

2020 No. 924

LANDLORD AND TENANT, ENGLAND

**The Assured Tenancies and Agricultural Occupancies (Forms)
(England) (Amendment) and Suspension (Coronavirus)
Regulations 2020**

Made - - - at 11.33 a.m. on 1st September 2020

Laid before Parliament at 2.00 p.m. on 1st September 2020

Coming into force in accordance with regulation 1(2)

The Secretary of State makes the following Regulations in exercise of powers conferred by section 21(8) of the Housing Act 1988(a) and section 88(1) of the Coronavirus Act 2020(b).

Citation and commencement

1.—(1) These Regulations may be cited as the Assured Tenancies and Agricultural Occupancies (Forms) (England) (Amendment) and Suspension (Coronavirus) Regulations 2020.

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

Suspension of paragraph 12(2) of Schedule 29 to the Coronavirus Act 2020

2. Paragraph 12(2) of Schedule 29 to the Coronavirus Act 2020 is suspended.

Amendment of the Assured Tenancies and Agricultural Occupancies (Forms) (England) Regulations 2015

3. In the Assured Tenancies and Agricultural Occupancies (Forms) (England) Regulations 2015(c), in the Schedule, for Form No. 6A substitute the Form No. 6A set out in the Schedule to these Regulations.

Transitional provision

4.—(1) The suspension of paragraph 12(2) of Schedule 29 made by regulation 2 does not apply in relation to a notice given under section 21(1) or (4) of the Housing Act 1988(d) before the day on which these Regulations come into force.

(a) 1988 c. 50. Section 21(8) was inserted by section 37 of the Deregulation Act 2015 (c. 20).

(b) 2020 c. 7. The powers conferred by sections 88(1) of the Coronavirus Act 2020 are exercisable in England by the Secretary of State. “Relevant national authority” is defined in section 88(7) of that Act.

(c) S.I. 2015/620, as amended by S.I. 2015/1646 (which itself was amended by S.I. 2015/1725), S.I. 2016/443, S.I. 2016/1118 and S.I. 2016/915

(d) Section 21(1) and (4) is modified by paragraph 7 of Schedule 29 to the Coronavirus Act 2020 which was amended by S.I. 2020/914.

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

Christopher Pincher

Minister of State

At 11.33 a.m. on 1st September 2020 Ministry of Housing, Communities and Local Government

SCHEDULE

Regulation 3

Form No. 6A

FORM 6A

Notice seeking possession of a property let on an Assured Shorthold Tenancy

Housing Act 1988 section 21(1) and (4) as amended by section 194 and paragraph 103 of Schedule 11 to the Local Government and Housing Act 1988 and section 98(2) and (3) of the Housing Act 1996

Please write clearly in black ink. Please tick boxes where appropriate.

This form should be used where a no fault possession of accommodation let under an assured shorthold tenancy (AST) is sought under section 21(1) or (4) of the Housing Act 1988.

There are certain circumstances in which the law says that you cannot seek possession against your tenant using section 21 of the Housing Act 1988, in which case you should not use this form. These are:

- (a) during the first four months of the tenancy (but where the tenancy is a replacement tenancy, the four month period is calculated by reference to the start of the original tenancy and not the start of the replacement tenancy – see section 21(4B) of the Housing Act 1988);
- (b) where the landlord is prevented from retaliatory eviction under section 33 of the Deregulation Act 2015;
- (c) where the landlord has not provided the tenant with an energy performance certificate, gas safety certificate or the Ministry of Housing, Communities and Local Government's publication "How to rent: the checklist for renting in England" (see the Assured Shorthold Tenancy Notices and Prescribed Requirements (England) Regulations 2015);
- (d) where the landlord has not complied with the tenancy deposit protection legislation;
- (e) where a property requires a licence but is unlicensed
(NB see section 75 of the Housing Act 2004 which relates to Houses in Multiple Occupation ("HMO"); or
- (f) where the landlord is prevented under section 17 of the Tenant Fees Act 2019.
(NB No section 21 notice may be given in relation to a tenancy where a landlord has breached section 1(1) or Schedule 2 of that Act so long as all or part of the prohibited payment or holding deposit has not been repaid to the relevant person or applied to the rent or deposit with the consent of the relevant person.)

Landlords who are unsure about whether they are affected by these provisions should seek specialist advice.

This form must be used for all ASTs created on or after 1 October 2015 except for statutory periodic tenancies which have come into being on or after 1 October 2015 at the end of fixed

terms ASTs created before 1 October 2015. There is no obligation to use this form in relation to ASTs created prior to 1 October 2015, however it may nevertheless be used for all ASTs.

What to do if this notice is served on you

You should read this notice very carefully. It explains that your landlord has started the process to regain possession of the property referred to in section 2 below.

You are entitled to at least six months' notice before being required to give up possession of the property. The date you are required to leave should be shown in section 2 below. After this date the landlord can apply to court for a possession order against you.

Where your tenancy is terminated before the end of a period of your tenancy (e.g. where you pay rent in advance on the first of each month and you are required to give up possession in the middle of the month), you may be entitled to repayment of rent from the landlord under section 21C of the Housing Act 1988.

If you need advice about this notice, and what you should do about it, take it immediately to a Citizens' Advice Bureau, a housing advice centre, a law centre or a solicitor.

Information for tenants who have received this notice and are concerned they may be at risk of homelessness

If you are a tenant and you believe you are at risk of homelessness as a result of receiving an eviction notice, then you should consider contacting your local authority for support. Local authorities have a legal duty to provide homeless people or people who are at risk of becoming homeless within 56 days with advice and support to find a new home. More information on the process that must be followed by landlords when seeking to evict a tenant is available at <https://www.gov.uk/private-renting-evictions>.

You can also get advice and support from your local Citizens' Advice Bureau, a housing advice centre, a law centre or a solicitor. Free independent advice is also available from Shelterline on 0808 800 4444 or via the Shelter website at: <https://www.shelter.org.uk/>.

1. To:

Name(s) of tenant(s) (Block Capitals)

2. You are required to leave the below address after []¹. If you do not leave, your landlord may apply to the court for an order under Section 21(1) or (4) of the Housing Act 1988 requiring you to give up possession.

Address of premises

3. This notice is valid for ten months only from the date of issue unless you have a periodic tenancy under which more than six months' notice is required in which case this notice is valid for four months only from the date specified in section 2 above.

¹ Landlords should insert a calendar date here. The date should allow sufficient time to ensure that the notice is properly served on the tenant(s). This will depend on the method of service being used and landlords should check whether the tenancy agreement makes specific provision about service.

4. Name and address of landlord

To be signed and dated by the landlord or their agent (someone acting for them). If there are joint landlords each landlord or the agent should sign unless one signs on behalf of the rest with their agreement.

Signed _____	Date _____
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Please specify whether: ☐ landlord ☐ joint landlords ☐ landlord's agent

Name(s) (Block Capitals)

Address(es) of signatory/signatories

Telephone of signatory/signatories

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 21(8) of the Housing Act 1988 (c. 50) gives the Secretary of State power to prescribe a form of a notice under section 21(1) or (4) given in relation to an assured shorthold tenancy of a dwelling-house in England. This is a notice of intention to seek possession of a property let on an assured shorthold tenancy.

The relevant form (“Form 6A”) is prescribed in the Assured Tenancies and Agricultural Occupancies (Forms) (England) Regulations 2015 (the Principal Regulations).

Paragraph 12(2) of Schedule 29 to the Coronavirus Act 2020 (c. 7) modifies Form 6A during the relevant period which began on 26th March 2020 and ends on 31st March 2021. The relevant period in paragraph 1 of Schedule 29 to the Coronavirus Act 2020 was extended, in relation to England, by the Coronavirus Act 2020 (Residential Tenancies: Protection from Eviction) (Amendment) (England) Regulations 2020 (S.I. 2020/914).

These Regulations suspend paragraph 12(2) of Schedule 29 and prescribe a new Form 6A by amending the Schedule to the Principal Regulations. They are made to reflect the amendments to the required period of notice of intention to seek possession of a property let on an assured shorthold tenancy and the period of validity of such a notice made by S.I. 2020/914.

A copy of the form No.6A can be obtained as follows:

<https://www.gov.uk/guidance/assured-tenancy-forms>

Or in writing from:

Ministry for Housing, Communities and Local Government, Fry Building, 2 Marsham Street, London SW1P 4DF

A full impact assessment has not been produced for this instrument due to the temporary nature of the amendments made to section 21 of the Housing Act 1988 by Schedule 29 to the Coronavirus Act 2020 as amended by S.I. 2020/914 which these Regulations reflect.

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