

SUPREME COURT OF TASMANIA

CIRCULAR TO PRACTITIONERS

No. 17 of 2012

14 December 2012

WRITS OF POSSESSION - EXECUTION

I seek the assistance of the legal profession by ensuring that Writs of Possession filed pursuant to the *Land Titles Act* 1980, s.146 are filed at least 3 weeks before the 3 month time limit expires. There may be circumstances, such as the location of the property, where 3 weeks provides insufficient time to properly execute the writ.

Most writs are executed by police officers. The Sheriff's Office no longer employs full time bailiffs but provides advice and other assistance to police in the execution of writs.

The filing of a Writ of Possession requires the Sheriff to provide vacant possession. The cost of achieving vacant possession is a cost of execution. To ensure vacant possession is achieved at the least possible cost, many steps may need to be taken, including:

- The writ being forwarded to the nearest police station;
- Contact being made with the occupier to give notice to vacate;
- The occupier arranging the removal of goods;
- Attendance to take possession and hand the premises over to the mortgagee's agent, including possibly attending to the removal of occupants and their goods.

When determining the date on which to file a Writ of Possession please comply with the abovementioned 3 week time limit to ensure that execution can be reasonably achieved before the writ expires. It will avoid unnecessary pressure on bailiffs to achieve vacant possession under unrealistic time constraints.

J A Connolly
SHERIFF