

## Following almost 18 months of disruption the notice periods for Section 8 and Section 21 notices have now returned to their pre-covid levels.

The Coronavirus Act 2020 (Residential Tenancies and Notices) (Amendment and Suspension) (England) Regulations 2021 have suspended the relevant provisions in the Coronavirus Act 2020.

### Section 21 Notice:

Minimum 2 Months' notice.

### Section 8 Notice (selected grounds):

Ground	Reason	Notice Period
Ground 7	Death of a Tenant	2 Weeks
Ground 7a	Serious Antisocial Behaviour	4 Weeks/1 Month
Ground 7b	No Right to Rent	2 Weeks
Ground 8	Rent Arrears (Excess of 2 months)	2 Weeks
Ground 12	Breach of Tenancy Agreement	2 Weeks
Ground 17	False Statement	2 Weeks

We remind you to ensure that you are using the most up to date forms at all times. If an outdated form is used the notice will not be valid. Please visit our [website](#) or speak to a member of the team.

You will need Form 6a for the Section 21 or Form 3 for the Section 8 Notice.

The Government has reserved the right to amend the notice periods again without consultation. Do be sure to keep updated and make sure that you are using the correct version on the day that you serve the notice, as the above is subject to change.

### New Notices

The new notices largely take the same form as the previous notices, however there are some important differences to note. On both the section 8 notice and the section 21 notice there is now a clear section titled "Name and address of landlord or landlord's agent" this is to be completed by the person signing the notice, if being signed on behalf of the landlord it specifically states this is someone authorised by the landlord to give notice on their behalf, this is especially relevant where the managing agent is a company.

The importance of ensuring the individual signing the notice has the correct authorisation to do so should not be overlooked. If a tenant defends a possession claim on the basis that the person who signed the notice did not have the proper authorisation to do so and is successful, the possession claim would be struck out.

Notices must be signed in accordance with s.44 Companies Act 2006 which provides:

*(2) A document is validly executed by a company if it is signed on behalf of the company –*

*(a) by two authorised signatories, or*

*(b) by a director of the company in the presence of a witness who attests the signature*

The alternative to this is that the landlord provides express authority, in writing, for the notice to be by a named individual on the landlords' behalf. This allows said individual to sign the notice as the landlord's agent in their personal capacity.

### **Notes**

Each form now has accompanying notes for tenants and landlords. These notes do not strictly form part of the notice. We would however strongly recommend serving the notes alongside the notice and keeping a record of this. If this is done it eliminates the suggestion that the notice is incomplete and therefore defective.

### **Effect of Previously Served Notices**

Notices that were previously served under the old notice periods will remain valid and enforceable. There is no need to serve an entirely new notice.

### **Can I Serve a new notice?**

Notices are served without prejudice to each other. This means that you can serve a new notice with a shorter expiry period, and it will not affect the validity of a previous notice. The landlord can then choose whether they wish to take any further action upon any notices that have been validly served.

### **Not sure if you are compliant and are able to validly serve notice!**

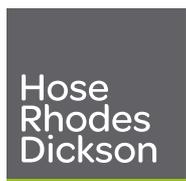
Have you served on your tenant and do you have evidence of service of the documents prescribed by the Deregulation act 2015?

Have you issued your tenant with the annual gas safety certificate within 28 days? and can you prove that you have?

If the answer is 'no' or 'I am not sure' to either or both the above questions, you should speak to one of our tenancy professionals.

*Don't take a chance - get it right and save time and money.*

## With 8 offices Islandwide, we are on hand to help



**Bembridge:** 01983 875000

**Cowes:** 01983 294714

**East Cowes:** 01983 219002

**Newport:** 01983 521114

**Ryde:** 01983 565658

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