

2021 No. 564

LANDLORD AND TENANT, ENGLAND

The Coronavirus Act 2020 (Residential Tenancies: Protection from Eviction) (Amendment) (England) (No. 2) Regulations 2021

<i>Made</i>	- - - -	<i>11th May 2021</i>
<i>Laid before Parliament</i>		<i>12th May 2021</i>
<i>Coming into force</i>	- -	<i>31st May 2021</i>

The Secretary of State for Housing, Communities and Local Government makes the following Regulations in exercise of the powers conferred by paragraphs 1(2), 13(1) and 14(1) of Schedule 29 to the Coronavirus Act 2020(a).

Citation, commencement and taking effect

1.—(1) These Regulations may be cited as the Coronavirus Act 2020 (Residential Tenancies: Protection from Eviction) (Amendment) (England) (No. 2) Regulations 2021.

(2) These Regulations come into force on 31st May 2021.

(3) Regulations 2(3) to (11) and 3 take effect on 1st June 2021.

Amendment of Schedule 29 to the Coronavirus Act 2020

2.—(1) Schedule 29 to the Coronavirus Act 2020 is amended as follows.

(2) In paragraph 1(1)(b)(i) (end of the relevant period in relation to England) for “31 May 2021” substitute “30 September 2021”.

(3) In paragraph 2(2)(b) (modification of section 5(1) of the Protection from Eviction Act 1977(b): the relevant notice period for Rent Act notices to quit)—

(a) in sub-paragraph (i) for “more than six months” substitute “four months’ or more”,

(b) in sub-paragraph (ii) for “three months, and” substitute “four weeks”,

(c) for sub-paragraph (iii) substitute—

“(iii) where sub-paragraphs (i) and (ii) do not apply and—

(aa) the circumstance specified in Case 1 in Schedule 15 to that Act applies (provided that no other circumstance specified in that Schedule applies),

(a) 2020 c. 7. The powers conferred by paragraphs 1(2), 13(1) and 14(1) of Schedule 29 to the Coronavirus Act 2020 are exercisable in England by the Secretary of State. For the definition of “relevant national authority” see paragraph 1(3)(a) of Schedule 29 to that Act. Schedule 29 was amended by S.I. 2020/914, regulation 2 of which suspended the operation of certain notice periods in Schedule 29 to the Coronavirus Act, S.I. 2020/924 and 2021/284.

(b) 1977 c. 443. Section 5 was amended by section 32(1) of the Housing Act 1988 (c. 50).

- (ab) at the time the notice is given less than four months' rent is unpaid, and
- (ac) the notice is given on or after 1 August 2021,
two months, and

(iv) where sub-paragraphs (i), (ii) and (iii) do not apply, four months.”.

(4) In paragraph 2(3) (modification of section 3 of the Rent Act 1977(a): the notice period for possession proceedings in relation to Rent Act 1977 statutory tenancies), in the definition of “relevant notice period” in inserted subsection (4F) of the modification—

- (a) in paragraph (a) for “more than six months” substitute “four months’ or more”,
- (b) in paragraph (b) for “three months, and” substitute “four weeks”,
- (c) for paragraph (c) substitute—
 - “(c) where paragraphs (a) and (b) do not apply and—
 - (i) the notice of intention to commence possession proceedings specifies a ground that corresponds to Case 1 in Schedule 15 to this Act and no other ground is specified,
 - (ii) at the time the notice is given less than four months’ rent is unpaid, and
 - (iii) the notice is given on or after 1 August 2021,
two months, and

(d) where paragraphs (a), (b) and (c) do not apply, four months.”.

(5) In paragraph 3(c) (modification of section 83 of the Housing Act 1985(b): notice of possession proceedings in relation to secure tenancies) in inserted subsection (4C) of the modification (definition of “relevant notice period”) —

- (a) in paragraph (a)(i) for “six months” substitute “four months”,
- (b) at the end of paragraph (a) omit “and”,
- (c) for paragraph (b) substitute—
 - “(b) where paragraph (a) does not apply and Ground 1 in Schedule 2 is specified in the notice (and no other ground is specified) and at the time the notice is served less than four months’ rent is unpaid, if the notice is served on or after 1 August 2021,
two months, and

(c) where paragraphs (a) and (b) do not apply, four months.”.

(6) In paragraph 5 (modification of section 107D of the Housing Act 1985(c): notice of possession proceedings in relation to flexible tenancies) for “six months” substitute “four months”.

(7) In paragraph 6(e) (modification of section 8 of the Housing Act 1988: notice of possession proceedings in relation to assured tenancies) in inserted subsection (4BA) of the modification (definition of “relevant notice period” for the purposes of subsections (4A) and (4B))—

- (a) in paragraph (a)(ii) for “six months’ rent” substitute “four months’ rent”,
- (b) in the full out words in paragraph (a) for “six months” substitute—
 - “two months (in the case of a notice served on or after 1 August 2021 in which any of Grounds 8, 10 or 11 is specified and no other ground) or four months (in any other case).”.

(c) for paragraph (b) substitute—

“(b) where paragraph (a) does not apply and Ground 7 in Schedule 2 to this Act is specified in the notice, two months.”, and

(a) 1977 c. 42.

(b) 1985 c. 68. Section 83 was substituted by section 147(1) of the Housing Act 1996 (c. 52), section 14(3) of the Anti-Social Behaviour Act 2003 (c. 38) and paragraph 7 of Part 1 of Schedule 11 to the Anti-Social Behaviour, Crime and Policing Act 2014 (c. 12).

(c) Section 107D was inserted by section 154 of the Localism Act 2011 (c. 20).

(d) in paragraph (d) after “any of Grounds” insert “7B,”.

(8) In paragraph 7 (modification of section 21 of the Housing Act 1988(a): notice of possession proceedings in relation to assured shorthold tenancies)—

- (a) in paragraph (a) for “six months” in the first place it occurs substitute “four months”,
- (b) in paragraph (b) for “six months” in the first place it occurs substitute “four months”,
- (c) in paragraph (ba) for “10 months” substitute “8 months”,
- (d) in paragraph (c) for “six months” substitute “four months”.

(9) In paragraph 8(c) (modification of section 128 of the Housing Act 1996(b): notice of possession proceedings in relation to introductory tenancies) in inserted subsection (8) of the modification, in the definition of “relevant notice period”—

- (a) at the end of paragraph (a) omit “and”,
- (b) after paragraph (a) insert—
 - “(aa) where paragraph (a) does not apply and the landlord has specified in the notice of proceedings a reason for applying for a possession order which corresponds to Ground 5 of Schedule 2 to the Housing Act 1985 (whether or not the landlord has any other reason), four weeks,”, and
- (c) for paragraph (b) substitute —
 - “(b) where paragraphs (a) and (aa) do not apply and the landlord has specified in the notice of proceedings only a reason for applying for a possession order which corresponds to Ground 1 of Schedule 2 to the Housing Act 1985 and at the time the notice is served —
 - (i) at least four months’ rent is unpaid, four weeks,
 - (ii) less than four months’ rent is unpaid, and the notice is served on or after 1 August 2021, two months, and
 - (c) in any other case, four months;”.

(10) In paragraph 9(b) (modification of section 143E of the Housing Act 1996(c): notice of possession proceedings in relation to demoted tenancies) in inserted subsection (6)(b) of the modification, in the definition of “relevant notice period”—

- (a) at the end of paragraph (a) omit “and”,
- (b) after paragraph (a) insert—
 - “(aa) where paragraph (a) does not apply and the landlord has specified in the notice of proceedings a reason for applying for a possession order which corresponds to Ground 5 of Schedule 2 to the Housing Act 1985 (whether or not the landlord has any other reason), four weeks”, and
- (c) for paragraph (b) substitute—
 - “(b) where paragraphs (a) and (aa) do not apply and the landlord has specified in the notice of proceedings only a reason for applying for a possession order which corresponds to Ground 1 of Schedule 2 to the Housing Act 1985 and at the time the notice is served —
 - (i) at least four months’ rent is unpaid, four weeks,
 - (ii) less than four months’ rent is unpaid, and the notice is served on or after 1 August 2021, two months, and

(a) Section 21 of the Housing Act 1988 was amended by paragraph 103 of Schedule 11 to the Local Government and Housing Act 1989 (c. 42), sections 98 and 99 of the Housing Act 1996, paragraph 9 of Part 1 of Schedule 11 to the Housing and Regeneration Act 2008 (c. 17) and sections 35 to 37 of the Deregulation Act 2015 (c. 20) and modified by paragraph 7 of Schedule 29 to the Coronavirus Act 2020 which was amended by S.I. 2020/778 (W. 172).

(b) 1996 c. 52.

(c) Section 143E of the Housing Act 1996 was inserted by paragraph 1 of Schedule 1 to the Anti-Social Behaviour Act 2003 (c. 38).

(c) in any other case, four months;”.

(11) In paragraph 10(1)(a)(ib)(a) (modification of prescribed forms in relation to secure tenancies) in the inserted definition of “relevant notice period”—

(a) in paragraph (a)(i) for “six months” substitute “four months”;

(b) at the end of paragraph (a) omit “and”;

(c) for paragraph (b) substitute—

“(b) where paragraph (a) does not apply, Ground 1 in Schedule 2 to that Act is specified in the notice (and no other ground is specified), and at the time the notice is served less than four months’ rent is unpaid, if the notice is served on or after 1 August 2021, two months, and

(c) where paragraphs (a) and (b) do not apply, four months.”.

Transitional Provision

3.—(1) The amendments to Schedule 29 to the Coronavirus Act 2020 made by regulation 2(3) to (11) do not apply in relation to relevant notices given or served before 1st June 2021.

(2) In this regulation, “relevant notice” means—

(a) a Rent Act notice to quit**(b)**;

(b) a notice of intention to commence possession proceedings given under section 3 of the Rent Act 1977;

(c) a notice served under section 83 of the Housing Act 1985;

(d) a notice served under section 83ZA of the Housing Act 1985;

(e) a notice is given under section 107D(4) of the Housing Act 1985;

(f) a notice served under section 8 of the Housing Act 1988;

(g) a notice is given under section 21(1) or (4) of the Housing Act 1988;

(h) a notice served under section 128 of the Housing Act 1996; or

(i) a notice served under section 143E of the Housing Act 1996.

Signed by authority of the Secretary of State for Housing, Communities and Local Government

Christopher Pincher
Minister of State

11th May 2021

Ministry of Housing, Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend Schedule 29 to the Coronavirus Act 2020 in England.

Schedule 29 to the Coronavirus Act 2020 modified various statutory provisions with the effect that during the relevant period landlords are required to provide at least three months’ notice of intention to seek possession of housing let under a Rent Act 1977 protected or statutory tenancy, a secure tenancy, a flexible tenancy, an assured tenancy, an assured shorthold tenancy, an introductory tenancy or a demoted tenancy let by a local authority or housing action trust.

(a) Sub-paragraph (1) modified the form in Part 1 of the Schedule to S.I. 1987/755 which was amended by S.I. 1997/71, S.I. 1997/357 and by S.I. 2010/671.

(b) For the definition of “Rent Act notices to quit” see paragraph 2(2) of Schedule 29 to the Coronavirus Act 2020.

Schedule 29 was amended by the Coronavirus Act 2020 (Residential Tenancies: Protection from Eviction) (Amendment) (England) Regulations 2020 (S.I. 2020/914) and the Coronavirus Act 2020 (Residential Tenancies: Protection from Evictions) (Amendment) (England) Regulations 2021 (S.I. 2021/284). These Regulations extend the period for which the protection from eviction applied in specified cases and revert the operation of the Schedule where it was thought that the landlord should be able to regain possession of the property at an earlier date.

The provision made by Schedule 29 was to end on 31st May 2021. Regulation 3(2) amends Schedule 29 so that it has effect, in relation to England, until the 30th September 2021.

This has the effect that the notice requirements relating to such proceedings revert to those which had effect prior to the enactment of the Coronavirus Act 2020 (c. 7).

Regulation 2 makes further amendments of the modifications made by Schedule 29. It extends the notice period in most cases to four months.

Regulations 2(3) to (8) amends the modifications made by paragraphs 2, 3 and 6 of Schedule 29 in relation to the Rent Act 1977 protected and statutory tenancies, secure tenancies and assured tenancies.

Regulations 2(9) and (10) amends the modifications by paragraphs 8 and 9 in relation to introductory tenancies and demoted tenancies.

Regulation 2(11) amends the modifications made by paragraphs 10 and 12 of Schedule 29 to make consequential provision in relation to prescribed forms for giving notice to the tenant of proceedings for possession in relation to secure tenancies, assured tenancies and assured shorthold tenancies.

Regulation 3 makes transitional provision with regard to notices given or served before 1st June 2021.

A full impact assessment has not been produced for this instrument as this is a temporary measure.

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£4.90

<http://www.legislation.gov.uk/id/uksi/2021/564>

ISBN 978-0-34-822344-6



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