
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.

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.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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.