

2019 No. 915

LANDLORD AND TENANT, ENGLAND

**The Assured Tenancies and Agricultural Occupancies (Forms)
(England) (Amendment) Regulations 2019**

<i>Made</i>	- - - -	<i>7th May 2019</i>
<i>Laid before Parliament</i>		<i>9th May 2019</i>
<i>Coming into force</i>	- -	<i>1st June 2019</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 21(8) of the Housing Act 1988(a).

Citation and commencement

1. These Regulations may be cited as the Assured Tenancies and Agricultural Occupancies (Forms) (England) (Amendment) Regulations 2019 and come into force on 1st June 2019.

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

2. In the Assured Tenancies and Agricultural Occupancies (Forms) (England) Regulations 2015(b), in the Schedule, for Form No. 6A substitute the Form No. 6A set out in the Schedule to these Regulations.

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

	<i>Heather Wheeler</i>
	Parliamentary Under Secretary of State
7th May 2019	Ministry of Housing, Communities and Local Government

SCHEDULE

Regulation 2

Form No. 6A

(a) 1988 c. 50. Section 21(8) was inserted by section 37 of the Deregulation Act 2015 (c. 20).

(b) S.I. 2015/620, as amended by S.I. 2015/1646 (which itself was amended by S.I. 2015/1725), 2016/443, 1118.



Ministry of Housing,
Communities &
Local Government

FORM 6A

Notice seeking possession of a property let on an Assured Shorthold Tenancy

Housing Act 1988 section 21(1) and (4) as amended by section 194 and paragraph 103 of Schedule 11 to the Local Government and Housing Act 1989 and section 98(2) and (3) of the Housing Act 1996

Please write clearly in black ink. Please tick boxes where appropriate.

This form should be used where a no fault possession of accommodation let under an assured shorthold tenancy (AST) is sought under section 21(1) or (4) of the Housing Act 1988.

There are certain circumstances in which the law says that you cannot seek possession against your tenant using section 21 of the Housing Act 1988, in which case you should not use this form. These are:

- (a) during the first four months of the tenancy (but where the tenancy is a replacement tenancy, the four month period is calculated by reference to the start of the original tenancy and not the start of the replacement tenancy – see section 21(4B) of the Housing Act 1988);
- (b) where the landlord is prevented from retaliatory eviction under section 33 of the Deregulation Act 2015;
- (c) where the landlord has not provided the tenant with an energy performance certificate, gas safety certificate or the Ministry of Housing, Communities and Local Government's publication "How to rent: the checklist for renting in England" (see the Assured Shorthold Tenancy Notices and Prescribed Requirements (England) Regulations 2015);
- (d) where the landlord has not complied with the tenancy deposit protection legislation;
- (e) where a property requires a licence but is unlicensed
(NB see section 75 of the Housing Act 2004 which relates to Houses in Multiple Occupation ("HMO"); or
- (f) where the landlord is prevented under section 17 of the Tenant Fees Act 2019. (NB No section 21 notice may be given in relation to a tenancy where a landlord has breached section 1(1) or Schedule 2 of that Act so long as all or part of the prohibited payment or holding deposit has not been repaid to the relevant person or applied to the rent or deposit with the consent of the relevant person.)

Landlords who are unsure about whether they are affected by these provisions should seek specialist advice.

This form must be used for all ASTs created on or after 1 October 2015 except for statutory periodic tenancies which have come into being on or after 1 October 2015 at the end of fixed terms ASTs created before 1 October 2015. There is no obligation to use this form in relation to ASTs created prior to 1 October 2015, however it may nevertheless be used for all AST.



Ministry of Housing,
Communities &
Local Government

What to do if this notice is served on you

You should read this notice very carefully. It explains that your landlord has started the process to regain possession of the property referred to in section 2 below.

You are entitled to at least two months' notice before being required to give up possession of the property. However, if your tenancy started on a periodic basis without any initial fixed term a longer notice period may be required depending on how often you are required to pay rent (for example, if you pay rent quarterly, you must be given at least three months' notice, or, if you have a periodic tenancy which is half yearly or annual, you must be given at least six months' notice (which is the maximum)). The date you are required to leave should be shown in section 2 below. After this date the landlord can apply to court for a possession order against you.

Where your tenancy is terminated before the end of a period of your tenancy (e.g. where you pay rent in advance on the first of each month and you are required to give up possession in the middle of the month), you may be entitled to repayment of rent from the landlord under section 21C of the Housing Act 1988.

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.

Information for tenants who have received this notice and are concerned they may be at risk of homelessness

If you are a tenant and you believe you are at risk of homelessness as a result of receiving an eviction notice, then you should consider contacting your local authority for support. Local authorities have a legal duty to provide homeless people or people who are at risk of becoming homeless within 56 days with advice and support to find a new home. More information on the process that must be followed by landlords when seeking to evict a tenant is available at <https://www.gov.uk/private-renting-evictions>.

You can also get advice and support from your local Citizens' Advice Bureau, a housing advice centre, a law centre or a solicitor. Free independent advice is also available from Shelterline on 0808 800 4444 or via the Shelter website at: <https://www.shelter.org.uk/>.



Ministry of Housing,
Communities &
Local Government

1. To:

Name(s) of tenant(s) (Block Capitals)

2. You are required to leave the below address after []¹. If you do not leave, your landlord may apply to the court for an order under Section 21(1) or (4) of the Housing Act 1988 requiring you to give up possession.

Address of premises

3. This notice is valid for six months only from the date of issue unless you have a periodic tenancy under which more than two months' notice is required (see notes accompanying this form) in which case this notice is valid for four months only from the date specified in section 2 above.

¹ Landlords should insert a calendar date here. The date should allow sufficient time to ensure that the notice is properly served on the tenant(s). This will depend on the method of service being used and landlords should check whether the tenancy agreement makes specific provision about service. Where landlords are seeking an order for possession on a statutory periodic tenancy under section 21(4) of the Housing Act 1988, the notice period should also not be shorter than the period of the tenancy (up to a maximum of six months), e.g. where there is a quarterly periodic tenancy, the date should be three months from the date of service.



Ministry of Housing,
Communities &
Local Government

4. Name and address of landlord

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

<i>Signed</i>	<i>Date</i>
<div></div>	<div></div>

Please specify whether: ☐ landlord ☐ joint landlords ☐ landlord's agent

Name(s) (Block Capitals)

Address(es) of signatory/signatories

Telephone of signatory/signatories

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”).

Regulation 2 substitutes a new Form No. 6A for the equivalent form prescribed in the principal Regulations.

Amendments have been made to Form No. 6A to ensure the form reflects the restriction on terminating a tenancy under section 21 of the Housing Act 1988 (c. 50) made by section 17 of the Tenant Fees Act 2019 (c. 4) This applies where a landlord has breached section 1(1) of or Schedule 2 to that Act so long as all or part of the prohibited payment or holding deposit has not been repaid to the relevant person.

The Regulations come into force on 1st June 2019 to coincide with the commencement of the relevant provisions of the Tenant Fees Act 2019.

Amendments have been made to provide more detail on when a restriction on terminating a tenancy under section 21 of the Housing Act 1988 (c. 50) is made by section 75 of the Housing Act 2004 (c. 34) which relates to unlicensed Houses in Multiple Occupation “HMO”.

Amendments are also made in Form 6A to include information for tenants on the homelessness support services available to them should they be concerned they may be at risk of homelessness if the landlord regains possession of the property in which they live following service of notice by Form No. 6A.

A copy of the form No.6A can be obtained as follows:

<https://www.gov.uk/guidance/assured-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 as no, or no significant, impact on the private, voluntary or public sector is foreseen.

© Crown copyright 2019

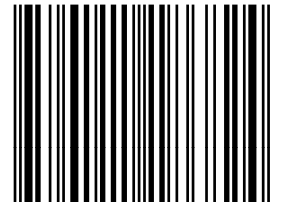
Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty’s Stationery Office and Queen’s Printer of Acts of Parliament.

£9.75

UK201905071005 05/2019 19585

<http://www.legislation.gov.uk/id/uksi/2019/915>

ISBN 978-0-11-118682-4



9 780111 186824