

2021 No. 164

PUBLIC HEALTH, ENGLAND

**The Public Health (Coronavirus) (Protection from Eviction)
(England) (No. 2) Regulations 2021**

Approved by both Houses of Parliament

Made - - - - 17th February 2021

Laid before Parliament 19th February 2021

Coming into force - - 22nd February 2021

The Secretary of State^(a) makes the following Regulations in exercise of the powers conferred by sections 45C(1), (2) and (3)(c) and 45P of the Public Health (Control of Disease) Act 1984^(b).

These Regulations are made in response to the serious and imminent threat to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in England.

The Secretary of State considers that the restrictions and requirements imposed by these Regulations are proportionate to what they seek to achieve, which is a public health response to that threat.

In accordance with section 45R of that Act, the Secretary of State is of the opinion that, by reason of urgency, it is necessary to make this instrument without a draft having been laid before, and approved by a resolution of, each House of Parliament.

Citation, commencement and application

1.—(1) These Regulations may be cited as the Public Health (Coronavirus) (Protection from Eviction) (England) (No. 2) Regulations 2021.

(2) These Regulations come into force on 22nd February 2021.

(3) These Regulations apply in relation to England only.

Residential Tenancies (Protection from Eviction)

2.—(1) Subject to paragraphs (2), (3) and (5), no person may attend at a dwelling-house for the purpose of—

(a) executing a writ or warrant of possession; or

(a) The Secretary of State is the appropriate Minister as respects England (section 45T(6) of the Public Health (Control of Disease) Act 1984 (c. 22)).

(b) 1984 c. 22. Part 2A was inserted by section 129 of the Health and Social Care Act 2008 (c. 14).

(b) delivering a notice of eviction.

(2) Paragraph (1) does not apply where the court is satisfied that the notice, writ or warrant relates to an order for possession made—

- (a) against trespassers pursuant to a claim to which rule 55.6 (service of claims against trespassers) of the Civil Procedure Rules 1998(a) applies;
- (b) wholly or partly under section 84A (absolute ground for possession for anti-social behaviour) of the Housing Act 1985(b);
- (c) wholly or partly on Ground 2, Ground 2A or Ground 5 in Schedule 2 (grounds for possession of dwelling-houses let under secure tenancies) to the Housing Act 1985(c);
- (d) wholly or partly on Ground 7A, Ground 14, Ground 14A or Ground 17 in Schedule 2 (grounds for possession of dwelling-houses let on assured tenancies) to the Housing Act 1988(d); or
- (e) wholly or partly under Case 2 of Schedule 15 (grounds for possession of dwelling-houses let on or subject to protected or statutory tenancies) to the Rent Act 1977(e).

(3) Paragraph (1) does not apply where the court is satisfied that—

- (a) the case involves substantial rent arrears; and
- (b) the notice, writ or warrant relates to an order for possession made wholly or partly—
 - (i) on Ground 1 in Schedule 2 to the Housing Act 1985;
 - (ii) on Ground 8, Ground 10 or Ground 11 in Schedule 2 to the Housing Act 1988(f); or
 - (iii) under Case 1 of Schedule 15 to the Rent Act 1977.

(4) For the purposes of paragraph (3), a case involves substantial rent arrears if the amount of unpaid rent arrears outstanding is at least an amount equivalent to 6 months' rent.

(5) Paragraph (1) does not apply where the court is satisfied that the notice, writ or warrant relates to an order for possession made wholly or partly on Ground 7 in Schedule 2 to the Housing Act 1988(g).

(6) Where paragraph (5) applies, the person attending at the dwelling-house must take reasonable steps to satisfy themselves that the dwelling-house is unoccupied before—

- (a) delivering a notice of eviction; or
- (b) executing a writ or warrant of possession.

Expiry

3. These Regulations expire at the end of 31st March 2021.

David Wolfson
Parliamentary Under-Secretary of State for Justice
Ministry of Justice

17th February 2021

-
- (a) S.I. 1998/3132. Rule 55.6 was inserted by S.I. 2001/256.
 - (b) 1985 c. 68. Section 84A was inserted by section 94(1) of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12) ("the 2014 Act").
 - (c) Ground 2 was substituted by section 144 of the Housing Act 1996 (c. 52) ("the 1996 Act") and amended by section 98(1) of the 2014 Act and paragraph 45 of Schedule 7 to the Serious Organised Crime and Police Act 2005 (c. 15) ("the 2005 Act"). Ground 2A was inserted by section 145 of the 1996 Act and amended by paragraph 33 of Schedule 8 to the Civil Partnership Act 2004 (c. 33) ("the 2004 Act") and by S.I. 2019/1458. Ground 5 was amended by section 146 of the 1996 Act.
 - (d) 1988 c. 50. Ground 7A was inserted by section 97(1) of the 2014 Act. Ground 14 was substituted by section 148 of the 1996 Act and amended by section 98(2) of the 2014 Act and paragraph 46 of Schedule 7 to the 2005 Act. Ground 14A was inserted by section 149 of the 1996 Act and amended by paragraph 43 of Schedule 8 to the 2004 Act and by S.I. 2010/866, S.I. 2011/1396 and S.I. 2019/1458. Ground 17 was inserted by section 102 of the 1996 Act.
 - (e) 1977 c. 42.
 - (f) Ground 8 was amended by section 101 of the 1996 Act.
 - (g) Ground 7 was amended by section 162(5) of the Localism Act 2011 (c. 20).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations renew the provisions in the Public Health (Coronavirus) (Protection from Eviction) (England) Regulations 2021(a) and prevent, except in specified circumstances, attendance at a dwelling-house for the purpose of executing a writ or warrant of possession or delivering a notice of eviction.

The specified circumstances are where the court is satisfied that the claim is against trespassers who are persons unknown or where it was made wholly or partly on the grounds of anti-social behaviour, nuisance, domestic abuse in social tenancies, false statements, substantial rent arrears exceeding 6 months' rent or, in cases where the person attending is satisfied that the dwelling-house is unoccupied at the time of attendance, the death of the occupant.

The Regulations expire at the end of 31st March 2021.

No impact assessment has been prepared for these Regulations.

© Crown copyright 2021

Printed 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.

£4.90

www.legislation.gov.uk/uksi/2021/164

ISBN 978-0-11-130220-0



9 780111 302200