

SCHEDULE 29

Section 3

RESIDENTIAL TENANCIES: PROTECTION FROM EVICTION

Interpretation

- 1 (1) In this Schedule “the relevant period” means the period –
- (a) beginning with the day after the day on which this Act is passed, and 5
 - (b) ending with 30 September 2020.
- (2) The relevant national authority may by regulations made by statutory instrument amend sub-paragraph (1)(b) to specify a later date than the date for the time being specified there.
- (3) In this Schedule “relevant national authority” means – 10
- (a) in relation to England, the Secretary of State, and
 - (b) in relation to Wales, the Welsh Ministers.

Rent Act 1977: protected tenancies and statutory tenancies

- 2 (1) Section 5(1) of the Protection from Eviction Act 1977 (validity of notices to quit) is to be read, in relation to Rent Act notices to quit given by the landlord during the relevant period, as if the reference to 4 weeks were a reference to 3 months. 15
- (2) In sub-paragraph (1) “Rent Act notice to quit” means a notice to quit relating to a tenancy that is a protected tenancy for the purposes of the Rent Act 1977 (see section 1 of that Act). 20
- (3) Section 3 of the Rent Act 1977 (terms and conditions of statutory tenancies) is to be read as if after subsection (4) there were inserted –
- “(4A) Proceedings for an order for a landlord to obtain possession of a dwelling-house as against a statutory tenant may not be commenced during the relevant period (see paragraph 1(1) and (2) of Schedule (*Residential tenancies: protection from eviction*) to the Coronavirus Act 2020) unless – 25
- (a) the landlord has given the statutory tenant a notice of intention to commence possession proceedings;
 - (b) the notice period is a period of at least three months; and 30
 - (c) the proceedings are commenced on or after the intended date for commencing proceedings.
- (4B) But the proceedings may be commenced without compliance with subsection (4A) if the court considers it just and equitable to dispense with the requirement to comply. 35
- (4C) For the purposes of this section a “notice of intention to commence possession proceedings”, in relation to a dwelling house and a statutory tenant, is a notice that –
- (a) is in writing;
 - (b) describes the statutory tenancy; 40
 - (c) states –
 - (i) the address of the dwelling-house,
 - (ii) the name of the statutory tenant, and

- (iii) the name and address of the landlord;
 - (d) states that the landlord intends to commence proceedings to obtain possession of the dwelling-house as against the statutory tenant;
 - (e) states – 5
 - (i) the ground or grounds on which the landlord intends to seek possession of the dwelling-house, and
 - (ii) the reason or reasons why the landlord believes the ground or grounds to be applicable;
 - (f) states the date on or after which the landlord intends to commence the possession proceedings; 10
 - (g) explains that the landlord is prohibited from commencing those proceedings in reliance on the notice –
 - (i) unless that date falls at least three months after the date on which the notice is given, and 15
 - (ii) until that date.
- (4D) A notice of intention to commence possession proceedings may be given by leaving it at, or sending it by post to, the dwelling-house to which it relates.
- (4E) Where subsection (4A) applies and possession proceedings are commenced in reliance on a notice of intention to commence possession proceedings, the court must not make an order for the landlord to obtain possession of the dwelling-house as against the statutory tenant on a particular ground mentioned in Schedule 15 or 16 to this Act unless – 20
 - (a) the notice states the ground and one or more reasons why the landlord believes that the ground is applicable, or 25
 - (b) the court gives permission for the ground to be raised in the proceedings.
- (4F) In this section, in relation to a notice of intention to commence possession proceedings – 30
 - “intended date for commencing proceedings” means the date stated in accordance with subsection (4C)(f);
 - “notice period” means the period that –
 - (a) begins with the date on which the notice is given, and
 - (b) ends with the intended date for commencing proceedings.” 35

Secure tenancies

- 3 Section 83 of the Housing Act 1985 (proceedings for possession etc. of a dwelling-house let under a secure tenancy: general notice requirements) is to be read, in relation to notices served under that section during the relevant period, as if – 40
 - (a) subsection (3) were omitted,
 - (b) in subsection (4) for the words from the beginning to “specified in the notice,” there were substituted “If the proceedings are for an order for the possession of a dwelling-house,”, 45
 - (c) after subsection (4A) there were inserted –
 - “(4B) The date specified in accordance with subsection (4) –

- (a) must not be earlier than three months after the date of service of the notice, and
- (b) in a case where the tenancy is a periodic tenancy, must also not be earlier than the date on which the tenancy could, apart from this Part, be brought to an end by notice to quit given by the landlord on the same date as the notice under this section.”, 5
- (d) in subsection (5) for “subsection (3), (4) or (4A)” there were substituted “subsection (4A)”, and
- (e) in subsection (6) for “subsections (3) to (5)” there were substituted “subsections (4B)(b) and (5)”. 10
- 4 Section 83ZA of the Housing Act 1985 (notice requirements in relation to proceedings for possession on absolute ground for anti-social behaviour) is to be read, in relation to notices served under that section during the relevant period, as if – 15
- (a) for subsection (10) there were substituted –
- “(10) The date specified in accordance with subsection (9)(a) –
- (a) must not be earlier than three months after the date of the service of the notice, and
- (b) in a case where the tenancy is a periodic tenancy, must also not be earlier than the date on which the tenancy could, apart from this Part, be brought to an end by notice to quit given by the landlord on the same day as the notice under this section.”, and 20
- (b) in subsection (11) for “subsection (10)(a)” there were substituted “subsection (10)(b)”. 25

Flexible tenancies

- 5 Section 107D of the Housing Act 1985 (recovery of possession on expiry of flexible tenancy) is to be read, in relation to notices given under subsection (4) of that section during the relevant period, as if for “two months’ notice” in that subsection there were substituted “three months’ notice”. 30

Assured tenancies

- 6 Section 8 of the Housing Act 1988 (notice of proceedings for possession: assured tenancies) is to be read, in relation to notices served under that section during the relevant period, as if – 35
- (a) in subsection (3A) –
- (i) in paragraph (a), for “periodic tenancy,” there were substituted “periodic tenancy –
- (i) three months after the date on which the notice was served, and 40
- (ii) ”, and
- (ii) in paragraph (b) for “one month” there were substituted “three months”,
- (b) in subsection (4) after “earlier than” there were inserted “three months after”, 45
- (c) in subsection (4A)(a) for “two months” there were substituted “three months”, and

- (d) in subsection (4B) for “two weeks” there were substituted “three months”.

Assured shorthold tenancies

- 7 Section 21 of the Housing Act 1988 (recovery of possession on expiry or termination of assured shorthold tenancy) is to be read, in relation to notices given under subsection (1) or (4) of that section during the relevant period, as if— 5
- (a) in subsection (1)(b) for “two months” there were substituted “three months”,
 - (b) in subsection (4)(a) for “two months” there were substituted “three months”, and 10
 - (c) in subsection (4E)(b) for “two months” there were substituted “three months”.

Introductory tenancies

- 8 Section 128 of the Housing Act 1996 (notice of proceedings for possession of a dwelling-house let under an introductory tenancy) is to be read, in relation to notices served under that section during the relevant period, as if— 15
- (a) in subsection (4) the second sentence were omitted, and
 - (b) after subsection (4) there were inserted— 20
- “(4A) The date specified in accordance with subsection (4)—
- (a) must not be earlier than the end of the period of three months beginning with the date on which the notice of proceedings is served, and
 - (b) must not be earlier than the date on which the tenancy could, apart from this Chapter, be brought to an end by notice to quit given by the landlord on the same date as the notice of proceedings.” 25

Demoted tenancies

- 9 Section 143E of the Housing Act 1996 (notice of proceedings for possession of a dwelling-house let under a demoted tenancy) is to be read, in relation to notices served under that section during the relevant period, as if for subsection (3) there were substituted— 30
- “(3) The date specified under subsection (2)(c)—
- (a) must not be earlier than the end of the period of three months beginning with the date on which the notice of proceedings is served, and 35
 - (b) must not be earlier than the date on which the tenancy could (apart from this Chapter) be brought to an end by notice to quit given by the landlord on the same date as the notice of proceedings.” 40

Consequential modifications in relation to prescribed forms

- 10 (1) Part 1 of the Schedule to the Secure Tenancies (Notices) Regulations 1987 (S.I. 1987/755) (notice of seeking possession) is to be read, in relation to

- notices served under section 83 of the Housing Act 1985 during the relevant period, as if –
- (a) in the first paragraph 5 –
 - (i) the words “Cross out this paragraph if possession is being sought on Ground 2 of Schedule 2 to the Housing Act 1985 (whether or not possession is also sought on another Ground)” were omitted, 5
 - (ii) in the first bullet point, for the words from “the date when” to the end there were substituted “three months from the date this Notice is served and also cannot be earlier than the date on which your tenancy or licence could be brought to an end by notice to quit given by the landlord on the same date as this Notice”, and 10
 - (iii) in the second bullet point, for “this date” there were substituted “the date in this paragraph”, and 15
 - (b) the second paragraph 5 were omitted.
- (2) Part 2 of the Schedule to the Secure Tenancies (Notices) Regulations 1987 (S.I. 1987/755) (notice of seeking termination of tenancy and recovery of possession) is to be read, in relation to notices served under section 83 of the Housing Act 1985 during the relevant period, as if after paragraph 4 there were inserted – 20
- “5 The Court proceedings for possession will not be begun until after
 ...
 (give the date after which Court proceedings can be brought)
 – Court proceedings cannot be begun until after this date, which cannot be earlier than three months from the date this Notice is served. 25
 – After this date, Court proceedings may be begun at once or at any time during the following twelve months. Once the twelve months are up this Notice will lapse and a new Notice must be served before possession can be sought.” 30
- 11 The Schedule to the Assured Tenancies and Agricultural Occupancies (Forms) Regulations 1997 (S.I. 1997/194) (which applies in relation to Wales) is to be read, in relation to notices served under section 8 of the Housing Act 1988 during the relevant period, as if in Form 3 (notice seeking possession of a property let on an assured tenancy or an assured agricultural occupancy), in paragraph 5 (earliest date on which court proceedings can be brought) – 35
- (a) in the first bullet point, for “2 months” there were substituted “3 months”,
 - (b) in the second bullet point – 40
 - (i) for “2 weeks” there were substituted “3 months”, and
 - (ii) for “two months” there were substituted “three months”, and
 - (c) in the third bullet point, for the words “before the date this notice is served” there were substituted “earlier than 3 months from the date on which this notice is served”. 45
- 12 (1) The Schedule to the Assured Tenancies and Agricultural Occupancies (Forms) (England) Regulations 2015 (S.I. 2015/620) is to be read, in relation to notices served under section 8 of the Housing Act 1988 during the relevant period, as if in Form 3 (notice seeking possession of a property let on an assured tenancy or an assured agricultural occupancy), in the notes to 50

- paragraph 5 (notes on the earliest date on which court proceedings can be brought) –
- (a) in the first bullet point, for “2 months” there were substituted “3 months”,
 - (b) in the second bullet point – 5
 - (i) for “2 weeks” there were substituted “3 months”, and
 - (ii) for “two months” there were substituted “three months”,
 - (c) in the third bullet point, for “1 month” there were substituted “3 months”, and
 - (d) in the fourth bullet point, for the words “before the date this notice is served” there were substituted “earlier than 3 months from the date on which this notice is served”. 10
- (2) The Schedule to the Assured Tenancies and Agricultural Occupancies (Forms) (England) Regulations 2015 (S.I. 2015/620) is to be read, in relation to notices given under section 21(1) or (4) of the Housing Act 1988 during the relevant period, as if in Form 6A (notice seeking possession of a property let on an assured shorthold tenancy) – 15
- (a) in the section headed “What to do if this notice is served on you”, in the second paragraph –
 - (i) for “two months” there were substituted “three months”, and 20
 - (ii) the words “if you pay rent quarterly, you must be given at least three months’ notice, or,” were omitted, and
 - (b) in paragraph 3, for “two months” there were substituted “three months”. 25

Power to alter three month notice periods

- 13 (1) The relevant national authority may by regulations made by statutory instrument amend this Schedule –
- (a) to alter a reference to three months in this Schedule into –
 - (i) a reference to six months, or 30
 - (ii) a reference to any other specified period which is less than six months, or
 - (b) to alter a reference which has been altered by virtue of paragraph (a) or this paragraph (but not so as to result in the reference being to a specified period of more than six months). 35
- (2) Sub-paragraph (1) applies to references in this Schedule whether or not they are contained in text which is to be treated as if inserted or substituted into another enactment.

Regulations under this Schedule

- 14 (1) Any power to make regulations under this Schedule – 40
- (a) may be exercised more than once,
 - (b) may be exercised so as to make different provision for different purposes or different areas, and
 - (c) includes power to make supplementary, incidental, consequential, transitional, transitory or saving provision (including provision modifying enactments or amending this Schedule). 45

- (2) A statutory instrument containing regulations of the Secretary of State under paragraph 1 or 13 is subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) A statutory instrument containing regulations of the Welsh Ministers under paragraph 1 or 13 is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

Coronavirus Bill

A

B I L L

To make provision in connection with coronavirus; and for connected purposes.

Brought from the Commons on 24th March 2020

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