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STATUTORY INSTRUMENTS

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**2021 No. 164**

**The Public Health (Coronavirus) (Protection from Eviction) (England) (No. 2) Regulations 2021**

**Residential Tenancies (Protection from Eviction)**

2.—(1) Subject to paragraphs (2), (3) and (5), no person may attend at a dwelling-house for the purpose of—

- (a) executing a writ or warrant of possession; or
- (b) delivering a notice of eviction.

(2) Paragraph (1) does not apply where the court is satisfied that the notice, writ or warrant relates to an order for possession made—

- (a) against trespassers pursuant to a claim to which rule 55.6 (service of claims against trespassers) of the Civil Procedure Rules 1998<sup>M1</sup> applies;
- (b) wholly or partly under section 84A (absolute ground for possession for anti-social behaviour) of the Housing Act 1985<sup>M2</sup>;
- (c) wholly or partly on Ground 2, Ground 2A or Ground 5 in Schedule 2 (grounds for possession of dwelling-houses let under secure tenancies) to the Housing Act 1985<sup>M3</sup>;
- (d) wholly or partly on Ground 7A, Ground 14, Ground 14A or Ground 17 in Schedule 2 (grounds for possession of dwelling-houses let on assured tenancies) to the Housing Act 1988<sup>M4</sup>; or
- (e) wholly or partly under Case 2 of Schedule 15 (grounds for possession of dwelling-houses let on or subject to protected or statutory tenancies) to the Rent Act 1977<sup>M5</sup>.

(3) Paragraph (1) does not apply where the court is satisfied that—

- (a) the case involves substantial rent arrears; and
- (b) the notice, writ or warrant relates to an order for possession made wholly or partly—
  - (i) on Ground 1 in Schedule 2 to the Housing Act 1985;
  - (ii) on Ground 8, Ground 10 or Ground 11 in Schedule 2 to the Housing Act 1988<sup>M6</sup>; or
  - (iii) under Case 1 of Schedule 15 to the Rent Act 1977.

(4) For the purposes of paragraph (3), a case involves substantial rent arrears if the amount of unpaid rent arrears outstanding is at least an amount equivalent to 6 months' rent.

(5) Paragraph (1) does not apply where the court is satisfied that the notice, writ or warrant relates to an order for possession made wholly or partly on Ground 7 in Schedule 2 to the Housing Act 1988<sup>M7</sup>.

(6) Where paragraph (5) applies, the person attending at the dwelling-house must take reasonable steps to satisfy themselves that the dwelling-house is unoccupied before—

- (a) delivering a notice of eviction; or
- (b) executing a writ or warrant of possession.

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### Commencement Information

- I1** Reg. 2 in force at 22.2.2021, see **reg. 1(2)**
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### Marginal Citations

- M1** S.I. 1998/3132. Rule 55.6 was inserted by S.I. 2001/256.
- M2** 1985 c. 68. Section 84A was inserted by section 94(1) of the Anti-social [Behaviour, Crime and Policing Act 2014 \(c. 12\)](#) (“the 2014 Act”).
- M3** Ground 2 was substituted by section 144 of the [Housing Act 1996 \(c. 52\)](#) (“the 1996 Act”) and amended by section 98(1) of the 2014 Act and paragraph 45 of Schedule 7 to the [Serious Organised Crime and Police Act 2005 \(c. 15\)](#) (“the 2005 Act”). Ground 2A was inserted by section 145 of the 1996 Act and amended by paragraph 33 of Schedule 8 to the [Civil Partnership Act 2004 \(c. 33\)](#) (“the 2004 Act”) and by S.I. 2019/1458. Ground 5 was amended by section 146 of the 1996 Act.
- M4** 1988 c. 50. Ground 7A was inserted by section 97(1) of the 2014 Act. Ground 14 was substituted by section 148 of the 1996 Act and amended by section 98(2) of the 2014 Act and paragraph 46 of Schedule 7 to the 2005 Act. Ground 14A was inserted by section 149 of the 1996 Act and amended by paragraph 43 of Schedule 8 to the 2004 Act and by S.I. 2010/866, S.I. 2011/1396 and S.I. 2019/1458. Ground 17 was inserted by section 102 of the 1996 Act.
- M5** 1977 c. 42.
- M6** Ground 8 was amended by section 101 of the 1996 Act.
- M7** Ground 7 was amended by section 162(5) of the [Localism Act 2011 \(c. 20\)](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The Public Health (Coronavirus) (Protection from Eviction) (England) (No. 2) Regulations 2021, Section 2.