

Regulations made by the Secretary of State, laid before Parliament under section 45R of the Public Health (Control of Disease) Act 1984 (c. 22), for approval by resolution of each House of Parliament within twenty-eight days beginning with the day on which the instrument is made, subject to extension for periods of dissolution, prorogation or adjournment for more than four days.

STATUTORY INSTRUMENTS

2020 No. 1290

PUBLIC HEALTH, ENGLAND

The Public Health (Coronavirus) (Protection from Eviction and Taking Control of Goods) (England) Regulations 2020

<i>Made</i>	- - - -	<i>13th November 2020</i>
<i>Laid before Parliament</i>		<i>16th November 2020</i>
<i>Coming into force</i>	- -	<i>17th November 2020</i>

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

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 and Taking Control of Goods) (England) Regulations 2020.

(2) These Regulations come into force on the day following the day on which they are laid.

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

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

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;
- (b) executing a writ or warrant of restitution; or
- (c) 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; or
 - (iii) under case 1 of Schedule 15 to the Rent Act 1977.

(4) (a) For the purposes of paragraph (3), a case involves substantial rent arrears if the amount of unpaid rent arrears outstanding at the date on which the order for possession is granted is at least an amount equivalent to 9 months' rent; and

- (b) for the purposes of sub-paragraph (a), any unpaid rent arrears accrued after 23rd March 2020 must be disregarded.

(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.

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

(a) S.I. 1998/3132. Rule 55.6 was inserted by S.I. 2001/256, r 17, Schedule 1.

(b) 1985 c. 68. Section 84A was inserted by section 94(1) of the Anti-social Behaviour, Crime and Policing Act 2014 ("the 2014 Act").

(c) Ground 2 was substituted by section 144 of the Housing Act 1996 (c. 52) ("the 1996 Act") and amended by s98(1) of the 2014 Act and 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 the Civil Partnership Act 2004 (c. 33) ("the 2004 Act") and by S.I. 2019/1458, Schedule 3. Ground 5 was substituted by section 146 of the 1996 Act. Schedule 2A was inserted by section 94(2) of, and Schedule 3 to, the 2014 Act and amended by S.I. 2016/244.

(d) 1988 c. 50. Ground 7 was amended by section 162 of the Localism Act 2011. Ground 7A was inserted by section 97(1) of the 2014 Act. Ground 8 was amended by section 101 of the 1996 Act. Ground 14 was substituted by section 148 of the 1996 Act and amended by section 98(2) of the 2014 Act and Schedule 7 to the 2005 Act. Ground 14A was inserted by section 149 of the 1996 Act and amended by the 2004 Act, section 81 and Schedule 8, by S.I. 2019/1458, by S.I. 2010/866 and by S.I. 2011/1396. Ground 17 was inserted by section 102 of the 1996 Act.

(e) 1977 c. 42.

(c) executing a writ or warrant of restitution.

Taking Control of Goods

3. No person may use the procedure in Schedule 12 (taking control of goods) of the Tribunals, Courts and Enforcement Act 2007(a) to take control of goods located inside a dwelling house.

Expiry

4.—(1) Regulation 2 expires on 11th January 2021.

(2) Regulation 3 expires upon expiry of the Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020(b).

(3) This regulation does not affect the validity of anything done or not done pursuant to these Regulations before they expire.

Alex Chalk

Parliamentary Under-Secretary of State for Justice
Ministry of Justice

13th November 2020

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prevent, except in specified circumstances, attendance at a dwelling house for the purpose of executing a writ or warrant of possession, executing a writ or warrant of restitution 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, false statements, substantial rent arrears that predate 23rd March 2020 or, in cases where the person attending is satisfied that the dwelling house is unoccupied at the time of attendance, death of the occupant.

These Regulations also prevent use of the procedure set out in Schedule 12 to the Tribunals, Courts and Enforcement Act 2007 (c. 15) to take control of goods located inside a dwelling house.

Regulation 2 expires on 11th January 2021 and regulation 3 expires on expiry of the Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020 (S.I. 2020/1200).

No impact assessment has been prepared for these Regulations.

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(a) 2007 c. 15. Schedule 12 was amended by the Crime and Courts Act 2013 (c. 22).

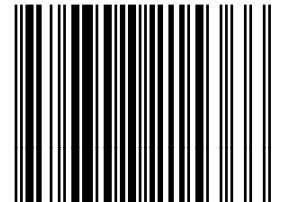
(b) S.I. 2020/1200.

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