

**2020 No. 914**

**LANDLORD AND TENANT, ENGLAND**

**The Coronavirus Act 2020 (Residential Tenancies: Protection from Eviction) (Amendment) (England) Regulations 2020**

*Made* - - - - 27th August 2020

*Laid before Parliament* 28th August 2020

*Coming into force in accordance with regulation 1(2)*

The Secretary of State for Housing, Communities and Local Government makes the following Regulations in exercise of the powers conferred by section 88(1) and (5) of, and paragraphs 1(2), 13(1) and 14(1) of Schedule 29 to, the Coronavirus Act 2020(a).

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Coronavirus Act 2020 (Residential Tenancies: Protection from Eviction) (Amendment) (England) Regulations 2020.

(2) These Regulations come into force on the day after the day on which they are laid.

(3) In these Regulations, “Schedule 29” means Schedule 29 to the Coronavirus Act 2020 (residential tenancies in England and Wales: protection from eviction).

**Suspension of provisions in Schedule 29 to the Coronavirus Act 2020 in England**

2. The following paragraphs of Schedule 29 are suspended in relation to England—

- (a) paragraph 3 (modification of section 83 of the Housing Act 1985(b): notice of possession proceedings in relation to secure tenancies) for the purposes of a notice under section 83 of the Housing Act 1985 specifying Ground 2 in Schedule 2 to that Act (discretionary ground for anti-social behaviour) (whether with or without other grounds);
- (b) paragraph 4 (modification of section 83ZA of the Housing Act 1985(c): notice of possession proceedings on absolute ground for anti-social behaviour in relation to secure tenancies);

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(a) 2020 c. 7. The powers conferred by sections 88(1) and (5) of, and 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 relevant definitions of “relevant national authority” see sections 88(7) of, and paragraph 1(3)(a) of Schedule 29 to, that Act.

(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) 1985 c. 68. Section 83ZA was inserted by section 95 of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).

- (c) paragraph 6(a) and (b) (modification of section 8(3A) and (4) of the Housing Act 1988(a): notice of possession proceedings on Ground 7A and 14 in relation to assured tenancies);
- (d) paragraph 10(1)(a)(i) and (b) (modifications to Part 1 of the Schedule to the Secure Tenancies (Notices) Regulations 1987(b) relating to Ground 2);
- (e) paragraph 12(1)(c) and (d) (modifications to Form 3 in the Schedule to the Assured Tenancies and Agricultural Occupancies (Forms) (England) Regulations 2015(c) relating to Grounds 7A and 14).

### **Amendment of Schedule 29 to the Coronavirus Act 2020**

3.—(1) Schedule 29 is amended as follows.

(2) In paragraph 1(1)(b) (end of the relevant period), after “ending with” insert—

“—

- (i) in relation to England, 31 March 2021, and
- (ii) in relation to Wales,”.

(3) In paragraph 2—

(a) in sub-paragraph (1) (modification of section 5(1) of the Protection from Eviction Act 1977(d): the required notice period for Rent Act notices to quit), after “were a reference to” insert—

“—

- (a) in relation to premises in England, the relevant notice period, and
- (b) in relation to premises in Wales,”;

(b) in sub-paragraph (2)—

(i) after “sub-paragraph (1)” insert—

“—

(a) ”; and

(ii) at the end insert—

“, and

(b) “relevant notice period” means—

- (i) where the circumstance specified in Case 2 in Schedule 15 to the Rent Act 1977 applies (whether or not any other circumstance specified in that Schedule applies) or at the time the notice is served more than six months’ rent is unpaid, four weeks,
- (ii) where sub-paragraph (i) does not apply and the circumstance specified in Case 10A in Schedule 15 to that Act applies (provided that no other circumstance specified in that Schedule applies), three months, and
- (iii) where sub-paragraphs (i) and (ii) do not apply, six months.”;

(c) in sub-paragraph (3) (modification of section 3 of the Rent Act 1977(e): the notice period for possession proceedings in relation to Rent Act 1977 statutory tenancies)—

(i) in inserted subsection (4A)(b) of the modification, after “period of” insert—

“—

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(a) 1988 c. 50. Subsection (3A) of section 8 was inserted by section 97(2)(b) of the Anti-social Behaviour, Crime and Policing Act 2014. Subsection (4) of section 8 was substituted by s.151(4) of the Housing Act 1996 (c. 52) and amended by S.I. 2014/2830.

(b) S.I. 1987/755; relevant amending instruments are S.I. 1997/71, S.I. 1997/357 and S.I. 2010/671.

(c) S.I. 2015/620; relevant amending instrument is S.I. 2016/1118.

(d) 1977 c. 43. Section 5(1) was amended by section 32(1) of the Housing Act 1988 (c. 50).

(e) 1977 c. 42.

- (i) in relation to a dwelling-house in England, at least the relevant notice period, and
- (ii) in relation to a dwelling-house in Wales,”;
- (ii) in inserted subsection (4C)(g)(i) of the modification, after “falls” insert “, in relation to a dwelling-house in England, at least the relevant notice period after the date on which the notice is given and, in relation to a dwelling-house in Wales,”;
- (iii) in inserted subsection (4F) of the modification, at the end insert—
  - ““relevant notice period” means—
  - (a) where the notice of intention to commence possession proceedings specifies a ground that corresponds to Case 2 in Schedule 15 to this Act (whether or not the notice specifies any other ground) or at the time the notice is served more than six months’ rent is unpaid, four weeks,
  - (b) where paragraph (a) does not apply and the notice of intention to commence possession proceedings specifies a ground that corresponds to Case 10A in Schedule 15 to this Act and no other ground is specified, three months, and
  - (c) where paragraphs (a) and (b) do not apply, six months.”.

(4) In paragraph 3 (modification of section 83 of the Housing Act 1985: notice of possession proceedings in relation to secure tenancies)—

- (a) in paragraph (b), after “dwelling-house” insert “(and, in relation to a dwelling-house in England, Ground 2 in Schedule 2 is not specified in the notice)”;
- (b) in paragraph (c)—
  - (i) in inserted subsection (4B)(a) of the modification, after “earlier than” insert—

“—

- (i) in relation to a dwelling-house in England, the relevant notice period after the date of service of the notice, and
  - (ii) in relation to a dwelling-house in Wales,”;
  - (ii) after “section” at the end of inserted subsection (4B) of the modification, insert—
- “(4C) In subsection (4B) “relevant notice period” means—

- (a) where any one or more of the following grounds is specified in the notice—
  - (i) Ground 1 in Schedule 2 and at the time the notice is served at least six months’ rent is unpaid, or
  - (ii) Grounds 2ZA, 2A or 5 in Schedule 2, and no other ground is specified, four weeks, and
- (b) where paragraph (a) does not apply, six months.”.

(5) In paragraph 5 (modification of section 107D(4) of the Housing Act 1985(a): notice of possession proceedings in relation to flexible tenancies), for “three months” substitute “six months”.

(6) In paragraph 6 (modification of section 8 of the Housing Act 1988(b): notice of possession proceedings in relation to assured tenancies)—

- (a) in paragraph (c) for ““three months”” substitute ““the relevant notice period””;
- (b) at the end of paragraph (c), omit “and”;
- (c) in paragraph (d) for ““three months”” substitute ““the relevant notice period””;
- (d) after paragraph (d) insert—

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

(b) Section 8 of the Housing Act 1988 was amended by section 151(4) of the Housing Act 1996 (c. 52), section 97(2) of the Anti-Social Behaviour, Crimes and Policing Act 2014 (c. 12) and section 41(4) of the Immigration Act 2016 (c. 19) and modified by paragraph 6 of Schedule 29 to the Coronavirus Act 2020 which was amended by S.I. 2020/778 (W. 172).

“, and

- (e) after subsection (4B) there were inserted in relation to a dwelling-house in England—

“(4BA) In subsections (4A) and (4B), “relevant notice period” means—

- (a) where—

(i) any of Grounds 1 to 6, 9, 12, 13, 15 or 16 in Schedule 2 to this Act is specified in the notice, or

(ii) any of Grounds 8, 10 or 11 in Schedule 2 to this Act is specified in the notice and at the time the notice is served less than six months’ rent is unpaid,

six months,

- (b) where paragraph (a) does not apply and one or both of Grounds 7 and 7B in Schedule 2 to this Act is specified in the notice, three months,

- (c) where paragraph (a) and (b) do not apply and any of Grounds 8, 10 or 11 in Schedule 2 to this Act are specified in the notice, four weeks, and

- (d) where paragraphs (a), (b) and (c) do not apply and any of Grounds 14A, 14ZA or 17 in Schedule 2 to this Act is specified in the notice, two weeks.”.

”

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

- (a) in paragraphs (a) and (b), for ““three months”” substitute ““six months””;

- (b) after paragraph (b) (and before “and” at the end of the paragraph) insert—

“(ba) in subsection (4D) for “six months” there were substituted “10 months””;

- (c) in paragraph (c) for “three months” substitute “six months”.

(8) In paragraph 8 (modification of section 128 of the Housing Act 1996)(b): notice of possession proceedings in relation to introductory tenancies)—

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

- (b) in paragraph (b), in inserted subsection (4A)(a) of the modification, after “period of” insert—

“—

(i) in relation to a dwelling-house in England, the relevant notice period beginning with the date on which the notice of proceedings is served, and

(ii) in relation to a dwelling-house in Wales,”;

- (c) after paragraph (b) insert—

“, and

- (c) after subsection (7) there were inserted—

“(8) In this section—

“relevant notice period” means—

- (a) where the landlord has specified in the notice of proceedings an ASB reason for applying for a possession order (whether or not the landlord has any other reason), four weeks, and

- (b) in any other case, six months;

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(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.

“ASB reason” means a reason which corresponds to any of those set out in section 84A(3) to (7) of the Housing Act 1985 or Grounds 2, 2ZA and 2A of Schedule 2 to that Act.”

(9) In paragraph 9 (modification of section 143E(3) of the Housing Act 1996(a): notice of possession proceedings in relation to demoted tenancies)—

(a) after “as if” insert—

“—

(a) ”;

(b) in substituted subsection (3)(a) of the modification, after “period of” insert—

“—

(i) in relation to a dwelling-house in England, the relevant notice period beginning with the date on which the notice of proceedings is served, and

(ii) in relation to a dwelling-house in Wales,”;

(c) at the end insert—

“, and

(b) after subsection (5) there were inserted—

“(6) In this section—

“relevant notice period” means—

(a) where the landlord has specified in the notice of proceedings an ASB reason for applying for a possession order (whether or not the landlord has any other reason), four weeks, and

(b) in any other case, six months;

“ASB reason” means a reason which corresponds to any of those set out in section 84A(3) to (7) of the Housing Act 1985 or Grounds 2, 2ZA and 2A of Schedule 2 to that Act.”

(10) In paragraph 10 (modifications of prescribed forms in relation to secure tenancies)—

(a) in sub-paragraph (1)(b)—

(i) after paragraph (a)(i) insert—

“(ia) where the notice is served in relation to a dwelling-house in England, in the first bullet point, for the words from “the date when” to the end there were substituted “the relevant notice period from the date this Notice is served and also cannot be earlier than the date on which your tenancy or licence could be brought to an end by notice to quit given by the landlord on the same date as this Notice.

(ib) where the notice is served in relation to a dwelling-house in England, after the first bullet point, there were inserted—

“— The relevant notice period is—

(a) four weeks where any one or more of the following grounds is specified in the notice—

(i) Ground 1 in Schedule 2 to the Housing Act 1985 and at the time the notice is served at least six months’ rent is unpaid, or

(ii) Grounds 2ZA, 2A or 5 in Schedule 2 to that Act,

and no other ground is specified, and

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

(b) Sub-paragraph (1) modifies 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 S.I. 2010/671.

- (b) otherwise, six months.”.”;
- (ii) in paragraph (a)(ii), at the beginning insert “where the notice is served in relation to a dwelling-house in Wales,”;
- (b) in sub-paragraph (2)(a)—
  - (i) in the first bullet point of the modification, after “earlier than” insert—
    - “—
    - (a) in relation to a dwelling-house in England, the relevant notice period from the date this Notice is served, and
    - (b) in relation to a dwelling-house in Wales,”;
  - (ii) after the first bullet point of the modification insert—
    - “— The relevant notice period is—
    - (a) four weeks where any one or more of the following grounds is specified in the notice—
      - (i) Ground 1 in Schedule 2 to the Housing Act 1985 and at the time the notice is served at least six months’ rent is unpaid, or
      - (ii) Grounds 2ZA, 2A or 5 in Schedule 2 to that Act, and no other ground is specified, and
    - (b) otherwise, six months (unless proceedings are brought on Ground 2 in Schedule 2 to the Housing Act 1985 in which case they may be begun immediately).”;
  - (iii) in the second bullet point of the modification, for “this date” substitute “the date in this paragraph”.

(11) In paragraph 12 (modifications of prescribed forms in relation to assured tenancies and agricultural occupancies in England)—

- (a) in sub-paragraph (1)(b), for paragraphs (a) and (b) substitute—
  - “(a) for the first and second bullet points there were substituted—
    - Where the landlord is seeking possession on any of grounds 1 to 6, 9, 12, 13, 15 or 16, or of grounds 8, 10 or 11 if at the time the notice is served less than six months’ rent is unpaid, (without ground 7A or 14) court proceedings cannot begin earlier than six months from the date this notice is served on you.
    - Where the landlord is seeking possession on grounds 7 or 7B (without ground 7A or 14) and the paragraph above does not apply, court proceedings cannot begin earlier than three months from the date this notice is served on you.
    - Where the landlord is seeking possession on grounds 8, 10 or 11 and at the time the notice is served at least six months’ rent is unpaid (without ground 7A or 14) and the paragraphs above do not apply, court proceedings cannot begin earlier than four weeks from the date this notice is served on you.
    - Where the landlord is seeking possession on grounds 14A, 14ZA or 17 (without ground 7A or 14) and the paragraphs above do not apply, court proceedings cannot begin earlier than two weeks from the date this notice is served on you.
    - Where the landlord is seeking possession on grounds 1, 2, 5 to 7, 9 or 16 (without ground 7A or 14) court proceedings also cannot begin before the date on which the tenancy (had it not been assured) could have been brought to an end by a notice to quit served at the same time as this notice.”;
- (b) in sub-paragraph (2), in paragraphs (a)(i) and (b)(c) for “three months” substitute “six months”.

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(a) Sub-paragraph (2) modifies the form in Part 2 of the Schedule to S.I. 1987/755 which was amended by S.I. 2010/671.  
 (b) Sub-paragraph (1) modifies Form 3 in the Schedule to S.I. 2015/620 which was substituted by S.I. 2016/1118.  
 (c) Sub-paragraph (2) modifies Form 6A in the Schedule to S.I. 2015/620 2015 which was substituted by S.I. 2019/915.

## **Transitional provision**

4.—(1) The suspension of provisions in Schedule 29 made by regulation 2 and the amendments to Schedule 29 made by regulation 3(3) to (11) do not apply in relation to relevant notices given or served before the day on which these Regulations come into force.

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

- (a) a Rent Act notice to quit<sup>(a)</sup>;
- (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 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 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

27th August 2020

Ministry of Housing, Communities and Local Government

### **EXPLANATORY NOTE**

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

These Regulations amend Schedule 29 of the Coronavirus Act 2020.

Schedule 29 of the Coronavirus Act 2020 (“Schedule 29”) 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.

The provision made by Schedule 29 was to end on 30th September 2020. Regulation 3(2) amends Schedule 29 so that it has effect, in relation to England, until 31st March 2021.

Regulation 2 suspends the application of paragraphs 3 and 4 and 6(a) and (b) of Schedule 29. This disapplies the modifications made by Schedule 29 where—

- possession of housing let under a secure tenancy is sought under section 83 of the Housing Act 1985 on Ground 2 in Schedule 2 to that Act, the discretionary ground for anti-social behaviour;
- possession of housing let under a secure tenancy is sought under section 83ZA of the Housing Act 1985 on the absolute ground for anti-social behaviour in section 84A to that Act; or
- possession of housing let under an assured tenancy or assured shorthold tenancy is sought under section 8 of the Housing Act 1988 on Ground 7A or 14 in Schedule 2 to that Act which relates to anti-social behaviour offences etc.

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

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 also suspends the application of certain consequential modifications to the prescribed forms for notices given under section 83 of the Housing Act 1985 and section 8 of the Housing Act 1988.

Regulation 3 makes further amendments of the modifications made by Schedule 29. It extends the required notice period in most cases to six months. The exceptions are set out below.

Where the tenancy is a Rent Act protected or statutory tenancy, a secure or assured tenancy the required notice period is—

- where at least six months' rent is unpaid, four weeks;
- where the grounds for eviction relate to the tenant's immigration status or the tenancy is an assured tenancy and possession is sought following the death of the former tenant, three months; and
- where the grounds for eviction relate to anti-social behaviour, domestic violence or acquiring the tenancy as a result of a fraud, the same notice period that applied under the legislation as it had effect before Schedule 29 came into force.

Where the tenancy is an introductory or demoted tenancy the required notice period is four weeks in a case where the landlord seeks possession for reasons related to anti-social behaviour or domestic violence.

Regulation 3(3) amends the modifications made by paragraph 2 of Schedule 29 in relation to Rent Act protected and statutory tenancies.

Regulation 3(4) amends the modifications made by paragraphs 3 and 4 of Schedule 29 in relation to secure tenancies.

Regulation 3(5) amends the modifications made by paragraph 5 of Schedule 29 in relation to flexible tenancies.

Regulation 3(6) amends the modifications made by paragraph 6 of Schedule 29 in relation to assured tenancies.

Regulation 3(7) amends the modifications made by paragraph 7 of Schedule 29 in relation to assured shorthold tenancies. It also makes consequential provision in relation to the period within which possession proceedings must be brought.

Regulation 3(8) amends the modifications made by paragraph 8 of Schedule 29 in relation to introductory tenancies.

Regulation 3(9) amends the modifications made by paragraph 9 of Schedule 29 in relation to demoted tenancies.

Regulation 3(10) and (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.

A full impact assessment has not been produced for this instrument due to the temporary nature of the provision.







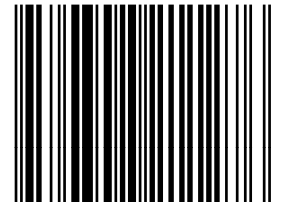


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