



COVID-19 UK LAW KEY CHANGES TO EVICTION RULES FOR RESIDENTIAL ASSURED SHORTHOLD TENANCIES

APRIL 2020

The Coronavirus Bill has been rushed through Parliament over the past couple of weeks, and introduces '*extraordinary measures*' never seen in peace time in the UK, bringing protection for tenants of UK residential properties.

In relation to residential lettings, the Government made a pledge to introduce a '*complete ban on evictions and additional protections for renters*' affected by Coronavirus. The ban has been reflected in their decision to suspend all ongoing housing possession actions. The Coronavirus Bill, which was given Royal Assent (and officially became The Coronavirus Act 2020), has also extended the notice required for possession proceedings.

The changes apply to England and Wales only and came into force on 26 March 2020, and will apply (unless extended) until 30 September 2020, only affecting notices served during this period.

Currently, Assured Shorthold Tenancies, commonly referred to as '*ASTs*', are the most popular form of residential tenancies used in the UK, in the private rented sector. An Assured Shorthold Tenancy is a tenancy of a dwelling house, let as a separate dwelling to an individual who occupies the house as their only or principal home, which is entered into on or after 28 February 1997. The rent payable must be neither more than £100,000 a year nor less than £250 a year (£1,000 a year in London).

Until now, if a landlord wanted to bring an AST to an end, they were required to give tenants not less than two months' notice in writing, stating that they require possession of the property. If such a notice is served, a court is required to make an order for possession. There is also an equivalent provision in respect of an AST which is a periodic tenancy, provided that the date specified in the notice is not earlier than the earliest date the periodic tenancy could be terminated by a notice to quit served by the Landlord.

The new law extends that notice requirement to three months. For Landlords, this means that court proceedings for possession cannot begin earlier than three months from the date the notice is served. A longer notice period may still be required when terminating a periodic tenancy. Similarly for periodic tenancies where the rent cycle is less than two months, the minimum notice period has been extended to three months.

The new legislation also changes the notice periods if the Landlord wishes to obtain possession pursuant to section 8 of the Housing Act 1988 (which allows a Landlord to obtain possession during the contractual term on fault grounds). The Act provides that the minimum notice period for notices served pursuant to section 8 is now also extended to three months.

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It is worth noting that any notices which have been validly served in accordance with current statutory requirements prior to the enactment of this new legislation, will be enforceable during the relevant period.

As regards the court action however, in relation to cases either currently in or about to go in the system, the court service has suspended all ongoing housing possession action from 27 March 2020, which ultimately means that neither can progress to the practical eviction stage. This suspension is set to initially last for 90 days, but it could be extended.

The Government has also issued another guidance document to provide more clarity to the private rental sector. The document provides a summary of the various regulations that have changed in the past week and full details can be found [here](#).

The Act grants the Secretary of State the power to amend the provisions to increase the minimum three month notice period to six months, if such is deemed necessary in the future.

See more about the firm's UK Real Estate department [here](#). The team is continuing to operate remotely, and are happy to hear from clients old and new. We are here to help.

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