

## Parker, Christine

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**From:** Wortley, Stuart  
**Sent:** 18 June 2018 13:42  
**To:** Wortley, Stuart  
**Cc:** Parker, Christine  
**Subject:** Consultation - HJiggs & Sons

From: Nyree Applegarth [mailto:Nyree.Applegarth@higgsandsons.co.uk]  
Sent: 15 June 2018 14:50  
To: Wortley, Stuart <StuartWortley@eversheds-sutherland.com>; 'Peter Bourke' <Peter.Bourke@wilsonslaw.com>; Charlotte Tyfield <Charlotte.Tyfield@gowlingwlg.com>  
Subject: Response to q12- Interim Possession Orders

All

I have canvassed my team and have some feedback in relation to IPO's we have obtained in the past.

The issues we have faced are that depending on which court and judge you get, we had one occasion where when we went for the final order, it was refused because we couldn't prove that the trespasser had been arrested after they had been served with the interim order. I didn't think this was a requirement of the rules, but on this occasion the judge seemed to want evidence of arrest.

In another instance we had an issue because we were worried that the judge might want us to prove that the people occupying the area on the day that the interim order was served were the same people that returned a few days later. We recommended that to avoid this being a problem, the client should try and obtain evidence of who returned once the order has been served and in the days thereafter, but not only does this add to the costs, but it is also potentially very problematic.

Our experience is also very varied depending on which police force are involved. Some are really helpful and others, for quite legitimate resource reasons, cannot be bothered to help at all.

I hope these comments are of some help.

Kind regards

Nyree

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