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## EXPLANATORY NOTE

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

These Regulations amend Schedule 29 to the Coronavirus Act 2020 (c. 7) (“Schedule 29”) and suspend various of its provisions. They also prescribe replacement notices: notice of seeking possession under section 8 Housing Act 1988, notice requiring possession under section 21(1) and (4) of the Housing Act 1988 (c. 50) and notice of seeking termination of a fixed term tenancy and recovery of possession under section 83 of the Housing Act 1985 (c. 68).

Schedule 29 modified various statutory provisions with the effect that during the “relevant period” landlords are, in some circumstances, required to provide a longer period of notice of intention to claim 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 (“relevant tenancies”). “Relevant period” is defined in paragraph 1 of Schedule 29.

Regulation 2 extends the relevant period by changing its end date from 30th September 2021 to 25th March 2022.

Regulation 3 suspends the operation of various provisions of Schedule 29.

Taken together, the effect of regulation 2 and 3 is that the required periods of notice in respect of relevant tenancies revert, from 1st October 2021, to the pre-pandemic periods of notice, whilst the flexibility to impose longer periods of notice, if necessary, is retained until 25th March 2022.

Regulation 4 makes an amendment to the Secure Tenancies (Notices) Regulations 1987, SI 1987/755, by prescribing a replacement notice of seeking termination of tenancy and recovery of possession of a fixed term secure tenancy under section 83 Housing Act 1985. The replacement prescribed notice removes the requirement to state a date after which proceedings may be commenced, which was introduced to protect tenants during the pandemic.

Regulation 5 makes amendments to the Assured Tenancies and Agricultural Occupancies (Forms) (England) Regulations 2015, SI 2015/620, by prescribing a replacement notice requiring possession of a property let on an assured shorthold tenancy under section 21 Housing Act 1988, and a replacement notice of seeking possession of a property let on an assured tenancy under section 8 of that Act. The replacement prescribed notices return the period of notice required to the pre-pandemic position. The notices have been simplified and the notice under section 8 has been re-named as a notice of intention to begin proceedings for possession.

Regulation 6 makes transitional provision.

Electronic copies of the prescribed notices are available at:

<https://www.gov.uk/guidance/secure-tenancy-forms>, or

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

Hard copies of the prescribed notices can be obtained from:

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

A full impact assessment has not been produced for this instrument as it reverses provisions introduced as a temporary measure.