

This Statutory Instrument has been made in consequence of defects in S.I.2015/1646 and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2015 No. 1725

LANDLORD AND TENANT, ENGLAND

The Assured Shorthold Tenancy Notices and Prescribed Requirements (England) (Amendment) Regulations 2015

<i>Made</i>	- - - -	<i>27th September 2015</i>
<i>Laid before Parliament</i>		<i>29th September 2015</i>
<i>Coming into force</i>	- -	<i>30th September 2015</i>

The Secretary of State, in exercise of the powers conferred by section 21(8) of the Housing Act 1988(a), makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Assured Shorthold Tenancy Notices and Prescribed Requirements (England) (Amendment) Regulations 2015 and come into force on 30th September 2015.

Amendment of the Assured Shorthold Tenancy Notices and Prescribed Requirements (England) Regulations 2015

2.—(1) The Assured Shorthold Tenancy Notices and Prescribed Requirements (England) Regulations 2015(b) are amended as follows.

(2) For the form in the Schedule substitute the form in the Schedule to these Regulations.

Signed by the authority of the Secretary of State for Communities and Local Government

27th September 2015

Brandon Lewis
Minister of State
Department for Communities and Local Government

SCHEDULE

Regulation 2(2)

(a) 1988 c. 50. Section 21(8) was inserted by section 37 of the Deregulation Act 2015 (c. 20).
(b) S.I. 2015/1646.

Form No. 6A

Housing Act 1988 section 21(1) and (4) as amended by section 194 and paragraph 103 of Schedule 11 to the Local Government and Housing Act 1989 and section 98(2) and (3) of the Housing Act 1996

FORM 6A

Notice seeking possession of a property let on an Assured Shorthold Tenancy

Housing Act 1988 section 21(1) and (4) as amended by section 194 and paragraph 103 of Schedule 11 to the Local Government and Housing Act 1989 and section 98(2) and (3) of the Housing Act 1996

- Please write clearly in black ink. Please tick boxes where appropriate.
- This form should be used where a no fault possession of accommodation let under an assured shorthold tenancy (AST) is sought under section 21(1) or (4) of the Housing Act 1988.
- There are certain circumstances in which the law says that you cannot seek possession against your tenant using section 21 of the Housing Act 1988, in which case you should not use this form. These are:
 - (a) during the first four months of the tenancy (but where the tenancy is a replacement tenancy, the four month period is calculated by reference to the start of the original tenancy and not the start of the replacement tenancy – see section 21(4B) of the Housing Act 1988);
 - (b) where the landlord is prevented from retaliatory eviction under section 33 of the Deregulation Act 2015;
 - (c) where the landlord has not provided the tenant with an energy performance certificate, gas safety certificate or the Department for Communities and Local Government's publication "How to rent: the checklist for renting in England" (see the Assured Shorthold Tenancy Notices and Prescribed Requirements (England) Regulations 2015);
 - (d) where the landlord has not complied with the tenancy deposit protection legislation; or
 - (e) where a property requires a licence but is unlicensed.

Landlords who are unsure about whether they are affected by these provisions should seek specialist advice.

- This form must be used for all ASTs created on or after 1 October 2015 except for statutory periodic tenancies which have come into being on or after 1 October 2015 at the end of fixed term ASTs created before 1 October 2015. There is no obligation to use this form in relation to ASTs created prior to 1 October 2015, however it may nevertheless be used for all ASTs.

What to do if this notice is served on you

- You should read this notice very carefully. It explains that your landlord has started the process to regain possession of the property referred to in section 2 below.
- You are entitled to at least two months' notice before being required to give up possession of the property. However, if your tenancy started on a periodic basis without any initial fixed term a longer notice period may be required depending on how often you are required to pay rent (for example, if you pay rent quarterly, you must be given at least three months' notice, or, if you have a periodic tenancy which is half yearly or annual, you must be given at least six months' notice (which is the maximum)). The date you are required to leave should be shown in section 2 below. After this date the landlord can apply to court for a possession order against you.
- Where your tenancy is terminated before the end of a period of your tenancy (e.g. where you pay rent in advance on the first of each month and you are required to give up possession in the middle of the month), you may be entitled to repayment of rent from the landlord under section 21C of the Housing Act 1988.
- If you need advice about this notice, and what you should do about it, take it immediately to a citizens' advice bureau, a housing advice centre, a law centre or a solicitor.

1. To:

Name(s) of tenant(s) (Block Capitals)

2. You are required to leave the below address after []¹. If you do not leave, your landlord may apply to the court for an order under section 21(1) or (4) of the Housing Act 1988 requiring you to give up possession.

Address of premises

3. This notice is valid for six months only from the date of issue unless you have a periodic tenancy under which more than two months' notice is required (see notes accompanying this form) in which case this notice is valid for four months only from the date specified in section 2 above.

4. Name and address of landlord

To be signed and dated by the landlord or their agent (someone acting for them). If there are joint landlords each landlord or the agent should sign unless one signs on behalf of the rest with their agreement.

Signed

Date

Please specify whether: landlord joint landlords landlord's agent

Name(s) of signatory/signatories (Block Capitals)

Address(es) of signatory/signatories

Telephone of signatory/signatories

¹ Landlords should insert a calendar date here. The date should allow sufficient time to ensure that the notice is properly served on the tenant(s). This will depend on the method of service being used and landlords should check whether the tenancy agreement makes specific provision about service. Where landlords are seeking an order for possession on a periodic tenancy under section 21(4) of the Housing Act 1988, the notice period should also not be shorter than the period of the tenancy (up to a maximum of six months), e.g. where there is a quarterly periodic tenancy, the date should be three months from the date of service.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations substitute a new form for the form contained in the Schedule to the Assured Shorthold Tenancy Notices and Prescribed Requirements (England) Regulations 2015 (S.I. 2015/1646) in order to correct an error which was identified in the original form. A number of other drafting and formatting changes have also been made to the new form to make it more accessible to users.

The impact will be as set out in the impact assessment for the Assured Shorthold Tenancy Notices and Prescribed Requirements (England) Regulations 2015 and this instrument by itself has no additional impact. The impact assessment for the Assured Shorthold Tenancy Notices and Prescribed Requirements (England) Regulations 2015 will be available from <https://www.gov.uk/dclg> or by contacting Mark Malvisi on 0303 444 3220.

© Crown copyright 2015

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£4.25

UK201509284 10/2015 19585

<http://www.legislation.gov.uk/id/uksi/2015/1725>

ISBN 978-0-11-113947-9



9 780111 139479