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## EXPLANATORY NOTE

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

These 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.

Regulation 2(2) amends the definition of the emergency period in regulation 2 of the Taking Control of Goods Regulations 2013 (S.I. 2013/1894) (the “2013 Regulations”) to replace reference to regulation 6(1) of the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 and reference to regulation 8(1) of the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020, with reference to the period from 26th March 2020 until 23rd August 2020.

Regulation 2(3) amends regulation 9 of the 2013 Regulations to replace the reference to “one calendar month” with a reference to “one month”. A “month” is defined in Schedule 1 to the Interpretation Act 1978.

Regulation 2(4) amends section 52 of the 2013 Regulations to provide that, where the notice of enforcement is given after the coming into force of the Taking Control of Goods and Certification of Enforcement Agents (Amendment) (Coronavirus) Regulations 2020 (S.I. 2020/451) 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 189 days’ rent.

Regulation 7(3) of the Certification of Enforcement Agents Regulations 2014 (S.I. 2014/421) (the “2014 Regulations”) provides 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 amends Regulation 7(3) of the 2014 Regulations to provide for the validity of certificates to be so extended if this circumstance arises on or before 23rd August 2020.

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