

**SUMMARY OF CORONAVIRUS
PROTECTION FROM EVICTION
RESIDENTIAL TENANCIES (ENGLAND)**

25 March 2020	Coronavirus Act 2020 came into force, including Paragraph 7 of Schedule 29 extending the s21 notice period for Assured Shorthold Tenancies from 2 months to 3 months for ‘the relevant period’ ending 30 September 2020 (subject to review) and making similar changes for statutory, secure and other tenancies.
27 March 2020	PD51Z imposes a stay on all possession proceedings and enforcement for an initial period of 90 days (25 June 2020). Further, during the period of the stay the court was unable to make contentious directions or list cases and time did not run during the stay.
20 April 2020	PD51Z amended to expressly exclude from the stay claims against trespassers served in accordance with CPR r55.6 i.e. “persons unknown”
9 June 2020	PD51Z amended to clarify, for the avoidance of doubt, that the stay does not apply to claims for injunctive relief
25 June 2020	CPR 55.29 came into force pursuant to The Civil Procedure (Amendment No.2) (Coronavirus) Rules 2020 replacing and extending the stay imposed by PD51Z until 23 August 2020
22 August 2020	The Civil Procedure (Amendment No 5) (Coronavirus) Rules 2020 (Rules) laid before Parliament on 24 August 2020 came into force extending the stay under CPR 55.29 to 20 September 2020.
29 August 2020	The Coronavirus Act 2020 (Residential Tenancies: Protection from Eviction) (Amendment) (England) Regulations 2020 (SI 2020/914), brought into force. These suspended Schedule 29 in respect of the more egregious grounds for possession, but otherwise extended the relevant period until 31 March 2021 and amended it to provide generally for 6 months’ notice or 4 weeks or less in the more serious cases. See Schedule A .

- 20 September 2020 Practice Direction 55C came into force. Made under rule 55.A1, it provided for temporary modification of Part 55 during the period beginning with 20 September 2020 (the end of the stay imposed by rule 55.29) and ending on 28 March 2021 ('the interim period'). Introduced the Reactivation Notice regime to reactivate any stayed claim. See **Schedule B**.
- 20 September 2020 'The Overall Arrangements' also introduced in tandem with PD55C, providing for a system of 'Covid-19 Case Marking' to prioritise cases for listing and a new system of listing for possession claims. At least 21 days' notice is required of a hearing in a stayed claim listed or re-listed in response to a Reactivation Notice. Cases (stayed and new) to proceed with a Review Appointment (to facilitate advice and settlement) and only subsequently (where necessary) a (15 minute) Substantive Hearing. MoJ Guidance against evictions in any areas of Tier 2 and 3 local lockdown.
- 5 November 2020 Pause on evictions announced by Housing Secretary Rt Hon Robert Jenrick MP
- 14 November 2020 The Public Health (Coronavirus) (Protection from Eviction and Taking Control of Goods) (England) Regulations 2020 commenced, barring bailiffs from attending at any dwelling-house for the purposes of executing a warrant or delivering a notice of eviction save in specified cases up until 11 January 2021.
- 11 January 2021 The Public Health (Coronavirus) (Protection from Eviction) (England) Regulations 2021 commenced, barring bailiffs from attending at any dwelling-house for the purposes of executing a warrant or delivering a notice of eviction save in specified cases up until 21 February 2021.
- 29 January 2021 Date of coming into force of the Approval of the 127th Update – Practice Direction Amendments relating to PD55C, extending 'the interim period' for the operation of the Practice Direction from 28 March 2021 until 31 July 2021.
- 22 February 2021 The Public Health (Coronavirus) (Protection from Eviction) (England) No.2) Regulations 2021 (SI2021/15) commenced, barring bailiffs from attending at an dwelling-house for the purposes of executing a warrant

or delivering a notice of eviction save in specified cases up until 31 March 2021.

31 March 2021 The Public Health (Coronavirus) (Protection from Eviction) (England) (No. 2) (Amendment) Regulations 2021 SI 2021/362 extends the ban on evictions to 31 May 2021

31 March 2021 The Coronavirus Act 2020 (Residential Tenancies: Protection from Eviction) (Amendment) (England) Regulations 2021 (SI2021/284) extending the relevant period under Schedule 29 from 31 March 2021 to 31 May 2021.

Schedule A

Changes to notice periods pursuant to The Coronavirus Act 2020 (Residential Tenancies: Protection from Eviction) (Amendment) (England) Regulations 2020

Rent Act 1977 and Protected Tenancies

Case 2, where rent arrears are more than 6 months – notice period of 4 weeks, whether or not any other cases apply

Case 10A (no right to rent) – notice period of 3 months

All other cases – notice period of 6 months

Housing Act 1985 Secure tenancies

Ground 1, where rent arrears are at least 6 months, and no other ground is specified (save 2ZA, 2A or 5) – notice period of 4 weeks

Ground 2 (nuisance/annoyance/illegal purposes/indictable offence in locality) – no notice period

Grounds 2ZA (indictable offence at riot), 2A (Domestic violence and non-perpetrator partner has left) and ground 5 (false statement in obtaining tenancy) – notice period of 4 weeks, so long as no other ground (except ground 1) is specified

Every other ground, and for flexible tenancies – 6 months notice

Housing Act 1988 – Assured and Assured shorthold tenancies.

Section 21 – 6 months' notice in all cases. The period in which possession proceedings may be brought on a s.21 notice extended from 6 months from date of service to 10 months from date of service.

Section 8 grounds:

Grounds 1-6 – 6 months notice

Ground 9 – 6 months notice

Grounds 12 or 13 – 6 months notice

Grounds 15 or 16 – 6 months notice

Ground 8, 10 or 11 where rent arrears are less than 6 months at the date service of notice – 6 months notice

Ground 7 (after death of tenant) and/or 7B (notice of no right to rent), where no other notice is specified – 3 months notice

Ground 7A (offence in locality, closure order etc.) – reverts to pre CA position, so 4 weeks notice for weekly tenancy or one month for monthly tenancy

Grounds 8, 10 & 11, where no other ground is specified in the notice, and rent arrears at the time of service of the notice are not less than 6 months – 4 weeks notice

Ground 14 (nuisance/annoyance/illegal purpose/indictable offence in locality) as far as I can tell – no notice period

Grounds 14A (domestic violence and non perpetrator partner has left), 14ZA (indictable offence during a riot) or 17 (tenancy granted on false representation) are specified in the notice, but no other grounds – two weeks notice

Introductory and Demoted tenancies

Notice of proceedings on ASB reason (whether or not other reasons) – notice of 4 weeks

All other reasons – notice of 6 months

Schedule B

Summary of the Reactivation Notice Regime (from 20/9/20)

For claims that pre-dated the Coronavirus stay, or that were issued before 3 August 2020, a reactivation notice is required, together with information of what is known of the impact of coronavirus on the defendant's household (and proposed amended case directions, if previous directions had been given pre-stay).

For claims issued on or after 3 August 2020, the claimant must serve a notice setting out what is known of the impact of coronavirus on the defendant and their household at least 14 days prior to any hearing, and bring two copies to the hearing (and for social landlords serve 14 days before and bring two copies of a notice setting out compliance with the pre-action protocol). No need for a reactivation notice, the thinking being cases issued just before the end of the stay should be treated as live.

For accelerated possession procedure claims issued on or after 3 August 2020, the claim must include a notice setting out what knowledge the claimant has as to the effect of the Coronavirus pandemic on the defendant and their dependants.