



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE	Use of powers under the Coronavirus Act 2020: Residential tenancies – protecting tenants from eviction
DATE	28 September 2020
BY	Julie James, Minister for Housing and Local Government

The Coronavirus Act 2020 ('the 2020 Act') includes a range of powers for the Welsh Ministers to both respond to and manage the transmission of the virus. In relation to housing law, section 81 and Schedule 29 to the 2020 Act delays when a landlord is able to evict a tenant by temporarily increasing the period of notice that must be given before a possession claim is made to the court.

The Schedule applies to all landlords who have granted tenancies under the Rent Act 1977 and the Housing Acts 1985, 1988 and 1996. Three months' notice is required for notices served in respect of protected and statutory tenancies, secure tenancies, introductory tenancies and demoted tenancies. The Coronavirus Act 2020 (Assured Tenancies and Assured Shorthold Tenancies) (Amendment) (Wales) Regulations 2020, which came into force on 24 July 2020, amended Schedule 29 so that six months' notice is required in relation to assured and assured shorthold tenancies (except for notices specifying Grounds 7A and 14 relating to antisocial behaviour, which remained at three months).

Schedule 29 applies to notices served during the relevant period, which was due to end on 30 September. The relevant period may be extended by the Welsh Ministers beyond 30 September 2020 using the power set out in paragraph 1(2) of Schedule 29.

Paragraph 13(1) of Schedule 29 to the 2020 Act gives the Welsh Ministers (as the "relevant national authority") the power to amend Schedule 29 to alter a reference to three months into a reference to six months, or a reference to any other specified period which is less than six months.

Section 88 of the 2020 Act provides a power to 'national authorities' to suspend and revive provisions within the Coronavirus Act. Section 88(9) provides that the Welsh Ministers are a relevant national authority in relation to a provision if it extends to England and Wales and applies in relation to Wales and the provision would otherwise fall within the legislative competence of the Senedd.

During the debate on the Legislative Consent Motion for the 2020 Act, which was held on 24 March 2020, the Minister for Health and Social Services gave a commitment to provide a public statement on each use of the powers under the Act. I can now confirm that, as Minister for Housing and Local Government, I have made Regulations under section 88(1) and paragraphs 1(2) and 13(1) of Schedule 29 to the 2020 Act. The Regulations extend until 31 March 2021 the relevant period to which the provisions of Schedule 29 will apply. Furthermore, the Regulations increase from three months to six months, the period of notice that must be served in respect of protected and statutory tenancies, secure tenancies, and introductory tenancies and demoted tenancies, thus bringing them into line with the period required in relation to assured and assured shorthold tenancies. In respect of all tenancies however, for notices given in relation to antisocial behaviour and domestic violence, the requirements will revert to those that applied prior to the Coronavirus Act 2020.

The purpose of these alterations is to ensure that during the on-going public emergency, landlords continue to give increased notice to tenants facing eviction from rented properties before landlords can issue proceedings for possession. The effect will be to delay evictions meaning that: fewer people will face eviction into homelessness at a time when local authorities are less able to respond to these situations; those renting their homes will benefit from increased security and reduced anxiety; and individuals at risk of eviction will be provided with increased time to seek support to resolve any problems.

The alteration to notice periods contained in the Regulations will apply to notices served on or after the date the Regulations come into force – namely 29 September 2020. The convention that not less than 21 days should elapse between the laying of the Regulations and their coming into force has not been followed in this case. This reflects the urgent need to provide greater security of tenure at this time, thus contributing to the measures already in place in response to the virus.

I will review again in December 2020 the provisions of Schedule 29 to the 2020 Act. The purpose of that review will be to consider whether those provisions remain necessary and appropriately drafted in the light of the pandemic and its effects as they appear at that time

A copy of the Regulations and the accompanying Explanatory Memorandum can be viewed [here](#) and [here](#)