

# 4-5 Housing

## *Eflash*

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

**(SI 2021/994)**

In response to the Covid 19 pandemic, by Coronavirus Act 2020, Sch.29, the Government implemented an extension in the minimum notice periods before possession proceedings could be commenced.

On 1 October 2021, the extended notice periods will no longer apply. The Coronavirus Act 2020 (Residential Tenancies and Notices) (Amendment and Suspension) (England) Regulations 2021 – “the 2021 Regs” - come into effect on October 1, 2021: notice periods for notices served after this date will be those that applied before 26 March 2020.

### **Background**

Sch.29, 2020 Act, gave the Government power to extend minimum notice periods, stay possession proceedings, and halt evictions. In August 2020, the stay on possession proceedings was lifted and notice periods were modified. There was a further modification to the notice periods in June 2021.

### **The position from 1 October 2021**

The 2021 Regs suspend paras. 2, 3 and 5 to 10(1) of Sch. 29, 2020 Act, (which paras, in effect, extended notice periods), with the result that the time periods in notices seeking possession return to those that were in force pre-pandemic.

Accordingly and by way of example,

- The notice period for Ground 8 (Housing Act 1988, Sch.2) - serious rent arrears at the time of service of notice and possession proceedings - reverts to 2 weeks notice;
- The notice period for a s.21 notice (HA 1988) reverts to 2 months;
- The notice period for Ground 1 (Housing Act 1985, Sch.1) - rent arrears or breach of tenancy - reverts to 4 weeks.

These notice periods do not have retrospective effect. By way of further example, the minimum period for notice seeking possession relying on Ground 8 served on September 30, 2021 would be 4 weeks (where arrears are at least 4 months), whereas a notice served on October 1, 2021 would be 2 weeks.

The Government has provided updated forms for s.8 and s.21 notices under the 1988 Act and under s.83 the 1985 Act for secure fixed term tenancies.

The updated forms can be found at the following website addresses

- <https://www.legislation.gov.uk/uksi/2021/994/schedule/1/made>
- <https://www.legislation.gov.uk/uksi/2021/994/schedule/2/made>

Significantly, the 2021 Regs extend the operation of Sch. 29, 2020 Act until 25 March 2022 (from September 30, 2021, which will enable the Government to amend notice periods in future (should the need arise).

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