

## Important Court Ruling

No more forced entry for gas/electric, Council Tax, Debt Collectors, Bailiffs  
This case of Southern Housing v James Emmanuel has massive repercussions for Gas or Electric companies, Council Tax, Debt Collectors and Bailiffs seeking to obtain permission for forced entry into people's homes. As this extract from the Judge's conclusion states:

84. The sanctity of the home is deeply embedded in our law. Forced entry may be authorised where Parliament has conferred the power, or where the common law recognises forced entry may be justified. Neither applies here. The Civil Procedure Rules cannot be used to circumvent that principle.

85. No judge has power to make an order permitting a landlord to force entry into their tenant's home by way of enforcing an express or implied contractual right of access. The claimant's current remedies remain those already available: contempt or possession proceedings.

86. I therefore dismiss the claimant's application.

87. However, I recognise the available remedies are slow and expensive. I acknowledge the claimant feels justified in saying that varying the Injunction to permit forced entry is arguably less impactful on the defendant than his eventual imprisonment for contempt or his eviction.

88. So, it is perhaps understandable that landlords seek this forced entry shortcut, particularly given the number of access injunction applications landlords (especially social landlords) find themselves having to make. However, in my view that shortcut is not available to them. Whilst this outcome might appear harsh or impractical, it seems to me that reform of the law on this question is a matter for Parliament, not the courts.