
STATUTORY INSTRUMENTS

2021 No. 518

LANDLORD AND TENANT, ENGLAND

**The Assured Tenancies and Agricultural Occupancies
(Forms) (Moratorium Debt) (Consequential
Amendment) (England) Regulations 2021**

Made - - - - *28th April 2021*
Coming into force - - *4th May 2021*

The Secretary of State for Housing, Communities and Local Government makes the following Regulations in exercise of the powers conferred by sections 8(3) and 45(1) of the Housing Act 1988(1).

Citation, commencement and application

1.—(1) These Regulations may be cited as the Assured Tenancies and Agricultural Occupancies (Forms) (Moratorium Debt) (Consequential Amendment) (England) Regulations 2021.

(2) These Regulations come into force on 4th May 2021 immediately after the coming into force of the Debt Respite Scheme (Breathing Space Moratorium and Mental Health Crisis Moratorium) (England and Wales) Regulations 2020(2).

(3) These Regulations apply in relation to England.

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

2.—(1) The Assured Tenancies and Agricultural Occupancies (Forms) (England) Regulations 2015(3) are amended as follows.

(2) For Form No. 3 in the Schedule to those Regulations substitute the Form No. 3 as set out the Schedule to these Regulations.

(1) 1988 c. 50. Subsection 3 and references to that subsection have been modified by Schedule 29 to the Coronavirus Act 2020 (c. 7).
(2) S.I. 2020/1311.
(3) S.I. 2015/620 as amended by S.I. 2015/1646, 2016/443 and 2016/1118.

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

Christopher Pincher
Minister of State for Housing
Ministry of Housing, Communities and Local
Government

28th April 2021

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SCHEDULE

Regulation 2

FORM 3

Notice seeking possession of a property let on an Assured Tenancy or an Assured Agricultural Occupancy

Housing Act 1988 section 8 as amended by section 151 of the Housing Act 1996, section 97 of the Anti-social Behaviour, Crime and Policing Act 2014, and section 41 of the Immigration Act 2016

- Please write clearly in black ink.
- Please cross out text marked with an asterisk (*) that does not apply.
- This form should be used where possession of accommodation let under an assured tenancy, an assured agricultural occupancy or an assured shorthold tenancy is sought on one of the grounds in Schedule 2 to the Housing Act 1988.
- Do not use this form if possession is sought on the "shorthold" ground under section 21 of the Housing Act 1988 from an assured shorthold tenant where the fixed term has come to an end or, for assured shorthold tenancies with no fixed term which started on or after 28th February 1997, after six months has elapsed. Form 6A 'Notice seeking possession of a property let on an Assured Shorthold Tenancy' is prescribed for these cases.
- This notice should not be served on a tenant in relation to a moratorium debt on grounds 8, 10 or 11 of Schedule 2 (with or without other grounds) during a moratorium period without the permission of the county court or any other court or tribunal where legal proceedings concerning the debt have been or could be issued or started.
- A "moratorium debt" and "moratorium period", also known as a breathing space, have the meaning given in regulation 2 of the Debt Respite Scheme (Breathing Space Moratorium and Mental Health Crisis Moratorium) (England and Wales) Regulations 2020.
- Guidance on breathing space is available on the Gov.UK website.

1 To:
*Name(s) of tenant(s)/licensee(s)**

2 Your landlord/licensor* intends to apply to the court for an order requiring you to give up possession of:
.....
.....
Address of premises

3 Your landlord/licensor* intends to seek possession on ground(s) in Schedule 2 to the Housing Act 1988 (as amended), which reads:
.....
.....
Give the full text (as set out in the Housing Act 1988 (as amended)) of each ground which is being relied on. Continue on a separate sheet if necessary.

4 Give a full explanation of why each ground is being relied on:
.....
.....
Continue on a separate sheet if necessary.

Notes on the grounds for possession

- If the court is satisfied that any of grounds 1 to 8 is established, it must make an order (but see below in respect of fixed term tenancies and breathing space).
- Before the court will grant an order on any of grounds 9 to 17, it must be satisfied that it is reasonable to require you to leave. This means that, if one of these grounds is set out in section 3, you will be able to

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suggest to the court that it is not reasonable that you should have to leave, even if you accept that the ground applies.

- The court will not make an order under grounds 1, 3 to 6, 9 or 16, to take effect during the fixed term of the tenancy (if there is one) and it will only make an order during the fixed term on grounds 2, 7, 7A, 8, 10 to 15 or 17 if the terms of the tenancy make provision for it to be brought to an end on any of these grounds. It may make an order for possession on ground 7B during a fixed-term of the tenancy even if the terms of the tenancy do not make provision for it to be brought to an end on this ground.
- Where the court makes an order for possession solely on ground 6 or 9, the landlord must pay your reasonable removal expenses.
- Where the landlord is notified that a breathing space has started, the landlord must not take any enforcement action against you (including serving a notice of possession or making a claim for possession in the county court) on any of grounds 8, 10 or 11 unless the court has given them permission to do so.

5 The court proceedings will not begin until after:

Give the earliest date on which court proceedings can be brought

Notes on the earliest date on which court proceedings can be brought

- Where the landlord is seeking possession on grounds 8, 10 or 11 (with or without other grounds) paragraphs 2 to 6 below set out the earliest date on which proceedings can be brought, unless a breathing space has started.
- Where the landlord is seeking possession on grounds 1, 2, 5 to 7, 9 or 16 (without ground 7A or 14), court proceedings cannot begin earlier than 2 months from the date this notice is served on you and not 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. This applies even if one of grounds 3, 4, 7B, 8, 10 to 13, 14ZA, 14A, 15 or 17 is also specified.
- Where the landlord is seeking possession on grounds 3, 4, 7B, 8, 10 to 13, 14ZA, 14A, 15 or 17 (without ground 7A or 14), court proceedings cannot begin earlier than 2 weeks from the date this notice is served. If one of 1, 2, 5 to 7, 9 or 16 grounds is also specified court proceedings cannot begin earlier than two months from the date this notice is served.
- Where the landlord is seeking possession on ground 7A (with or without other grounds), court proceedings cannot begin earlier than 1 month from the date this notice is served on you and not 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. A notice seeking possession on ground 7A must be served on you within specified time periods which vary depending on which condition is relied upon:
 - Where the landlord proposes to rely on condition 1, 3 or 5: within 12 months of the conviction (or if the conviction is appealed: within 12 months of the conclusion of the appeal);
 - Where the landlord proposes to rely on condition 2: within 12 months of the court's finding that the injunction has been breached (or if the finding is appealed: within 12 months of the conclusion of the appeal);
 - Where the landlord proposes to rely on condition 4: within 3 months of the closure order (or if the order is appealed: within 3 months of the conclusion of the appeal).
- Where the landlord is seeking possession on ground 14 (with or without other grounds other than ground 7A), court proceedings cannot begin before the date this notice is served.
- Where the landlord is seeking possession on ground 14A, court proceedings cannot begin unless the landlord has served, or has taken all reasonable steps to serve, a copy of this notice on the partner who has left the property.
- Where the landlord is seeking possession on grounds 8, 10 or 11 (with or without other grounds) and has been notified after this notice has been served that a breathing space has started, court proceedings cannot begin while enforcement action against you has been paused in line with the rules of the debt respite scheme. You should contact your debt advice provider for advice on the earliest date the court proceedings can be brought.
- After the date shown in section 5, unless a breathing space has started, court proceedings may be begun at once but not later than 12 months from the date on which this notice is served. After this time the notice will lapse and a new notice must be served before possession can be sought. If a breathing space has started after this notice has been served, this deadline may be different. If you are unsure about when court proceedings can begin, you should seek advice on your individual circumstances.

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6 Name and address of landlord/licensor*.

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

Signed Date

Please specify whether: landlord / licensor / joint landlords / landlord's agent

Name(s) (Block Capitals)

Address

Telephone: Daytime Evening

What to do if this notice is served on you

- This notice is the first step requiring you to give up possession of your home. You should read it very carefully.
- Your landlord cannot make you leave your home without an order for possession issued by a court. By issuing this notice your landlord is informing you that he intends to seek such an order. If you are willing to give up possession without a court order, you should tell the person who signed this notice as soon as possible and say when you are prepared to leave.
- Whichever grounds are set out in section 3 of this form, the court may allow any of the other grounds to be added at a later date. If this is done, you will be told about it so you can discuss the additional grounds at the court hearing as well as the grounds set out in section 3.
- 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.
- If you have been served this notice and a breathing space has started, you should inform your debt advisor.
- If you require advice on problem debt, including rent arrears, you can contact a professional debt advice provider. The Money Advice Service provides guidance on finding a debt advisor on its website.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Assured Tenancies and Agricultural Occupancies (Forms) (England) Regulations 2015 (S.I. 2015/620) (“the principal Regulations”) and come into force on 4th May 2021.

The Regulations are consequential on the coming into force of the Debt Respite Scheme (Breathing Space Moratorium and Mental Health Crisis Moratorium) (England and Wales) Regulations 2020 (S.I. 2020/1311) (“the Moratorium Regulations”) which establishes a scheme which will give someone in problem debt the right to legal protections from their creditors for a period of 60 days in the case of a breathing space moratorium or, in the case of a mental health crisis moratorium, the duration of the mental health crisis treatment plus 30 days. In particular, it pauses any enforcement action such as serving a notice of intention to seek possession of the rented property.

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These Regulations amend Form No. 3 in the Schedule to the principal Regulations to insert a reference to the legal protections offered by virtue of the Moratorium Regulations into that Form.

An impact assessment has been not been produced for this instrument as it is consequential on the coming into force of the Moratorium Regulations, a full impact assessment was produced for those Regulations and is available from HM Treasury, 1 Horse Guards Road, London SW1A 2HQ and is published alongside that instrument at <http://www.legislation.gov.uk>