
STATUTORY INSTRUMENTS

2020 No. 914

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

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⁽¹⁾): 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⁽²⁾: the notice period for possession proceedings in relation to Rent Act 1977 statutory tenancies)—

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

(2) 1977 c. 42.

- (i) in inserted subsection (4A)(b) of the modification, after “period of” insert—
“—
 - (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⁽³⁾: notice of possession proceedings in relation to flexible tenancies), for “three months” substitute “six months”.

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

(6) In paragraph 6 (modification of section 8 of the Housing Act 1988(4): 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—

“, 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)(5)—

(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(6): 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

(4) 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).

(5) 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).

(6) 1996 c. 52.

- (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;
 - “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(7): 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)(8)—
 - (i) after paragraph (a)(i) insert—

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

(8) 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.

- “(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
 - (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)(9)—
 - (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)(10), for paragraphs (a) and (b) substitute—
 - “(a) for the first and second bullet points there were substituted—

(9) 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.

(10) Sub-paragraph (1) modifies Form 3 in the Schedule to S.I. 2015/620 which was substituted by S.I. 2016/1118.

- 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)(11) for “three months” substitute “six months”.