

This Statutory Instrument has been made in consequence of defects in S.I. 2021/564 and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2021 No. 946

LANDLORD AND TENANT, ENGLAND

**The Secure Tenancies (Notices) (Amendment) and
Suspension (Coronavirus) (England) Regulations 2021**

Made - - - - *19th August 2021*

Coming into force - - *24th August 2021*

The Secretary of State makes the following Regulations in exercise of powers conferred by section 83(2)(a) and (7) of the Housing Act 1985(1) and section 88(1) and (5) of the Coronavirus Act 2020(2).

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Secure Tenancies (Notices) (Amendment) and Suspension (Coronavirus) (England) Regulations 2021.

(2) These Regulations come into force on 24th August 2021.

(3) These Regulations extend to England and Wales.

(4) These Regulations apply in relation to England.

Suspension of paragraph 10(2) of Schedule 29 to the Coronavirus Act 2020

2. Paragraph 10(2) of Schedule 29 to the Coronavirus Act 2020(3) is suspended.

Amendment of the Secure Tenancies (Notices) Regulations 1987

3. In the Secure Tenancies (Notices) Regulations 1987(4), for the form of notice specified in Part 2 of the Schedule, substitute the form of notice specified in the Schedule to these Regulations.

(1) 1985 c. 68, amended by S.I. 2010/671. There are other amending instruments but none is relevant.

(2) 2020 c. 7. The powers conferred by section 88(1) of the Coronavirus Act 2020 are exercisable in England by the Secretary of State. “Relevant national authority” is defined in section 88(7) of that Act.

(3) Paragraph 10(2) was amended in relation to England by S.I. 2020/914.

(4) S.I. 1987/755.

Status: This is the original version (as it was originally made).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

Transitional provision

4. The suspension of paragraph 10(2) of Schedule 29 to the Coronavirus Act 2020 made by regulation 2 and the substitution made by regulation 3 do not apply in relation to a notice served or proceedings brought under section 83 of the Housing Act 1985⁽⁵⁾ before the day on which these Regulations come into force.

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

Christopher Pincher

Minister of State

Ministry of Housing, Communities and Local

Government

19th August 2021

(5) Section 83 was substituted by section 147(1) of the Housing Act 1996, amended by section 14(3) of the Anti-social Behaviour Act 2003 and paragraph 7 of Schedule 11 to the Anti-social Behaviour, Crime and Policing Act 2014, and modified by paragraph 3 of Schedule 29 to the Coronavirus Act 2020 which was itself amended in relation to England by [S.I. 2020/914](#) and [2021/564](#).

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SCHEDULE

Regulation 3

Notice of seeking termination of tenancy and recovery of possession section 83 Housing Act 1985

Part II Notice of Seeking Termination of Tenancy and Recovery of Possession

Housing Act 1985, section 83 (as modified by the Coronavirus Act 2020)

This Notice may lead to your being required to leave your dwelling. You should read it very carefully.

1. To:

..... (insert name(s) of secure tenant(s))

- *If you need advice about this Notice, and what you should do about it, take it as quickly as possible to a Citizen's Advice Bureau, a Housing Aid Centre, or a Law Centre, or to a Solicitor. You may be able to receive Legal Aid but this will depend on your personal circumstances.*

2. Your landlord:

..... (insert name of landlord)

intends to apply to the Court for an order terminating your tenancy and requiring you to give up possession of:

.....

.....

..... (insert address of property)

- *This Notice applies to you if you are a secure tenant under the Housing Act 1985 and if your tenancy is for a fixed term, containing a provision which allows your landlord to bring it to an end before the fixed term expires. This may be because you have got into arrears with your rent or have broken some other condition of the tenancy. This is known as a provision for re-entry or forfeiture. The Act does not remove the need for your landlord to bring an action under such a provision, nor does it affect your right to seek relief against re-entry or forfeiture, in other words to ask the Court not to bring the tenancy to an end. The Act gives additional rights to tenants, as described below.*
- *If you are a secure tenant and have a fixed term tenancy, it can only be terminated and you can only be evicted if your landlord obtains an order for possession from the Court. The order must be based on one of the Grounds which are set out in the 1985 Act (see paragraphs 3 and 4 below).*
- *If you are willing to give up possession without a Court order, you should notify the person who signed this Notice as soon as possible and say when you would leave.*

3. Termination of your tenancy and possession will be sought on Ground(s):

.....

..... (insert relevant ground(s))

of Schedule 2 to the Housing Act 1985, which reads:

.....

.....

.....

.....

.....

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.....
.....
.....
.....

(give the text in full of each Ground which is being relied on. Continue on a separate sheet if necessary)

- Whatever Grounds for possession are set out in paragraph 3 of this Notice, the Court may allow any of the other Grounds to be inserted at a later stage. If this is done, you will be told about it so you can argue at the hearing in Court about the new Ground, as well as the Grounds set out in paragraph 3, if you want to.

4. Particulars of each Ground are as follows:

.....
.....
.....
.....
.....
.....
.....

(give a full explanation of why each Ground is being relied upon. Continue on a separate sheet if necessary)

- *Before the Court will grant an order on any of the Grounds 1 to 8 or 12 to 16, 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 paragraph 3 of this Notice, you will be able to argue at the hearing in Court that it is not reasonable that you should have to leave, even if you accept that the Ground applies.*
- *Before the Court grants an order on any of the Grounds 9 to 16, it must be satisfied that there will be suitable alternative accommodation for you when you have to leave. This means that the Court will have to decide that, in its opinion, there will be other accommodation which is reasonably suitable for the needs of you and your family, taking into particular account various factors such as the nearness of your place of work, and the sort of housing that other people with similar needs are offered. Your new home will have to be let to you on another secure tenancy or a private tenancy under the Rent Act of a kind that will give you similar security. There is no requirement for suitable alternative accommodation where Grounds 1 to 8 apply.*
- *If your landlord is not a local authority, and the local authority gives a certificate that it will provide you with suitable accommodation, the Court has to accept the certificate.*
- *One of the requirements of Ground 10A is that the landlord must have approval for the redevelopment scheme from the Secretary of State (or, in the case of a landlord of a property in England which is a private registered provider of social housing, from the Regulator of Social Housing). The landlord must have consulted all secure tenants affected by the proposed redevelopment scheme.*

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5. The Court proceedings for possession will not be begun until after
(give the date after which court proceedings can be brought)
- Court proceedings cannot be begun until after this date, which cannot be earlier than the relevant notice period from the date this Notice is served.
 - 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 four months' rent is unpaid, or
 - (ii) Grounds 2ZA, 2A or 5 in Schedule 2 to that Act,
and no other ground is specified.
 - (b) where paragraph (a) does not apply, Ground 1 in Schedule 2 to that Act is specified in the notice (and no other ground is specified), and at the time the notice is served less than four months' rent is unpaid, if the notice is served on or after 1 August 2021, two months, and
 - (c) where paragraphs (a) and (b) do not apply, four months.
 - After the date in this paragraph, Court proceedings may be begun at once or at any time during the following twelve months. Once the twelve months are up this Notice will lapse and a new Notice must be served before possession can be sought.

Signed

On behalf of

Address

Tel. No

Date

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EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 83 of the Housing Act 1985 (c. 68) sets out general notice requirements in relation to proceedings for possession or termination of a secure tenancy. Section 83(2)(a) gives the Secretary of State power to prescribe the form of a notice under section 83.

Paragraph 10(2) of Schedule 29 to the Coronavirus Act 2020 (c. 7) modifies the notice of seeking termination of tenancy and recovery of possession under section 83 during the relevant period which began on 26th March 2020 and ends on 30th September 2021.

These Regulations suspend paragraph 10(2) of Schedule 29 and prescribe a new form of notice of seeking termination of tenancy and recovery of possession by amending the Schedule to the Secure Tenancies (Notices) Regulations 1987. They are made to reflect the modifications of the required period of notice for secure tenancies made by paragraph 3 of Schedule 29 to the Coronavirus Act 2020 (as amended).

A copy of the notice can be obtained as follows:

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

Or in writing from:

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

A full impact assessment has not been produced for this instrument due to the temporary nature of the modifications made to section 83 of the Housing Act 1985 by Schedule 29 to the Coronavirus Act 2020 as amended by S.I. 2020/914 and 2021/564 which these Regulations reflect.