



Coronavirus Act 2020

2020 CHAPTER 7

PART 1

MAIN PROVISIONS

Business tenancies: protection from forfeiture etc

82 Business tenancies in England and Wales: protection from forfeiture etc

- (1) A right of re-entry or forfeiture, under a relevant business tenancy, for non-payment of rent may not be enforced, by action or otherwise, during the relevant period.
- (2) During the relevant period, no conduct by or on behalf of a landlord, other than giving an express waiver in writing, is to be regarded as waiving a right of re-entry or forfeiture, under a relevant business tenancy, for non-payment of rent.
- (3) Subsections (4) to (6) apply in relation to any proceedings in the High Court commenced before the relevant period to enforce a right of re-entry or forfeiture, under a relevant business tenancy, for non-payment of rent.
- (4) Any order made by the High Court during the relevant period to the effect that possession of the property comprised in the relevant business tenancy is to be given to the landlord must ensure that the tenant does not have to give possession of the property to the landlord before the end of the relevant period.
- (5) Subsection (6) applies where—
 - (a) the High Court has made an order which would otherwise have the effect of requiring possession of the property comprised in the relevant business tenancy to be given to the landlord during the relevant period unless the tenant complies with some requirement before a time falling within that period, and
 - (b) before possession is given to the landlord in accordance with the order, the tenant applies to vary the order.

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- (6) In dealing with the application, the High Court must ensure that the tenant does not have to give possession of the property to the landlord before the end of the relevant period.
- (7) Subsections (8) to (10) apply in relation to any proceedings in the county court commenced before the relevant period to enforce a right of re-entry or forfeiture, under a relevant business tenancy, for non-payment of rent.
- (8) The county court may not make an order, during the relevant period, under section 138(3) of the County Courts Act 1984 which specifies a period that expires before the end of the day which is the last day of the relevant period when the order is made.
- (9) Subsection (10) applies where—
- (a) the period specified in an order made, before or during the relevant period, under section 138(3) of the County Courts Act 1984, or
 - (b) the period so specified as extended, or in accordance with subsection (10) treated as extended, under section 138(4) of that Act,
- would otherwise expire during the relevant period.
- (10) The period mentioned in paragraph (a) or (as the case may be) (b) of subsection (9) is to be treated as extended, under section 138(4) of that Act, so that it expires at the end of the relevant period.
- (11) For the purposes of determining whether the ground mentioned in section 30(1)(b) of the Landlord and Tenant Act 1954 (persistent delay in paying rent which has become due) is established in relation to a relevant business tenancy, any failure to pay rent under that tenancy during the relevant period (whether rent due before or in that period) is to be disregarded.
- (12) In this section—
- “relevant business tenancy” means —
- (a) a tenancy to which Part 2 of the Landlord and Tenant Act 1954 applies, or
 - (b) a tenancy to which that Part of that Act would apply if any relevant occupier were the tenant;
- “relevant national authority” means—
- (a) in relation to England, the Secretary of State, and
 - (b) in relation to Wales, the Welsh Ministers;
- “relevant occupier”, in relation to a tenancy, means a person, other than the tenant, who lawfully occupies premises which are, or form part of, the property comprised in the tenancy;
- “relevant period” means the period—
- (a) beginning with the day after the day on which this Act is passed, and
 - (b) ending with 30 June 2020 or such later date as may be specified by the relevant national authority in regulations made by statutory instrument (and that power may be exercised on more than one occasion so as to further extend the period);
- “rent” includes any sum a tenant is liable to pay under a relevant business tenancy.

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- (13) A statutory instrument containing regulations of the Secretary of State under subsection (12) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (14) A statutory instrument containing regulations of the Welsh Ministers under subsection (12) is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

Subordinate Legislation Made

- P1** S. 82(12): 25.3.2022 specified (E.) (30.6.2021) for the purposes of para. (b) in the definition of “relevant period” by [The Business Tenancies \(Protection from Forfeiture: Relevant Period\) \(Coronavirus\) \(England\) \(No. 2\) Regulations 2021 \(S.I. 2021/732\)](#), regs. 1(1), 2
- P2** S. 82(12): 30.9.2021 specified (W.) (30.6.2021) for the purposes of para. (b) in the definition of “relevant period” by [The Business Tenancies \(Extension of Protection from Forfeiture etc.\) \(Wales\) \(Coronavirus\) \(No. 2\) Regulations 2021 \(S.I. 2021/759\)](#), regs. 1(2), 2

83 Business tenancies in Northern Ireland: protection from forfeiture etc

- (1) A right of re-entry or forfeiture, under a relevant business tenancy, for non-payment of rent may not be enforced, by action or otherwise, during the relevant period.
- (2) During the relevant period, no conduct by or on behalf of a landlord, other than giving an express waiver in writing, is to be regarded as waiving a right of re-entry or forfeiture, under a relevant business tenancy, for non-payment of rent.
- (3) Subsections (4) and (5) apply in relation to any proceedings commenced in any court before the relevant period to enforce a right of re-entry or forfeiture, under a relevant business tenancy, for non-payment of rent.
- (4) During the relevant period, the court may not make an order in pursuance of the right of re-entry or forfeiture to the effect that possession of the property comprised in the tenancy is to be given to the landlord before the end of the last day of the relevant period when the order is made.
- (5) Where a court has, before or during the relevant period, made an order in pursuance of the right of re-entry or forfeiture to the effect that possession of the property comprised in the tenancy is to be given to the landlord before the end of the last day of the relevant period the order is to be treated as if it specified that the land is to be delivered up immediately after the end of the relevant period.
- (6) For the purposes of determining whether the ground mentioned in Article 12(1)(b) of the Business Tenancies (Northern Ireland) Order 1996 (S.I. 1996/725 (N.I. 5)) (persistent delay in paying rent which has become due) is established in relation to a relevant business tenancy, any failure to pay rent under that tenancy during the relevant period (whether rent due before or in that period) is to be disregarded.
- (7) In this section—
 - “court” means the county court or the High Court;
 - “relevant business tenancy” means—
 - (a) a tenancy to which the Business Tenancies (Northern Ireland) Order 1996 (S.I. 1996/725 (N.I. 5)) applies, or

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- (b) a tenancy to which that Order would apply if any relevant occupier were the tenant;
- “relevant occupier”, in relation to a tenancy, means a person, other than the tenant, who lawfully occupies premises which are, or form part of, the property comprised in the tenancy;
- “relevant period” means the period—
- (a) beginning with the day after the day on which this Act is passed, and
- (b) ending with 30 June 2020 or such later date as may be specified in regulations made by the Department of Finance in Northern Ireland (and that power may be exercised on more than one occasion so as to further extend the period);
- “rent” includes any sum a tenant is liable to pay under a relevant business tenancy.
- (8) The power to make regulations under subsection (7) is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)) (and not by statutory instrument).
- (9) Regulations under subsection (7) are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954.

Subordinate Legislation Made

- P3** S. 83(7): 30.9.2021 specified (29.6.2021) for the purposes of para. (b) in the definition of “relevant period” by [The Business Tenancies \(Coronavirus\) \(Restriction on Forfeiture: Relevant Period\) \(Northern Ireland\) \(No. 2\) Regulations 2021 \(S.R. 2021/185\)](#), regs. 1(1), 2
- P4** S. 83(7): 25.3.2022 specified (29.9.2021) for the purposes of para. (b) in the definition of “relevant period” by [The Business Tenancies \(Coronavirus\) \(Restriction on Forfeiture: Relevant Period\) \(Northern Ireland\) \(No. 3\) Regulations 2021 \(S.R. 2021/255\)](#), regs. 1(1), 2

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Changes to legislation:

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