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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations introduce a new prescribed form for a notice under section 21(1) or (4) of the Housing Act 1988 (“the Act”) informing a tenant that the landlord intends to seek recovery of possession of a property let on an assured shorthold tenancy (“a section 21 notice”) and new restrictions on the use of the “no fault” eviction procedure for assured shorthold tenancies where a landlord has not complied with certain obligations.

Regulation 2 prescribes certain requirements for the purposes of section 21A of the Act (compliance with prescribed legal requirements): these are the requirement to provide tenants with an energy performance certificate under regulation 6(5) of the Energy Performance of Buildings (England and Wales) Regulations 2012 and the requirement to provide tenants with a gas safety certificate under regulation 36 of the Gas Safety (Installation and Use) Regulations 1998. However, the requirement to provide tenants with a gas safety certificate is limited to the requirement on a landlord to give a copy of the relevant record to the tenant and the 28 day period for compliance with that requirement does not apply. The “no fault” eviction procedure for assured shorthold tenancies is not available to landlords at a time when either of the requirements has not been complied with.

Regulation 3 requires a landlord to provide tenants with a copy of the Department for Communities and Local Government’s booklet entitled “How to rent: the checklist for renting in England” which can be found at the following web address: <https://www.gov.uk/government/publications/how-to-rent>. Landlords are not required to supply a further copy of the booklet each time a different version is published during a tenancy. The requirement does not apply where a landlord is a registered provider of social housing or where a landlord has already provided the tenant with an up-to-date version of the booklet under an earlier tenancy. The “no fault” eviction procedure for assured shorthold tenancies is not available to landlords at a time when the requirement has not been complied with.

Regulation 4 amends the Assured Tenancies and Agricultural Occupancies (Forms) (England) Regulations 2015 to introduce a new prescribed form for a notice under paragraph (1) or (4) of section 21 of the Act informing a tenant that the landlord intends to seek recovery of possession of a dwelling-house let on an assured shorthold tenancy. Regulation 4 also makes a consequential amendment to Form 3 and inserts a new regulation which requires the Secretary of State to review the operation and effect of the requirement to use the prescribed form and publish a report within five years of 1st October 2015 and within every five years after that. Following a review it will fall to the Secretary of State to consider whether the prescribed form should remain as it is, or be revoked or be amended. A further instrument would be needed to revoke the prescribed form or to amend it.

Regulation 5 requires the Secretary of State to review the operation and effect of regulations 2 and 3 of these Regulations in the same manner as the requirement to use the prescribed form.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from <https://www.gov.uk/dclg> or by contacting Mark Malvisi on 0303 444 3220 and is annexed to the Explanatory Memorandum.