



# Commercial Rent (Coronavirus) Act 2022

## 2022 CHAPTER 12

### PART 4

#### FINAL PROVISIONS

#### **28 Power to apply Act in relation to future periods of coronavirus control**

- (1) The Secretary of State may by regulations provide for this Act (apart from this section) to apply again in relation to rent debts under business tenancies adversely affected by closure requirements.
- (2) Regulations under this section may—
  - (a) be made so as to apply in relation to—
    - (i) English business tenancies,
    - (ii) Welsh business tenancies, or
    - (iii) English business tenancies and Welsh business tenancies;
  - (b) exclude the provisions mentioned in subsection (10)(a) to (c) from the provisions being re-applied in relation to Welsh business tenancies.
- (3) A business tenancy is adversely affected by a closure requirement for the purposes of subsection (1) if—
  - (a) the whole or part of a business carried on at or from the premises comprised in the tenancy, or
  - (b) the whole or part of those premises,is of a description subject to a closure requirement imposed at any time after 7 August 2021.
- (4) In this section “closure requirement” means a requirement imposed by regulations as a public health response to coronavirus and expressed as an obligation—
  - (a) to close businesses, or parts of businesses, of a specified description, or
  - (b) to close premises, or parts of premises, of a specified description.
- (5) In subsection (4) “coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

- (6) The power under this section is exercisable whether or not the closure requirement remains in force when the regulations are made.
- (7) Subsections (3) to (5) of section 4 apply for the purposes of this section as they apply for the purposes of section 4.
- (8) Regulations under this section may—
  - (a) provide for provisions of this Act to apply with such necessary modifications as are specified in the regulations;
  - (b) make different provision for England and for Wales;
  - (c) make incidental, supplemental, consequential, saving or transitional provision (including provision amending or otherwise modifying an Act of Parliament).
- (9) For the purposes of subsection (8)(a)—
  - (a) “modifications” means omissions, additions or variations, and
  - (b) modifications are “necessary” if they appear to the Secretary of State to be necessary for the provisions being re-applied to operate correctly in relation to business tenancies adversely affected by the closure requirements in question.
- (10) The power under this section is exercisable only with the consent of the Welsh Ministers so far as it relates to the re-application, in relation to Welsh business tenancies, of—
  - (a) Schedule 2 apart from paragraph 3(6) and (7),
  - (b) section 23 so far as relating to Schedule 2 apart from paragraph 3(6) and (7), and
  - (c) Part 1 and this Part, so far as relating to the provisions mentioned in paragraphs (a) and (b).
- (11) Regulations under this section—
  - (a) are to be made by statutory instrument, and
  - (b) may not be made unless a draft of the statutory instrument containing them has been laid before and approved by a resolution of each House of Parliament.

## **29 Concurrent power for Welsh Ministers to apply moratorium provisions again**

- (1) The Welsh Ministers may exercise the power conferred by section 28, concurrently with the Secretary of State, so far as it relates to the re-application, in relation to Welsh business tenancies, of—
  - (a) Schedule 2 apart from paragraph 3(6) and (7),
  - (b) section 23 so far as relating to Schedule 2 apart from paragraph 3(6) and (7), and
  - (c) Part 1 and this Part, so far as relating to the provisions mentioned in paragraphs (a) and (b).
- (2) Section 28 has effect in relation to regulations made by the Welsh Ministers by virtue of this section as if—
  - (a) references to the Secretary of State were to the Welsh Ministers,
  - (b) subsection (2)(a)(i) and (iii) and (b) were omitted,
  - (c) in subsection (8)—

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*Status: This is the original version (as it was originally enacted).*

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- (i) the references in paragraph (a) to provisions of this Act were references to provisions mentioned in subsection (1)(a) to (c) above, and
  - (ii) the reference in paragraph (c) to an Act of Parliament included a reference to an Act or Measure of Senedd Cymru,
  - (d) subsection (10) were omitted, and
  - (e) in subsection (11)(b), for “each House of Parliament” there were substituted “Senedd Cymru”.
- (3) In Schedule 7B to the Government of Wales Act 2006 (general restrictions on legislative competence of Senedd Cymru), in paragraph 11(6)(b) (exceptions to restrictions relating to Ministers of the Crown)—
- (a) omit the “or” at the end of paragraph (vi), and
  - (b) after paragraph (vii) insert “; or  
(viii) section 28 of the Commercial Rent (Coronavirus) Act 2022.”

### **30 Crown application**

This Act binds the Crown (but without prejudice to section 2(5) which secures that the business tenancies to which this Act applies are those to which Part 2 of the Landlord and Tenant Act 1954 applies).

### **31 Extent, commencement and short title**

- (1) Parts 1 to 3 extend to England and Wales only (except as provided by subsections (2) and (3)).
- (2) The following provisions extend to England and Wales, Scotland and Northern Ireland—
  - (a) in section 25—
    - (i) subsections (1), (2)(c) and (3), and
    - (ii) subsection (4) so far as relating to a compromise or arrangement under section 899 or 901F of the Companies Act 2006,
  - (b) Part 1 so far as relating to the provisions mentioned in paragraph (a), and
  - (c) this Part.
- (3) The following provisions extend to England and Wales and Scotland only—
  - (a) in section 25—
    - (i) subsection (2)(a), and
    - (ii) subsection (4) so far as relating to a company voluntary arrangement,
  - (b) paragraph 1 of Schedule 3 and section 27 so far as relating to that paragraph, and
  - (c) Part 1 so far as relating to the provisions mentioned in paragraphs (a) and (b).
- (4) This Act comes into force on the day on which it is passed (except as provided by subsection (5)).
- (5) Paragraph 1 of Schedule 3, and section 27 so far as relating to that paragraph, comes into force on 1 April 2022.
- (6) This Act may be cited as the Commercial Rent (Coronavirus) Act 2022.