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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

The Regulations are made in response to the serious and imminent threat to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in England and Wales.

On 26th March 2020, the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (S.I. 2020/350) (the “English Regulations”) and the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 (S.I. 2020/353) (W.80) (the “Welsh Regulations”) came into force, imposing restrictions preventing a person from leaving the place in which they usually live without reasonable excuse.

Regulation 2(4) amends regulation 10 of the Taking Control of Goods Regulations 2013 (S.I. 2013/1894) (the “2013 Regulations”) to prevent an enforcement agent taking control of goods on the highway or at premises which include a dwelling-house at a time when a person living at the address contained in the notice of enforcement would be prevented from leaving the place in which they usually live without a reasonable excuse.

Regulation 2(5) amends regulation 23 of the 2013 Regulations to prevent an enforcement agent entering or re-entering premises which include a dwelling-house at a time when a person living at the address contained in the notice of enforcement would be prevented from leaving the place in which they usually live without a reasonable excuse.

Regulation 2(3) amends regulation 9 of the 2013 Regulations to provide that where, on 26<sup>th</sup> March 2020, there was less than one month remaining before the expiry of the time limit for the taking control of goods provided for in regulation 9(1) of the 2013 Regulations (if relevant, as extended by the court under regulation 9(3) of the 2013 Regulations), this time limit will be extended by a period of 12 months. Regulation 2(3) further provides for the time limit to be so extended where this circumstance arose or will arise at any time when restrictions are in place that would prevent a person living in the address contained within the enforcement notice from leaving the place in which they usually live without a reasonable excuse.

Regulation 2(6) amends section 52 of the 2013 Regulations to provide that, where the notice of enforcement is given after the coming into force of these Regulations and during a period in which protections from forfeiture for business tenancies are in place in England and Wales under section 82 of the Coronavirus Act 2020 (c.7), the minimum amount of net unpaid rent that may be outstanding before commercial rent arrears recovery may take place is an amount equivalent to 90 days’ rent.

Regulation 3 amends regulation 7 of the Certification of Enforcement Agents Regulations 2014 (S.I.2014/421) (the “2014 Regulations”) to provide that where, on 26th March 2020, there were less than three months remaining before the expiry of a certificate granted under the 2014 Regulations, the certificate would remain valid for a period of six months beyond its original expiry date. Regulation 3 further provides for the validity of certificates to be so extended if this circumstance arises at a time when restrictions that would prevent a person leaving the place in which they usually live without a reasonable excuse are in place in any area of England or Wales.

Nothing in these Regulations affects any enforcement action taken prior to these Regulations coming into force.