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## EXPLANATORY NOTE

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

These Regulations amend Schedule 29 to the Coronavirus Act 2020, and suspend the operation of certain provisions in that Schedule. The Regulations also amend the Notices to Quit etc. (Prescribed Information) Regulations 1988.

Schedule 29 to the Coronavirus Act 2020 (“Schedule 29”) modifies various statutory provisions relating to notices that need to be given in order to seek possession of dwellings.

Prior to these Regulations coming into force, the effect of the modifications made by Schedule 29 was that, in Wales, landlords were required to provide at least three months’ notice before seeking a possession order where dwellings were let under Rent Act 1977 protected or statutory tenancies, secure tenancies, introductory tenancies or demoted tenancies. For assured shorthold tenancies, at least six months’ notice was required where notice was given under section 21 of the Housing Act 1988, and for assured tenancies, at least six months’ notice was required unless the notice specified Ground 7A or 14 (in which case, at least three months’ notice was required).

The Regulations amend the modifications made by Schedule 29 in relation to notices that are given after these Regulations come into force.

In most cases, the notice period that must be given in order to obtain possession of a dwelling let on Rent Act protected tenancies or statutory tenancies, secure tenancies, assured tenancies, introductory tenancies or demoted tenancies is increased to six months. Exceptions are made for notices that specify grounds relating to anti-social behaviour or domestic violence (and, in those cases, the notice period reverts to the position that applied before Schedule 29 came into force).

Regulation 4 amends Schedule 29 in so far as it modifies the notice period relating to Rent Act 1977 protected tenancies. It extends the notice required under a notice to quit given under section 5(1) of the Protection from Eviction Act 1977 to six months, unless the notice to quit specifies that the landlord believes that Case 2 in Schedule 15 to the Rent Act 1977 applies (conduct which is a nuisance or annoyance, or dwelling used for immoral or illegal purposes). In those circumstances, at least four weeks’ notice must be given.

Regulation 16 amends the Notice to Quit etc. (Prescribed Information) Regulations 1988. Where a notice to quit is given less than 6 months before the date on which it is to take effect, the notice to quit will have to specify that the landlord believes that the circumstance in Case 2 applies. This requirement will apply from the date these Regulations come into force until 31 March 2021.

Regulation 5 amends Schedule 29 in so far as it modifies the notice period relating to Rent Act 1977 statutory tenancies. It extends the notice required under section 3 of the Rent Act 1977 to six months, unless a notice of intention to commence possession proceedings specifies Case 2 in Schedule 15 to the Rent Act 1977. In those circumstances, at least four weeks’ notice must be given.

The requirement to give a notice of intention to commence proceedings in relation to statutory tenancies is set out in the modification to the Rent Act 1977 made by paragraph 2(3) of Schedule 29.

Regulation 6 amends Schedule 29 in so far as it modifies the notice periods relating to secure tenancies. It extends the notice period required under section 83 of the Housing Act 1985 to six months, except where Ground 2A (domestic violence) is specified, without other grounds. If Ground 2A is specified, the notice requirement reverts to the position that applied before Schedule 29 came into force.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Regulation 7 suspends the operation of paragraph 3 of Schedule 29 where a notice under section 83 of the Housing Act 1985 specifies Ground 2 in Schedule 2 to that Act (conduct which is a nuisance or annoyance, or dwelling used for immoral or illegal purposes). The effect of the regulation is that, where Ground 2 is specified (whether with or without other grounds), the notice requirement reverts to the position that applied before Schedule 29 was brought into force.

Regulation 8 suspends the operation of paragraph 4 of Schedule 29. The effect of the regulation is that, where a notice under section 83ZA of the Housing Act 1985 specifies that the Court will be asked to make an order for possession under section 84A of the Housing Act 1985 (absolute grounds for anti-social behaviour), the notice requirement reverts to the position that applied in those circumstances before Schedule 29 came into force.

Regulation 9 amends Schedule 29 in so far as it modifies the notice periods relating to assured tenancies. Where a notice under section 8 of the Housing Act 1988 specifies Ground 14A in Schedule 2 to that Act (domestic violence), without other grounds, the notice period is reduced from 3 months to 2 weeks, which is the notice requirement that applied in those circumstances before Schedule 29 came into force.

Regulation 10 suspends the operation of paragraph 6(a) and (b) of Schedule 29. The effect of the Regulation is that, where a notice under section 8 of the Housing Act 1988 specifies Ground 7A or 14 in Schedule 2 to that Act (anti-social behaviour, offences etc.), the notice requirements revert to the position that applied before Schedule 29 came into force.

Regulation 11 amends Schedule 29 in so far as it modifies the notice period relating to introductory tenancies. It extends the notice period required under section 128 of the Housing Act 1996 to six months, except where the landlord has specified an anti-social behaviour reason in the notice of proceedings. In those circumstances, the notice requirement reverts to the position that applied before Schedule 29 came into force.

Regulation 12 amends Schedule 29 in so far as it modifies the notice periods relating to demoted tenancies. It extends the notice period required under section 143E of the Housing Act 1996 to six months, except where the landlord has specified an anti-social behaviour reason in the notice of proceedings. In those circumstances, the notice requirement reverts to the position that applied before Schedule 29 came into force.

Regulations 13 and 15 amend the modifications made by paragraphs 10 and 11 of Schedule 29, and regulation 14 suspends the operation of paragraph 10(1)(a)(i) and (b) of that Schedule. The effect of these regulations is that the prescribed forms relating to secure tenancies and assured tenancies and assured agricultural occupancies are modified to reflect the changes to notice requirements made by these Regulations.

The provision made by Schedule 29 was to end on 30th September 2020, but regulation 3 amends paragraph 3 of Schedule 29 so that it has effect, in relation to Wales, until 31st March 2021.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.