal exemption for temporary housing.

1 Confirm the statutory basis

Record the Part VII duty and the exact stage: interim inquiries, later temporary duty, referral or appeal accommodation.

2 Check the original purpose

The placement must have been created for a genuinely transient homelessness function, not ordinary settled residential occupation.

3 Check for later change

A later agreement, prolonged continuation or conduct inconsistent with the original purpose can alter the analysis and requires advice.

4 Check the decision process

Match the end-of-duty decision, review/appeal position, any interim accommodation pending challenge, and the notice relied upon.

Do not describe section 188 cases as excluded under section 3A

Section 3A lists particular excluded tenancies and licences but contains no general Part VII or section 188 exclusion. The Supreme Court majority reached its result by interpreting whether the transient placement was occupation 'as a dwelling' for section 3. Keeping that distinction correct avoids an avoidable legal overstatement.

BEFORE ATTENDANCE

The right route still needs a lawful process

A non-court route is not a short cut around notice, public-law duties, vulnerability or safe operational limits.

1 Notice and service

Use the agreement and statutory context to identify what notice is required. There is no safe universal notice period for every excluded or temporary placement. Keep the notice, method and proof of service.

2 Review, appeal and injunctions

Confirm whether a section 202 review, section 204 appeal, judicial review, interim accommodation request, stay, undertaking or injunction affects the planned date.

3 Children and vulnerability

Disclose children, disability, pregnancy, mental or physical health, medication, language needs, pets and safeguarding concerns. Coordinate housing, social-care or emergency support where appropriate.

4 Equality and Article 8

Public bodies must evidence fair decision-making, proportionality and due regard under the Equality Act. The Supreme Court relied on the availability of review, appeal and judicial-review safeguards.

5 Entry and conduct

Section 6 of the Criminal Law Act 1977 restricts violence or threats of violence to secure entry where someone present opposes entry. Ownership or a right to possession does not itself authorise violence.

6 Belongings and access

Plan for essential items, medication, pets, keys, storage, collection and goods left behind. A lock change must not strand people or belongings without an agreed, lawful arrangement.

Operational boundary

UK Bailiffs attends as the client's authorised agent. A certificated enforcement-agent qualification is not itself a power to evict. The planned route is based on the client's lawful right to possession, the verified occupation status and the documents supplied. If safe and lawful possession cannot be achieved under the agreed plan, attendance is paused and referred back.

FROM REFERRAL TO REPORT

From instruction to documented outcome

Accepted cases follow a consistent sequence designed to support lawful possession, clear communication and a defensible client record.

1 Instruction review

Agreement, placement basis, decisions, notice, service and authority.

2 Operational assessment

Occupants, children, vulnerabilities, access, risks, pets and belongings.

3 Attendance plan

Team, timing, locksmith, client contact, welfare escalation and contingencies.

4 Clear communication

Explain the instruction, allow an orderly opportunity to leave and keep circumstances under review.

5 Possession and security

Where the plan can lawfully proceed, recover and secure possession and manage access arrangements.

6 Evidence and report

Record attendance, photographs where appropriate, outcome, property condition and follow-on actions.

WHAT THE CLIENT RECEIVES

- Named point of contact and planned attendance details
- Proportionate, welfare-aware operational record
- Photographs and notices where relevant and appropriate
- Written outcome, incident detail and follow-on requirements

24h

Attendance target

Once status is verified and the instruction is accepted, attendance is targeted within 24 hours where available, subject to location, risk and resources.

Not a guarantee or legal advice. We may refuse or pause an instruction if status, authority, notice, welfare information or operational safety is not sufficiently established.

EXPERIENCED HOUSING POSSESSION SUPPORT

A defensible service, not just an attendance

The commercial value is in resolving the right case efficiently while refusing to force the wrong case into a non-court route.

130

instructions received

Temporary-accommodation and related excluded-occupier matters since December 2021.

116

peaceful outcomes

Recorded matters resolved peacefully through communication and controlled attendance.

20+

years' experience

Frontline bailiff and enforcement experience supporting operational judgement.

Commercial clarity

- Suitability reviewed before resources are committed
- Clear acceptance point and named client authority
- Operational requirements identified before deployment
- Outcome recorded for the client's audit trail

Risk controls

- No reliance on the word 'licence' alone
- No assumption that an ended housing duty settles possession
- No intimidation or unlawful forced entry
- No disposal of belongings without a lawful client plan

The practical result

The client receives an early challenge to the legal route, a planned attendance where the case is accepted, and a documented outcome. That reduces avoidable aborted visits, police disputes, reputational damage and the far greater cost of an unlawful-eviction allegation.

Operational figures are drawn from UK Bailiffs' internal case records. Past outcomes do not guarantee acceptance, result or timescale in a future instruction.

READY TO INSTRUCT?

Send a complete, reviewable file

Do not delay reporting an immediate safety or safeguarding concern while documents are being assembled.

DOCUMENTS AND DECISIONS

- Occupation agreement, licence, booking or placement document
- How occupation began and the precise statutory/contractual basis
- Housing decision, discharge letter and reasons
- Notice, expiry date and proof of service
- Review, appeal, judicial-review, stay or injunction position
- Client authority and property/landlord authority to recover possession
- Relevant correspondence, payments and any later agreement

OPERATIONAL FACTS

- All occupants and ages
- Children and vulnerabilities
- Medication and health needs
- Language or communication needs
- Pets and belongings
- Keys, locks and access
- Police, housing and support contacts
- Known risks and recent incidents



DISCUSS OR SUBMIT AN INSTRUCTION

0330 133 1818

help@ukbailiffs.org

ukbailiffs.co.uk/eviction-from-temporary-housing

KEY SOURCES AND FURTHER READING

- Protection from Eviction Act 1977, sections 1, 3, 3A and 5
- Housing Act 1996, Part VII - especially sections 188, 193, 202-204, 209 and 213A
- Housing Act 1988, Schedule 2 - Grounds 5E, 5F and 5G
- Renters' Rights Act 2025, Schedule 1
- R (ZH and CN) v Newham and Lewisham [2014] UKSC 62
- Criminal Law Act 1977, section 6 - violence for securing entry
- Equality Act 2010, section 149 - public sector equality duty
- Renting Homes (Wales) Act 2016 - separate Welsh framework

GENERAL INFORMATION - NOT A CASE-SPECIFIC LEGAL OPINION

This guide summarises a fact-sensitive area of law as checked on 5 September 2026. It does not determine any occupier's status or replace advice on a disputed case. Submission does not confirm acceptance or authorise attendance. UK Bailiffs reviews the apparent route and may require the client to obtain specialist housing-law advice.