

2021 No. 994

LANDLORD AND TENANT, ENGLAND

**The Coronavirus Act 2020 (Residential Tenancies and Notices)
(Amendment and Suspension) (England) Regulations 2021**

Made - - - - *6th September 2021*

Laid before Parliament *8th September 2021*

Coming into force in accordance with regulation 1(2) and (3)

The Secretary of State for Housing, Communities and Local Government makes the following Regulations in exercise of the powers conferred by section 83(2)(a) and (7) of the Housing Act 1985(a), sections 8(3) and 21(8) of the Housing Act 1988(b) and section 88(1) and (5) of, and paragraphs 1(2) and 14(1) of Schedule 29 to, the Coronavirus Act 2020(c).

Citation, commencement, extent, application and interpretation

1.—(1) These Regulations may be cited as the Coronavirus Act 2020 (Residential Tenancies and Notices) (Amendment and Suspension) (England) Regulations 2021.

(2) Subject to paragraph (3), these Regulations come into force on 30th September 2021.

(3) Regulations 3 to 6 and the Schedules come into force on 1st October 2021.

(4) These Regulations extend to England and Wales.

(5) These Regulations apply in relation to England.

Amendment of definition of “relevant period” in Schedule 29

2. In paragraph 1(1)(b)(i)(d) (end of the relevant period) of Schedule 29 to the Coronavirus Act 2020, for “30 September 2021” substitute “25 March 2022”.

(a) 1985 c. 68. Section 83 was substituted, together with section 83A, by section 147(1) of the Housing Act 1996.
(b) 1988 c. 50. Section 8(3) was amended by section 151(3) of the Housing Act 1996 (c. 52) and section 97(2)(a) of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12). Section 21(8) was inserted by section 37 of the Deregulation Act 2015 (c. 20). See section 45 for the meaning of “prescribed”.
(c) 2020 c. 7. The powers conferred by section 88(1) of, and paragraph 1(2) of Schedule 29 to, the Coronavirus Act 2020 are exercisable in England by the Secretary of State. For the relevant definitions of “relevant national authority” see section 88(7) of, and paragraph 1(3)(a) of Schedule 29 to, that Act.
(d) Paragraph 1(1)(b) was amended, in relation to England, by S.I. 2020/914, 2021/284 and 2021/564.

Suspension of provisions in Schedule 29

3. Paragraphs 2, 3 and 5 to 10(1) of Schedule 29 to the Coronavirus Act 2020 are suspended, so far as not already suspended(a).

Amendment of the Secure Tenancies (Notices) Regulations 1987

4. In the Secure Tenancies (Notices) Regulations 1987(b), for the notice specified in Part 2 of the Schedule, substitute the notice set out in Schedule 1 to these Regulations.

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

5. In the Assured Tenancies and Agricultural Occupancies (Forms) (England) Regulations 2015(c)—

- (a) omit regulation 3A(d);
- (b) in the Schedule, for Form No 3 and Form No 6A set out in the Schedule to those Regulations, substitute the equivalent form set out in Schedule 2 to these Regulations.

Transitional provision

6.—(1) The suspension of provisions in Schedule 29 to the Coronavirus Act 2020 made by regulation 3 does not apply in relation to relevant notices given or served before regulation 3 comes into force.

(2) The amendments made by regulations 4 and 5 do not apply in relation to—

- (a) a notice served or proceedings brought under section 83 of the Housing Act 1985;
- (b) a notice served or proceedings brought under section 8 of the Housing Act 1988; or
- (c) a notice given under section 21(1) or (4) of the Housing Act 1988,

before regulation 4 or 5 comes into force.

(3) In this regulation, “relevant notice” means—

- (a) a Rent Act notice to quit(e);
- (b) a notice of intention to commence possession proceedings given under section 3 of the Rent Act 1977(f);
- (c) a notice served under section 83 of the Housing Act 1985;
- (d) a notice given under section 107D(4) of the Housing Act 1985(g);
- (e) a notice served under section 8 of the Housing Act 1988;
- (f) a notice given under section 21(1) or (4) of the Housing Act 1988;
- (g) a notice served under section 128 of the Housing Act 1996(h); or
- (h) a notice served under section 143E of the Housing Act 1996(i).

(a) S.I. 2020/914 suspended, in relation to England, paragraph 3 (for some purposes), paragraph 4, paragraph 6(a) and (b), paragraph 10(1)(a)(i) and (b) and paragraph 12(1)(c) and (d). Paragraph 12(1) was suspended by S.I. 2021/562. Paragraph 12(2) was suspended by S.I. 2020/924. Schedule 29 has been amended, in relation to England, by S.I. 2020/914, 2021/284 and 2021/564.

(b) S.I. 1987/755.

(c) S.I. 2015/620, relevant amending instruments are S.I. 2015/1646, 2016/443 and 2021/562.

(d) Regulation 3A was inserted by S.I. 2015/1646.

(e) For the definition of “Rent Act notice to quit” see paragraph 2(2) of Schedule 29 to the Coronavirus Act 2020.

(f) 1977 c. 42.

(g) Inserted by section 154 of the Localism Act 2011.

(h) 1996 c. 52.

(i) Inserted by section 14(5) and paragraph 1 of Schedule 1 to the Anti-social Behaviour Act 2003.

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

Eddie Hughes
Minister of State

6th September 2021

Ministry of Housing, Communities and Local Government

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

Notice of Seeking Termination of Tenancy and Recovery of Possession
Housing Act 1985, section 83

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:

(Dotted lines for ground details)

.....
.....
(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:

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

(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.

Signed

On behalf of

Address

Tel. No

Date

SCHEDULE 2

Regulation 5

Forms prescribed for the purposes of sections 8 and 21 of the Housing Act 1988

NOTICE OF INTENTION TO BEGIN PROCEEDINGS FOR POSSESSION OF A PROPERTY IN ENGLAND LET ON AN ASSURED TENANCY OR AN ASSURED AGRICULTURAL OCCUPANCY

FORM NO. 3

Housing Act 1988 section 8 (as amended)

INFORMATION FOR THE TENANT

This notice tells you that your landlord intends to begin proceedings for possession of the property identified in section 2. You should read it carefully and seek advice about your circumstances as quickly as possible.

The earliest date on which possession proceedings can begin will depend on the ground(s) on which possession is sought and is given in section 5 of the notice.

If you are worried about this notice, and what you should do about it, take it immediately to Citizens Advice, a housing advice centre, a law centre or a solicitor.

If you are a debtor and you are in a 'breathing space', you should inform your debt advisor.

If you believe you are at risk of homelessness as a result of receiving this notice, you should contact your local authority for support.

Free independent advice is also available from Shelterline on 0808 800 4444 or via the Shelter website at: <https://www.shelter.org.uk/>.

Further information about this notice and the possession process can be found at: <https://www.gov.uk/government/publications/understanding-the-possession-action-process-guidance-for-landlords-and-tenants>

1. To: (insert full name(s) of tenant(s) / licensee(s))

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

2. Your landlord / licensor intends to apply to the court for an order requiring you to give up possession of: (insert address of property)

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

(Continue on a separate sheet if necessary.)

5. The court proceedings will not begin earlier than: *(insert a calendar date in accordance with the notice period required for the ground(s) being relied on as set out in section 8 Housing Act 1988 (as amended))*

.....
.....

6. If your landlord / licensor does not apply to the court within a given timeframe this notice will lapse. The latest date for court proceedings to begin is 12 months from the date of service of this notice, subject to any extension in accordance with the Debt Respite Scheme (Breathing Space Moratorium and Mental Health Crisis Moratorium) (England and Wales) Regulations 2020.

7. Name and address of landlord, licensor or landlord's agent:

(To be completed in full by the landlord, licensor, or, in the case of joint landlords / licensors, at least one of the joint landlords / licensors, or by someone authorised to give notice on the landlord's / licensor's behalf.)

Signed

Name

Address

.....

Telephone number

Signed

Name

Address

.....

Telephone number

Capacity *(please tick)*: landlord / licensor

joint landlord(s) / licensor(s)

landlord's / licensor's agent

Date

NOTICE REQUIRING POSSESSION OF A PROPERTY IN ENGLAND LET ON AN ASSURED SHORTHOLD TENANCY

FORM NO. 6A

Housing Act 1988 section 21(1) and (4) (as amended)

INFORMATION FOR THE TENANT

This notice tells you that your landlord requires possession of your home. You should read it carefully and seek advice about your circumstances as quickly as possible.

You are entitled to at least two months' notice before being required to give up possession of your home. In some circumstances a longer notice period may be required.

If you do not leave your home by the date given in section 2, 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.

If you are worried about this notice, and what you should do about it, take it immediately to Citizens Advice, a housing advice centre, a law centre or a solicitor.

If you are a debtor and you are in a 'breathing space', you should inform your debt advisor.

If you believe you are at risk of homelessness as a result of receiving this notice, you should contact your local authority for support.

Free independent advice is also available from Shelterline on 0808 800 4444 or via the Shelter website at: <https://www.shelter.org.uk/>.

Further information about this notice and the possession process can be found at: <https://www.gov.uk/government/publications/understanding-the-possession-action-process-guidance-for-landlords-and-tenants>

1. To: *(insert full name(s) of tenant(s))*

.....
.....

2. You are required to leave the below address after: *(insert calendar date)*

.....

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 of: *(insert address of the property)*

.....
.....

.....

3. If your landlord does not apply to the court within a given timeframe this notice will lapse. If you are entitled to more than 2 months', notice your landlord can rely on this notice to apply to the court during the period of 4 months commencing from the date specified in section 2 above. In all other cases, your landlord can rely on this notice to apply to the court during the period of 6 months commencing from the date this notice is given to you.

4. Name and address of landlord or landlord's agent:

(To be completed in full by the landlord, or, in the case of joint landlords, at least one of the joint landlords, or by someone authorised to give notice on the landlord's behalf.)

Signed

Name

Address

.....

Telephone number

Signed

Name

Address

.....

Telephone number

Capacity *(please tick)*:

landlord

joint landlord(s)

landlord's agent

Date

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend Schedule 29 to the Coronavirus Act 2020 (c. 7) (“Schedule 29”) and suspend various of its provisions. They also prescribe replacement notices: notice of seeking possession under section 8 Housing Act 1988, notice requiring possession under section 21(1) and (4) of the Housing Act 1988 (c. 50) and notice of seeking termination of a fixed term tenancy and recovery of possession under section 83 of the Housing Act 1985 (c. 68).

Schedule 29 modified various statutory provisions with the effect that during the “relevant period” landlords are, in some circumstances, required to provide a longer period of notice of intention to claim possession of housing let under a Rent Act 1977 protected or statutory tenancy, a secure tenancy, a flexible tenancy, an assured tenancy, an assured shorthold tenancy, an introductory tenancy or a demoted tenancy let by a local authority or housing action trust (“relevant tenancies”). “Relevant period” is defined in paragraph 1 of Schedule 29.

Regulation 2 extends the relevant period by changing its end date from 30th September 2021 to 25th March 2022.

Regulation 3 suspends the operation of various provisions of Schedule 29.

Taken together, the effect of regulation 2 and 3 is that the required periods of notice in respect of relevant tenancies revert, from 1st October 2021, to the pre-pandemic periods of notice, whilst the flexibility to impose longer periods of notice, if necessary, is retained until 25th March 2022.

Regulation 4 makes an amendment to the Secure Tenancies (Notices) Regulations 1987, SI 1987/755, by prescribing a replacement notice of seeking termination of tenancy and recovery of possession of a fixed term secure tenancy under section 83 Housing Act 1985. The replacement prescribed notice removes the requirement to state a date after which proceedings may be commenced, which was introduced to protect tenants during the pandemic.

Regulation 5 makes amendments to the Assured Tenancies and Agricultural Occupancies (Forms) (England) Regulations 2015, SI 2015/620, by prescribing a replacement notice requiring possession of a property let on an assured shorthold tenancy under section 21 Housing Act 1988, and a replacement notice of seeking possession of a property let on an assured tenancy under section 8 of that Act. The replacement prescribed notices return the period of notice required to the pre-pandemic position. The notices have been simplified and the notice under section 8 has been re-named as a notice of intention to begin proceedings for possession.

Regulation 6 makes transitional provision.

Electronic copies of the prescribed notices are available at:

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

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

Hard copies of the prescribed notices can be obtained from:

Ministry of 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 it reverses provisions introduced as a temporary measure.

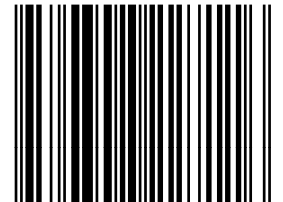
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