

2020 No. 1044 (W. 233)

HOUSING, WALES

**The Coronavirus Act 2020
(Residential Tenancies: Protection
from Eviction) (Wales) Regulations
2020**

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.

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.

2020 No. 1044 (W. 233)

HOUSING, WALES

**The Coronavirus Act 2020
(Residential Tenancies: Protection
from Eviction) (Wales) Regulations
2020**

Made 25 September 2020

Laid before Senedd Cymru 28 September 2020

Coming into force 29 September 2020

The Welsh Ministers make the following Regulations in exercise of the powers conferred on them by section 5(1)(a) of the Protection from Eviction Act 1977⁽¹⁾ and section 88(1) of, and paragraphs 1(2) and 13(1) of Schedule 29 to, the Coronavirus Act 2020⁽²⁾.

PART 1

INTRODUCTION

Title and coming into force

1.—(1) The title of these Regulations is the Coronavirus Act 2020 (Residential Tenancies: Protection from Eviction) (Wales) Regulations 2020.

(2) These Regulations come into force on 29 September 2020.

(1) 1977 c. 43. The functions of the Secretary of State under section 5, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999, SI 1999/672. The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of paragraphs 30(1) and 30(2)(c) of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(2) 2020 c. 7. The powers conferred by section 88(1) of, and paragraphs 1(2) and 13(1) of Schedule 29 to, the Coronavirus Act 2020 are exercisable by the “relevant national authority”. The Welsh Ministers are the relevant national authority in relation to Wales.

Meaning of references to “Schedule 29”

2. In these Regulations, a reference to “Schedule 29” is a reference to Schedule 29 to the Coronavirus Act 2020 (Residential Tenancies in England and Wales: Protection from Eviction).

PART 2

EXTENSION OF RELEVANT PERIOD

Extension of the relevant period in Schedule 29

3. In paragraph 1(1)(b)(ii) of Schedule 29 (meaning of “relevant period” in relation to Wales), for “30 September 2020” substitute “31 March 2021”.

PART 3

NOTICE PERIODS: AMENDMENTS TO MODIFICATIONS MADE BY SCHEDULE 29

RENT ACT 1977 PROTECTED TENANCIES AND STATUTORY TENANCIES

Amendment of modifications made to section 5(1) of the Protection from Eviction Act 1977

4.—(1) Paragraph 2 of Schedule 29 is amended as follows.

(2) In sub-paragraph (1) (notice period for Rent Act notices to quit)—

- (a) omit “the reference to 4 weeks were a reference to”;
- (b) in paragraph (a), after “in relation to premises in England,” insert “the reference to 4 weeks were a reference to”;
- (c) in paragraph (b), for “3 months”, substitute “for paragraph (b) there were substituted—
 - “(b) it is given—
 - (i) not less than four weeks before the date on which it is to take effect where the notice to quit specifies that the landlord is of the opinion that the circumstance specified in Case 2 in Schedule 15 to the Rent Act 1977 applies (whether or not any other circumstance specified in that Schedule applies), and

- (ii) where sub-paragraph (i) does not apply, not less than six months before the date on which it is to take effect.”;

Amendment of modifications made to section 3 of the Rent Act 1977

5.—(1) Paragraph 2 of Schedule 29 is amended as follows.

(2) In sub-paragraph (3) (notice period for possession proceedings in relation to Rent Act 1977 statutory tenancies)—

- (i) in inserted subsection (4A)(b)(ii) of the modification, for “, at least three months” substitute “—

- (aa) at least four weeks where the notice of intention to commence possession proceedings specifies a ground that corresponds to Case 2 in Schedule 15 to this Act (whether or not the notice specifies any other ground), and

- (ab) where sub-paragraph (aa) does not apply, at least six months”;

- (ii) in inserted subsection (4C)(g)(i) of the modification, for “, at least three months after the date on which the notice is given,” substitute “—

- (aa) at least four weeks after the date on which the notice is given where the notice of intention to commence possession proceedings specifies a ground that corresponds to Case 2 in Schedule 15 to this Act (whether or not the notice specifies any other ground), and

- (ab) where sub-paragraph (aa) does not apply, at least six months after the date on which the notice is given,”.

SECURE TENANCIES

Amendment of modifications made to section 83 of the Housing Act 1985

6.—(1) Paragraph 3 of Schedule 29 (notice of possession proceedings in relation to secure tenancies) is amended as follows.

(2) In paragraph (b), omit “, in relation to a dwelling-house in England.”.

(3) in paragraph (c)—

(a) in inserted subsection (4B)(a)(ii) of the modification, for “, three months after the date of service of the notice,” substitute “—

(aa) four weeks after the date of service of the notice where Ground 2A in Schedule 2 is specified without any other ground, and

(ab) where sub-paragraph (aa) does not apply, six months after the date of service of the notice.”.

Suspension of provision relating to section 83 of the Housing Act 1985 where notice is given on anti-social behaviour grounds

7. Paragraph 3 of Schedule 29 (extension of notices in relation to secure tenancies) is suspended in relation to Wales for the purposes of a notice under section 83 of the Housing Act 1985(1) specifying Ground 2 in Schedule 2 to that Act (discretionary ground for anti-social behaviour), whether with or without other grounds.

Suspension of provisions relating to section 83ZA of the Housing Act 1985 where notice is given on anti-social behaviour grounds

8. Paragraph 4 of Schedule 29 (notice of possession proceedings on absolute ground for anti-social behaviour in relation to secure tenancies) is suspended in relation to Wales.

ASSURED TENANCIES

Amendment of modifications made to section 8 of the Housing Act 1988

9.—(1) Paragraph 6 of Schedule 29 (notice of possession proceedings in relation to assured tenancies) is amended as follows.

(2) In paragraph (d)—

(a) the words “for “two weeks” there were substituted “the relevant notice period” in relation to a dwelling-house in England” become sub-paragraph (i);

(b) for “and “six months” in relation to a dwelling-house in Wales” substitute “, and

(1) 1985 c. 68.

- (ii) for “two weeks from the date of the service of the notice” there were substituted, in relation to a dwelling-house in Wales “—
- (a) two weeks from the date of the service of the notice where Ground 14A in Schedule 2 is specified without any other ground, and
- (b) where paragraph (b) does not apply, six months from the date of the service of the notice.””

Suspension of provisions relating to section 8(3A) and (4) of the Housing Act 1988 (Grounds 7A or 14: anti-social behaviour, offences etc.)

10. In paragraph 6 of Schedule 29 (notice of possession proceedings on Grounds 7A and 14 in relation to assured tenancies) paragraphs (a) and (b) are suspended in relation to Wales.

INTRODUCTORY TENANCIES

Amendment of modifications made to section 128 of the Housing Act 1996

11.—(1) Paragraph 8 of Schedule 29 (notice of possession proceedings in relation to introductory tenancies) is amended as follows.

(2) In paragraph (b), in inserted subsection (4A)(a)(ii) of the modification, for “, three months beginning with the date on which the notice of proceedings is served” substitute “—

- (aa) four weeks beginning with the date on which the notice of proceedings is served where the landlord has specified in the notice of proceedings an ASB reason for applying for a possession order (whether or not the landlord has any other reason), and
- (ab) in any other case, six months from the date on which the notice of proceedings is served”.

(3) In paragraph (c), in inserted subsection (8) of the modification, in the definition of “ASB reason”—

- (a) after ““ASB reason” means” insert “, in relation to a dwelling-house in England,”, and
- (b) at the end, insert “and, in relation to a dwelling-house in Wales, a reason which corresponds to any of those set out in section 84A(3) to (7) of the Housing Act 1985 or Grounds 2 and 2A of Schedule 2 to that Act”.

DEMOTED TENANCIES

Amendment of modifications made to section 143E of the Housing Act 1996

12.—(1) Paragraph 9 of Schedule 29 (notice of possession proceedings in relation to introductory tenancies) is amended as follows.

(2) In paragraph (a), in inserted subsection (3)(a)(ii) of the modification, for “, three months beginning with the date on which the notice of proceedings is served” substitute “—

- (aa) four weeks beginning with the date on which the notice of proceedings is served where the landlord has specified in the notice of proceedings an ASB reason for applying for a possession order (whether or not the landlord has any other reason), and
- (ab) in any other case, six months from the date on which the notice of proceedings is served”.

(3) In paragraph (c), in inserted subsection (6) of the modification, in the definition of “ASB reason”—

- (a) after ““ASB reason” means” insert “, in relation to a dwelling-house in England,” and
- (b) at the end, insert “and, in relation to a dwelling-house in Wales, a reason which corresponds to any of those set out in section 84A(3) to (7) of the Housing Act 1985 or Grounds 2 and 2A of Schedule 2 to that Act”.

PART 4

CHANGES TO PRESCRIBED FORMS

Consequential modifications to prescribed forms relating to secure tenancies

13.—(1) Paragraph 10 of Schedule 29 (modifications of the Schedule to the Secure Tenancies (Notices) Regulations 1987⁽¹⁾: prescribed forms in relation to secure tenancies) is amended as follows.

(2) In sub-paragraph (1) (modification of Part 1 of the Schedule), in paragraph (a)(ii) for ““three months from the date this Notice is served and also cannot be earlier than” substitute “—

- (a) four weeks from the date this Notice is served where Ground 2A in Schedule 2 to the Housing Act 1985 is specified in

⁽¹⁾ S.I. 1987/755.

the Notice and no other ground is specified, and

- (b) where paragraph (a) does not apply, six months from the date this Notice is served.

Court proceedings also cannot be begun earlier than”.

(3) In sub-paragraph (2) (modification of Part 2 of the Schedule), in the first bullet point of the modification, in paragraph (b), for “, three months from the date this Notice is served” substitute “—

- (i) four weeks from the date this Notice is served where Ground 2A in Schedule 2 to the Housing Act 1985 is specified in the notice and no other ground is specified, and
- (ii) where sub-paragraph (i) does not apply, six months from the date this Notice is served (unless proceedings are brought on Ground 2 in Schedule 2 to the Housing Act 1985, in which case they may be begun immediately).”.

Suspension of modifications to the Secure Tenancies (Notices) Regulations 1987 relating to Ground 2

14. In paragraph 10(1) of Schedule 29, paragraphs (a)(i) and (b) are suspended in relation to Wales.

Consequential modifications to prescribed forms relating to assured tenancies and agricultural occupancies

15.—(1) Paragraph 11 of Schedule 29 (modifications of the Assured Tenancies and Agricultural Occupancies (Forms) Regulations 1997(1): prescribed forms in relation to assured tenancies and agricultural occupancies) is amended as follows.

(2) For paragraphs (a), (b) and (c) substitute “for the first, second and third bullet points there were substituted—

“—Where the landlord is seeking possession on any of grounds 1 to 7, 8 to 13, 15, 16 or 17 (without ground 7A or 14) court proceedings cannot begin earlier than six months from the date on which this notice is served on you, and in the case of grounds 1, 2 5 to 7, 9 and 16 court proceedings cannot, in

(1) S.I. 1997/194.

any event, begin before the date on which the tenancy (had it not been assured) could have been brought to an end by a notice to quit served at the same time as the notice.

—Where the landlord is seeking possession on ground 7A (with or without other grounds), court proceedings cannot begin earlier than 1 month from the date this notice is served on you in the case of a fixed term tenancy and, in the case of a periodic tenancy, court proceedings cannot begin before the date on which the tenancy (had it not been assured) could have been brought to an end by a notice to quit served at the same time as this notice.

—Where the landlord is seeking possession on ground 14 (with or without other grounds other than ground 7A), court proceedings cannot begin before the date this notice is served on you.

—Where the landlord is seeking possession on ground 14A (without other grounds), court proceedings cannot begin earlier than two weeks from the date this notice is served on you.”

PART 5

PRESCRIBED INFORMATION IN NOTICES TO QUIT

Amendment to the Notices to Quit etc. (Prescribed Information) Regulations 1988

16.—(1) The Schedule to the Notice to Quit etc. (Prescribed Information) Regulations 1988(1) is to be read, in relation to a Rent Act notice to quit given in relation to premises in Wales during the relevant period, as if after paragraph 2 there were inserted—

“Prescribed information where less than 6 months’ notice has been given

3. Where a notice to quit has been given less than 6 months before the date on which it is to take effect, the following information must be given—

(1) S.I. 1988/2201.

“The notice to quit has been given less than 6 months before the date on which it is to take effect on the basis that the landlord believes that the circumstance specified in Case 2 in Schedule 15 to the Rent Act 1977 applies (conduct which is a nuisance or annoyance to adjoining occupiers, or dwelling-houses used for immoral or illegal purposes).”

(2) In sub-paragraph (1)—

- (a) “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⁽¹⁾ (see section 1 of that Act), and
- (b) “relevant period” means the period beginning with the day on which these Regulations come into force and ending with the date specified in paragraph 1(b)(ii) of Schedule 29.

PART 6

TRANSITIONAL PROVISION

Transitional provision

17. The amendments to Schedule 29 and the suspension of provisions in Schedule 29 made by these Regulations do not apply in relation to notices given or served before the day on which these Regulations come into force.

Julie James

Minister for Housing and Local Government, one of
the Welsh Ministers
25 September 2020

(1) 1977 c. 42.