



Understanding notice periods in light of Covid-19

Since nationwide lockdown began on 23 March 2020, both landlords and tenants have encountered a state of uncertainty. As we all know, the ongoing pandemic continues to cause confusion with the constant changes in law. Following the end of the stay on possession proceedings on 20 September 2020, this month's Spotlight will focus on clients in rent arrears and the notice periods they must be given when their landlord decides to pursue possession action.

Between the 26 March 2020 and 28 August 2020, the government extended the minimum notice period to three months. As of 29 August 2020, for notices served between this date and 31 March 2021, the minimum notice period is six months.

Serving the correct notice is the first stage of the eviction. If a landlord wishes to evict their tenant they will normally:

- give the client a written notice
- apply to court for a possession order
- Instruct county court or high court enforcement agents to evict the client

For all possession/eviction proceedings issued before 3 August 2020 which have been stayed (until after 20 September 2020) the landlord must serve on the tenant a 'reactivation notice' pursuant to [Practice Direction 55C](#).

As of 20 September 2020, enforcement agents can no longer evict a tenant without giving 14 days' notice prior to the eviction date. This requirement applies to both

County Court and High Court enforcement pursuant to [The Civil Procedure \(Amendment No. 3\) Rules 2020](#).

In areas affected by a local lockdown, evictions will not be enforced. There will also be a stay on the enforcement of evictions in England and Wales in the run up to and over Christmas, except in the most serious circumstances relating to anti-social behaviour and/or domestic abuse. This will run from 11th December 2020 to 11th January 2021.

To advise clients appropriately, you will need to check the notice they have been served and their type of tenancy. If you require assistance with either of these, you can use Shelter's [tenancy checker](#) or contact [NHAS](#) for advice.

Section 21 notices

Section 21 notices are used by landlords evicting tenants subject to an assured shorthold tenancy (AST). From the 2nd September 2020, a section 21 notice must be issued on the updated [form 6A](#). When serving a section 21 notice there does not need to be a reason but advisers should ensure the notice is valid.

Notice periods

When the client was given the section 21	Notice period length
On or after 29 August	6 months
Between 26 March and 28 August	3 months
Before 26 March	2 months

A landlord will normally have 4 months from the end of the notice to apply to court. If they were given a section 21 between 26th March and 28th August the landlord has 3 months to apply to court.

Section 8 notices

Where the client has an assured or assured shorthold tenancy, their landlord may issue a section 8 notice based on a specific ground. We will be focusing on section 8 notices served on ground(s) relating to rent arrears which are 8,10 and 11.

Notice periods

Ground used	When you were given the notice

	Before 26 March	Between 26 March and 28 August	On or after 29 August
8 (serious rent arrears)	2 weeks	3 months	4 weeks if they are in at least 6 months' rent arrears
10 (some rent arrears)			6 months if the arrears are below 6 months
11 (late payment of rent)			

Where possession is sought on more than 1 ground, the notice period applicable will be the longest one. As a section 8 notice will expire after 12 months from the date it was served on the client, a landlord has until the expiry date to apply to the court for a possession order.

Section 83 notices

A section 83 notice will be issued to client's who have a secure tenancy. Depending on the type of secure tenancy, for example periodic or fixed term, the landlord will complete either a Part I or Part II notice, you can find these [here](#). The forms have been amended to make clear that court proceedings cannot begin earlier than six months from the date the notice is served except in certain serious cases. These include those in relation to anti-social behaviour (including rioting), domestic abuse, false statement and where a tenant has accrued rent arrears to the value of over six months' rent.

Notice periods

Ground used	When you were given the notice		
	Before 26 March	Between 26 March and 28 August	On or after 29 August
1 Rent arrears or breach of tenancy	4 weeks	3 months	4 weeks if they are in at least 6 months' rent arrears and no other ground is specified (apart from ground 2 - Nuisance/annoyance,

			illegal/immoral use of property) 6 months if the arrears are below 6 months
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Where the landlord relies on multiple grounds (but not ground 2) the minimum notice required will be the higher of the notice periods relevant to those grounds.

Rent arrears and money judgments

We have recently seen that in cases where landlords have been unable to obtain possession, they have instead sought enforcement of rent arrears alone. Landlords are able to issue money claims to recover any unpaid rent. Obtaining a money judgment does not allow for possession of the property but may be enforced by a:

- warrant of control in the County Court
- writ of control in the High Court
- third party debt order
- charging order
- attachment of earnings order

You can find further information regarding money judgments and possession proceedings on [Shelter Legal](#).

Further help

Shelter Legal contains a detailed page on '[Covid-19: Protection for tenants](#)' and Shelter's '[Eviction](#)' for more information.

Gov.uk also has '[Technical guidance on evictions notices](#)'.

If your client is being evicted and they have rent arrears, you can contact the Specialist Debt Advice Service for assistance.

If your client is being evicted on other grounds and does not have rent arrears, please contact NHAS for assistance. You can submit an [enquiry online](#) or call them on **0300 330 0517**. Alternatively, you can speak to an adviser via webchat by clicking the 'chat with us here' button located on the [NHAS website](#) at the top of each page.