

Temporary Housing Evictions | Excluded Occupiers

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

Excluded Occupier Evictions

LAWFUL REMOVAL FROM TEMPORARY HOUSING

UK Bailiffs assist landlords and local authorities with the lawful eviction of excluded occupiers from temporary housing. We follow all legal procedures while maintaining professionalism and compassion.

- **Legal Assessment:** Determine if the occupant qualifies as an excluded occupier.
- **Notice Preparation:** Draft and serve compliant notices.
- **Eviction Execution:** Certified enforcement agents handle the removal.
- **Post-Eviction Support:** Assistance for landlords and occupants.
- **Legislation:** Housing Act 1996 and Protection from Eviction Act 1977.

What is an Excluded Occupier?

Most tenants are protected by law and cannot be evicted unless their landlord serves proper notice, obtains a court order, and enforces it through a court-appointed bailiff.

However, there are exceptions. The following categories of people are known as **excluded occupiers** and do not require a court order for eviction:

- **Lodgers** who share a kitchen or bathroom with their landlord
- **Asylum seekers** housed by the Home Office while awaiting a decision
- **Temporary Housed Residents** in council, housing association, or charity hostels
- **People in emergency accommodation** arranged by the council
- **Occupants living rent-free**(bill contributions are not considered rent)
- **People affected by a “no right to rent” notice** from the Home Office
- **Holiday lets**(short-term holiday stays, not permanent homes)

Even where a court order is not required, landlords must still serve the correct type and length of notice.

Facing Eviction?

Occupiers facing eviction can contact their local council’s homelessness department, which may have a duty to provide emergency or long-term housing — especially for vulnerable individuals or families.

Or call **Shelter’s free helpline:** [0808 800 4444](tel:08088004444)

What Notice Is Required?

Give **reasonable written notice**, typically equal to their payment cycle (e.g. 1 week for weekly rent). It must:

- Be clearly dated
- State when they must leave

What If They Refuse?

Call **UK Bailiffs**. We'll draft notice, attend the property, and carry out a lawful eviction — including lock changes if needed.

Legal & Professional

We follow all procedures to protect you from unlawful eviction claims. We act discreetly, quickly, and nationwide.

Evicting Excluded Occupiers – A Landlord's Guide

If someone is overstaying in a room you rent out — and they're refusing to leave — **you don't need a court order** to remove them. This applies to:

- Lodgers in your home
- People in shared HMOs
- **Council-placed occupants in temporary accommodation** where the local authority has issued a *discharge of duty notice*

These people are called **Excluded Occupiers**, and you have the right to remove them — lawfully and without a possession order — once you've served reasonable notice.

What We Need to Get Started

- Any written agreement (if applicable)
- How and when the occupier entered
- A copy of the council's **discharge of duty notice**(if applicable)
- Tenant's name and property address

Don't Let Overstayers Take Control

If someone refuses to leave your property — even after the council ends their duty — we can help. You're not alone, and you're within your rights.

About Our Service

Welcome to our specialised service assisting landlords and local authorities with the lawful eviction of excluded occupiers from temporary housing. We ensure all procedures meet legal standards while respecting the dignity and rights of all involved.

Our Services Include:

- **Occupier Assessment:** Determining if the occupant qualifies as an excluded occupier.
- **Notice Preparation:** Drafting and serving legally compliant notices.
- **Eviction Execution:** Coordinating with certified enforcement agents for lawful evictions.
- **Post-Eviction Support:** Guidance for both property owners and evicted parties.
- **Legal Consultation:** Advice on the Housing Act 1996 and Protection from Eviction Act 1977.

Our Process

1. **Initial Consultation:** Understand your situation and legal position.
2. **Online Form:** Complete the instruction form [HERE](#).
3. **Documentation:** Submit relevant paperwork and assess your case.
4. **Notice Period:** Serve notice in line with regulations.
5. **Eviction:** Arrange and carry out enforcement.
6. **Follow-Up:** Support for further legal or housing issues.

Why Choose Us?

- **Expertise:** In-depth knowledge of housing and eviction law.
- **Discreet:** Professional and compassionate handling of cases.
- **Proven:** Successful outcomes in sensitive situations.
- **Comprehensive:** End-to-end support from consultation to resolution.

When Can Occupiers Be Asked to Leave Temporary Accommodation?

Local councils may request occupiers to vacate temporary accommodation by giving **reasonable written notice**. This could occur if:

- The occupier breaches the agreement terms
- The council's legal duty ends
- Permanent housing is secured

Important Reminder

Staying after being asked to leave can block others in urgent need from accessing housing. It's a tough situation, but has broader consequences.

Licenses for Homeless Applicants

Councils may partner with landlords to house applicants. Once their duty ends, landlords or agents may take legal steps to evict.

Legal Protections for Occupiers

Certain homeless applicants placed under the **Housing Act 1996** are excluded from the **Protection from Eviction Act 1977**:

- **Section 188**: Temporary housing during application review
- **Section 190**: Housing for intentionally homeless applicants

Occupiers in these cases are legally considered **excluded occupiers** and have limited protection from eviction.

Occupiers with Basic Protection

When the council confirms a duty to provide long-term housing, occupiers gain basic protection under the Protection from Eviction Act 1977. A possession order is required for lawful eviction.

What Qualifies as a Hostel?

A hostel includes shared facilities like:

- Bathrooms
- Toilets
- Cooking areas

Hostel residents usually have licenses, not tenancies — which limits their legal rights.

[Instruct Us](#)

[Information For Police Officers](#)

[Fact Sheet For Tenants](#)

Evicting Excluded Occupiers: Is a Court Order Required?

Is a Court Order Required?

Providing that the council or other authority no longer has a duty to help them and has given them notice, then a court order is not necessarily required.

Excluded Occupiers and Eviction Protection

People or families housed in this way do not usually have protection from eviction under the Protection from Eviction Act 1977 and are classed as excluded occupiers.

The term “excluded” refers to being excluded from protection from eviction under the Act. This means the landlord does not need to give notice or obtain a possession order to legally evict the licensee.

Exceptions: Occupiers with Basic Protection

If the local authority accepts a main housing duty and allows continued indefinite occupation in temporary housing, the occupier gains basic protection under the Protection from Eviction Act 1977. In this case, a possession order from the court is required to evict them.

Other Types of Excluded Occupiers

It isn't just temporarily housed individuals who can be classed as excluded occupiers.

Excluded occupiers may also include lodgers, family members living rent-free, or individuals with no right to rent where the Home Office has issued notice.

List of Excluded Occupiers

The following individuals are not protected under the Protection from Eviction Act:

- People sharing accommodation with a resident landlord
- Former trespassers granted temporary occupancy rights
- People renting holiday lets
- Individuals occupying accommodation rent-free
- Asylum seekers in UKVI accommodation
- Licensees in public sector hostels
- People with no right to rent where the Home Office has served notice

Important Note

Always check with a solicitor or housing officer before attempting an eviction involving an excluded occupier.

Dealing with Airbnb or Booking.com Overstayers?

When guests refuse to leave your Airbnb, Booking.com, or other short-term rental property, it disrupts your business and causes stress.

Under UK law, guests in temporary accommodations are often classified as **excluded occupiers**, with limited rights under the **Protection from Eviction Act 1977**. This allows property owners to reclaim their property quickly without the delays of standard tenancy evictions.

Why Choose UK Bailiffs?

- Airbnb and Booking.com overstay
- Holiday lets and short-term rentals
- Fast, legally compliant eviction processes

Our experienced team ensures professional, efficient, and fully compliant evictions. We prioritize minimizing disruption to your property business.

How It Works

- **Assessment:** We confirm the guest's status as an excluded occupier.
- **Notice:** We assist in serving the correct notice to the overstaying guest.
- **Eviction:** If the guest refuses to leave, our certified bailiffs execute a lawful eviction.
- **Support:** We offer guidance to prevent future overstay issues.

Illegal Evictions

Local authorities have the power to prosecute for illegal eviction.

Police may arrest individuals who are committing or attempting illegal eviction.

If found guilty, landlords, agents, or any third party can be fined or sentenced to imprisonment.

Illegal eviction is also a banning offence under the Housing and Planning Act 2016 — potentially barring the landlord or agent from letting property altogether.

Use of Force

It is a criminal offence to use force to enter premises without legal authority (Section 12, Criminal Law Act 1977).

We strongly advise landlords to use trained Enforcement Agents to manage lawful entry and avoid liability.

Our agents are trained in vulnerability awareness, and approach all situations with empathy, professionalism, and discretion.

We always signpost tenants to appropriate support services.

All jobs include full dynamic risk assessments, and we keep our clients informed throughout the process.

Unsure how to proceed?

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We have a great deal of experience and expertise in dealing with temporary housing. We will only ever give you the best advice based on the information you supply.

****** We are not legal advisers so always recommend you contact your solicitor or housing officer to clarify your position.

** Our expertise lies in executing the eviction process efficiently and compliantly, rather than providing legal determinations. The reason we recommend independent legal advice in cases where there's any uncertainty—however slight—is to ensure that you, as the landlord, are fully protected under the law. The definition of an excluded occupier can hinge on specific details (e.g., the terms of the agreement, the tenant's circumstances, or even recent legislative changes), and a qualified legal professional can offer you definitive confirmation that aligns with your situation. This step is about safeguarding your interests, not about doubting your judgment.
