

## NOTICES IN ENGLAND

TYPE OF TENANCY	GROUNDS FOR POSSESSION		
	RENT ARREARS	ANTI-SOCIAL BEHAVIOUR	ANYTHING ELSE
<b>RENT ACT 1977</b>  <b>REGULATED/ CONTRACTUAL PROTECTED TENANTS &amp;  STATUTORY TENANTS</b>	<u>BEFORE 26/3/20</u> <ul style="list-style-type: none"> <li>Protected tenancy -Case 1, Sch 15 - <b>4 weeks</b> NTQ (s.5, Protection from Eviction Act 1977)</li> <li>Statutory tenancy – <b>no notice</b> (s.3(4), Rent Act 1977)</li> </ul>	<u>BEFORE 26/3/20</u> <ul style="list-style-type: none"> <li>Protected tenancy - Case 2, Sch 15 – <b>4 weeks</b> NTQ (s.5, Protection from Eviction Act 1977)</li> <li>Statutory tenancy – <b>no notice</b> (s.3(4), Rent Act 1977)</li> </ul>	<u>BEFORE 26/3/20</u> <ul style="list-style-type: none"> <li>Protected tenancy - <b>4 weeks</b> NTQ (s.5, Protection from Eviction Act 1977)</li> <li>Statutory tenancy – <b>no notice</b> (s.3(4), Rent Act 1977)</li> </ul>
	<u>26/3/20 TO 28/8/20</u> <ul style="list-style-type: none"> <li>Protected tenancy - <b>3 months'</b> Rent Act NTQ</li> <li>Statutory tenancy – <b>3 months'</b> Notice of intention to commence possession proceedings</li> </ul>		
	<u>29/8/20 TO 31/3/21</u> <ul style="list-style-type: none"> <li>6 months' rent arrears when notice served – <b>4 weeks</b></li> <li>Less than 6 months arrears – <b>6 months</b></li> </ul>	<u>29/8/20 TO 31/3/21</u> <ul style="list-style-type: none"> <li>Case 2 (with/ without other grounds)– nuisance or annoyance, conviction for immoral or illegal use – <b>4 weeks</b></li> </ul>	<u>29/8/20 TO 31/3/21</u> <ul style="list-style-type: none"> <li><b>6 months</b></li> <li>Case 10A – no right to rent under immigration law – <b>3 months</b> <ul style="list-style-type: none"> <li>[provided case 2 doesn't apply, less than 6 months arrears &amp; no other Sch 15 circumstances apply]</li> </ul> </li> </ul>

TYPE OF TENANCY	GROUNDS FOR POSSESSION		
	RENT ARREARS	ANTI-SOCIAL BEHAVIOUR	ANYTHING ELSE
<b>SECURE TENANCY</b> <b>(s.83 HA 85)</b>  <b>(s.83 notice is valid for 12 months from date expressed in the notice)</b>	<u>BEFORE 26/3/20</u> <ul style="list-style-type: none"> <li><b>4 weeks</b> for weekly or fortnightly tenant</li> </ul>	<u>BEFORE 26/3/20</u> <ul style="list-style-type: none"> <li>Ground 2 discretionary ASB ground (with/ without others) s.83(4)- <b>immediately</b></li> <li>S.84A (absolute ground for possession for anti-social behaviour) – s.83ZA notice s.83ZA (10)               <ul style="list-style-type: none"> <li>[periodic tenancy (“<b>not earlier” than NTQ could expire</b>)</li> <li>-i.e. 28 days for weekly periodic,</li> <li>longer for monthly or quarterly periodic tenancy)]</li> <li>[fixed term assured tenancy (<b>1 month notice</b>)]</li> </ul> </li> </ul>	<u>BEFORE 26/3/20</u> <ul style="list-style-type: none"> <li><b>4 weeks</b> for weekly or fortnightly tenants</li> </ul>
	<u>26/3/20 TO 28/8/20</u> <ul style="list-style-type: none"> <li><b>3 months</b></li> </ul>		
	<u>29/8/20 TO 31/3/21</u> <ul style="list-style-type: none"> <li>Ground 1 – rent arrears – at least 6 months unpaid rent when notice served – <b>4 weeks</b> [provided only ground or only with 2ZA, 2A &amp; 5]</li> <li>Less than 6 months arrears – <b>6 months</b></li> </ul>	<u>29/8/20 TO 31/3/21</u> <ul style="list-style-type: none"> <li>Ground 2 (discretionary ground for ASB) – proceedings may be brought <b>immediately</b></li> <li>Ground 2A– domestic violence – <b>4 weeks</b> [provided only ground or only with 2ZA, 5 &amp; ground of at least 6 months arrears]</li> </ul>	<u>29/8/20 TO 31/3/21</u> <ul style="list-style-type: none"> <li><b>6 months’</b> notice</li> <li>Ground 5 (tenancy by false statement) – <b>4 weeks</b> [provided only ground or only with 2ZA, 2A &amp; ground of at least 6 months arrears]</li> </ul>

TYPE OF TENANCY	GROUNDS FOR POSSESSION		
	RENT ARREARS	ANTI-SOCIAL BEHAVIOUR	ANYTHING ELSE
		<ul style="list-style-type: none"> <li>Ground 2ZA only– convicted of indictable offence – <b>4 weeks</b> <ul style="list-style-type: none"> <li>[provided only ground or only with 2A, 5 &amp; ground of at least 6 months arrears]</li> </ul> </li> <li>S.84A (absolute ground for possession for anti-social behaviour) – s.83ZA notice s.83ZA (10) <ul style="list-style-type: none"> <li>[periodic tenancy (<b>“not earlier” than NTQ could expire</b>)</li> <li>-i.e. 28 days for weekly periodic,</li> <li>longer for monthly or quarterly periodic tenancy]]</li> <li>[fixed term assured tenancy (<b>1 month notice</b>)]<sup>1</sup></li> </ul> </li> </ul>	
INTRODUCTORY TENANCY (s.128 HA 96)	BEFORE 26/3/20		
	<ul style="list-style-type: none"> <li><b>4 weeks</b></li> </ul>		
DEMOTED TENANCY (s.83 HA 85, s.6A HA 88)	26/3/20 TO 28/8/20		
	<ul style="list-style-type: none"> <li><b>3 months</b></li> </ul>		
	29/8/20 TO 31/3/21	29/8/20 TO 31/3/21	29/8/20 TO 31/3/21
	<ul style="list-style-type: none"> <li><b>6 months</b></li> </ul>	<ul style="list-style-type: none"> <li>ASB reason<sup>2</sup> (whether or not other reasons) – <b>4 weeks</b></li> </ul>	<ul style="list-style-type: none"> <li><b>6 months</b></li> </ul>

<sup>1</sup> The Coronavirus Act 2020 (Residential Tenancies: Protection from Eviction) (Amendment) (England) Regulations 2020, Reg 2 [suspended provisions of Schedule 29 of the Coronavirus Act 2020 in England re Ground 2 HA 85, s.83ZA HA 85, ground 7A & 14 HA 88, so back to position before 26/3/2020]

<sup>2</sup> S.84A(3) to (7) HA 1985 or Grounds 2, 2ZA and 2A of Schedule 2 1985

TYPE OF TENANCY	GROUNDS FOR POSSESSION		
	RENT ARREARS	ANTI-SOCIAL BEHAVIOUR	ANYTHING ELSE
(s.83(4A) HA 85 (valid for 12 months))			
Flexible tenancy (s.107D HA 85)	<u>BEFORE 26/3/20</u> <ul style="list-style-type: none"> <li>• <b>2 months</b> (s.107D(4))</li> </ul>		
	<u>26/3/20 TO 28/8/20</u> <ul style="list-style-type: none"> <li>• <b>3 months</b></li> </ul>		
	<u>29/8/20 TO 31/3/21</u> <ul style="list-style-type: none"> <li>• <b>6 months</b></li> </ul>		
ASSURED SHORTHOLD TENANCY  S.21	<u>BEFORE 26/3/20</u> <ul style="list-style-type: none"> <li>• <b>2 months</b></li> </ul> (proceedings can be brought up to 6 months after date of service)		
	<u>26/3/20 TO 28/8/20</u> <ul style="list-style-type: none"> <li>• <b>3 months</b></li> </ul>		
	<u>29/8/20 TO 31/3/21</u> <ul style="list-style-type: none"> <li>• <b>6 months</b></li> </ul> (proceedings can be brought up to 10 months after date of service)		
ASSURED TENANCY HA 1988  s.8 HA 88  (Notice of proceedings for possession valid 12 months from date served s.8(3)(c))	<u>BEFORE 26/3/20</u> <ul style="list-style-type: none"> <li>• Grounds 8, 10 or 11 - <b>2 weeks</b> from date notice served</li> </ul>	<u>BEFORE 26/3/20</u> <ul style="list-style-type: none"> <li>• Ground 14 – <b>not earlier than date of service of notice</b></li> <li>• S8(3A) –ground 7A (with/ without other grounds)- -                             <ul style="list-style-type: none"> <li>○ [periodic tenancy ("<b>not earlier</b>" than NTQ could expire)</li> <li>○ -i.e. 28 days for weekly</li> </ul> </li> </ul>	<u>BEFORE 26/3/20</u> <ul style="list-style-type: none"> <li>• S.8(4B) – <b>2 weeks</b></li> <li>• S.8(4A)(a) grounds 1, 2, 5, 6, 7, 9, 16– <b>2 months</b></li> </ul>

TYPE OF TENANCY	GROUNDS FOR POSSESSION		
	RENT ARREARS	ANTI-SOCIAL BEHAVIOUR	ANYTHING ELSE
		<ul style="list-style-type: none"> <li>periodic, <ul style="list-style-type: none"> <li>longer for monthly or quarterly periodic tenancy]]</li> <li>[fixed term assured tenancy (<b>1 month notice</b>)]</li> </ul> </li> </ul>	
	<u>26/3/20 TO 28/8/20</u> <ul style="list-style-type: none"> <li><b>3 months</b></li> </ul>		
	<u>29/8/20 TO 31/3/21</u> <ul style="list-style-type: none"> <li>S.8(4A) &amp; (4B) – grounds 8, 10 or 11 where less than 6 months’ rent when notice is served – <b>6 months</b></li> <li>Grounds 8, 10 or 11 – more than 6 months arrears – <b>4 weeks</b> <ul style="list-style-type: none"> <li>[unless any of grounds 1 to 6, 9, 12, 13, 15 or 16 also specified <u>or</u> grounds 7 or 7B also specified]</li> </ul> </li> </ul>	<u>29/8/20 TO 31/3/21</u> <ul style="list-style-type: none"> <li>S8(3A) –ground 7A - [periodic tenancy (<b>“not earlier” than NTQ could expire</b>), fixed term assured tenancy (<b>1 month notice</b>)]</li> <li>Grounds 14A (domestic violence) or 14ZA (conviction for indictable offence)– <b>2 weeks</b> <ul style="list-style-type: none"> <li>[unless any of grounds 1 to 6, 9, 12, 13, 15 or 16 also specified <u>or</u> grounds 8,10 &amp;11 specified at time or grounds 7 or 7B also specified]</li> </ul> </li> <li>Ground 14 – discretionary ASB ground – <b>immediately after service</b></li> </ul>	<u>29/8/20 TO 31/3/21</u> <ul style="list-style-type: none"> <li>Grounds 1 to 6, 9, 12, 13, 15 or 16 – <b>6 months</b></li> <li>Grounds 7 (tenancy devolved under will or intestacy), 7B (no right to rent under immigration rules) – <b>3 months</b> <ul style="list-style-type: none"> <li>[unless any of grounds 1 to 6, 9, 12, 13, 15 or 16 also specified <u>or</u> grounds 8,10 &amp;11 specified at time when arrears less than 6 months]</li> </ul> </li> <li>Ground 17 (tenancy induced by false statement)– <b>2 weeks</b></li> </ul>
COMMON LAW/			

TYPE OF TENANCY	GROUNDS FOR POSSESSION		
	RENT ARREARS	ANTI-SOCIAL BEHAVIOUR	ANYTHING ELSE
CONTRACTUAL / NON-SECURE TENANCIES/ LICENCES/ NOTICE TO DECEASED'S PERSONAL REPRESENTATIVES	BEFORE 26/3/20 • <b>4 weeks</b> NTQ		
	26/3/20 TO 28/8/20 • <b>4 weeks</b> NTQ		
	29/8/20 TO 31/3/21 • <b>4 weeks</b> NTQ		
SQUATTERS/ PERSONS UNKNOWN	• No notice required. Seek IPO or trespass proceedings as usual		



Morayo Fagborun Bennett and Laura Tweedy

Hardwicke

10 September 2020

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## Contact Us

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<p><b>Laura Tweedy</b></p> <p>M: +44 (0)78 3445 2387</p> <p><a href="mailto:laura.tweedy@hardwicke.co.uk">laura.tweedy@hardwicke.co.uk</a></p>	<p><a href="http://www.hardwicke.co.uk/barrister/laura-tweedy/">www.hardwicke.co.uk/barrister/laura-tweedy/</a></p>  A professional headshot of Laura Tweedy, a white woman with long brown hair, wearing a dark blazer over a light-colored striped shirt. She is smiling and looking towards the camera.