



Sir Robert Neill MP
Chair of the Justice Committee
House of Commons
SW1A 0AA

MoJ Ref: 84521

8 January 2021

Dear Bob,

**THE PUBLIC HEALTH (CORONAVIRUS) (PROTECTION FROM EVICTION) (ENGLAND)
REGULATIONS 2021**

I am writing to inform you that the Government is laying a Statutory Instrument (SI) before Parliament today, to enter into force on 11 January. The Public Health (Coronavirus) (Protection from Eviction) (England) Regulations 2021 ("the SI") renew the restrictions currently in place in England on the enforcement of evictions, including serving notice of eviction, until the end of 21 February 2021.

As a result of the national lockdown in England, the Government believes it is necessary to renew the restrictions on the enforcement of evictions in order to help control the spread of infection, prevent any additional burden falling on the NHS and avoid overburdening local authorities in their work providing housing support and protecting the public, at a time when pressure on public services is acute and the risk of virus transmission is very high.

To ensure the restriction on the enforcement of evictions remains proportionate to the public health risk identified, and in light of the competing public interest in ensuring access to justice, preventing harm to third parties, taking action against egregious behaviour and upholding the integrity of the rental market, the measure continues to provide for limited exemptions to the ban. These exemptions are for those circumstances where the Government feels that the public health risk is sufficiently outweighed by the wider public interest and the risk of disproportionate harm to landlords. Restricting enforcement of evictions aside from under the most egregious grounds will substantially decrease the volume of people being evicted and thus better ensure local authority capacity to support them.

The limited circumstances in which an eviction may be enforced are those where the Government feels that the competing interests of preventing harm to third parties or taking action against egregious behaviour are sufficient to outweigh the public health risks. That is, in the following cases:

- cases where the court is satisfied that the claim is against trespassers who are persons unknown; or
- cases where the court is satisfied that the order for possession was made wholly or partly on the grounds of anti-social behaviour, nuisance, false statements, domestic abuse in social tenancies, rent arrears of at least six months; or

- in cases where the person attending the property is satisfied that the dwelling house is unoccupied at the time of attendance, where the court is satisfied that order for possession was made wholly or partly on the grounds of death of the occupant.

These are the same exemptions that were contained in the Public Health (Coronavirus) (Protection from Eviction and Taking Control of Goods) (England) Regulations 2020, with the exception of the exemption for substantial rent arrears. Under the previous regulations, the enforcement of evictions was only permitted in cases with rent arrears of nine months or more which had accrued before the 23 March 2020. This exemption has been widened to cases where a possession order was granted on the grounds of rent arrears and where more than six months of rent is outstanding. The Government believes that this a proportionate approach given the need to balance the impact on landlords of extending restrictions on the enforcement of evictions with the need to continue to protect tenants from eviction.

The SI also permits warrants and writs of restitution to be enforced. These warrants and writs are issued in cases where a person who has been evicted from premises re-enters those premises illegally.

The SI has been made under the emergency procedure set out in section 45R of the Public Health (Control of Disease) Act 1984. It has been made without a draft having been laid and approved by a resolution of each House of Parliament. I would like to emphasise that in my view, it has been necessary by reason of urgency engendered by exceptional circumstances to make this instrument without such a draft being laid and approved, in order to respond to the serious and imminent threat to public health from the coronavirus. However, I would like to reiterate my commitment to upholding Parliament's role in scrutiny and debate. It is the Government's intention to bring the SI forward for debate within 28 days of laying, for approval by a resolution of each House of Parliament.

We will continue to keep the restriction on the enforcement of evictions under review, taking into account the latest public health data.

I am placing a copy of this letter in the Libraries of both Houses.

Yours ever

A handwritten signature in black ink that reads "Robert Buckland". The signature is written in a cursive, slightly informal style.

RT HON ROBERT BUCKLAND QC MP