STATUTORY INSTRUMENTS

2015 No. 1646

LANDLORD AND TENANT, ENGLAND

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

Made - - - -	*7th September 2015*
Laid before Parliament	*9th September 2015*
Coming into force - -	*1st October 2015*

The Secretary of State, in exercise of the powers conferred by sections 8(3), 21(8), 21A and 21B of the Housing Act 1988(**1**), makes the following Regulations:

Citation, commencement, interpretation and application

1.—(1) These Regulations may be cited as the Assured Shorthold Tenancy Notices and Prescribed Requirements (England) Regulations 2015 and come into force on 1st October 2015.

(2) In these Regulations "the Act" means the Housing Act 1988.

(3) Subject to paragraph (4), these Regulations apply in relation to an assured shorthold tenancy of a dwelling-house in England granted on or after 1st October 2015.

(4) These Regulations do not apply to an assured shorthold tenancy that came into being under section 5(2) of the Housing Act 1988 on or after 1st October 2015 on the coming to an end of an assured shorthold tenancy that was granted before that date.

Compliance with prescribed legal requirements

2.—(1) Subject to paragraph (2), the requirements prescribed(**2**) for the purposes of section 21A of the Act are the requirements contained in—

(a) regulation 6(5) of the Energy Performance of Buildings (England and Wales) Regulations 2012(**3**) (requirement to provide an energy performance certificate to a tenant or buyer free of charge); and

(**1**) 1988 c. 50. Section 8(3) was amended by the Housing Act 1996 (c. 52), Schedule 1, paragraph 1 and section 97(2)(a) of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12). Sections 21(8) and (9), section 21A and section 21B were inserted by sections 37, 38 and 39 respectively of the Deregulation Act 2015 (c. 20).
(**2**) Section 45(1) of the Act provides that "prescribed" means prescribed by regulations.
(**3**) S.I. 2012/3118.

(b) paragraph (6) or (as the case may be) paragraph (7) of regulation 36 of the Gas Safety (Installation and Use) Regulations 1998(**4**) (requirement to provide tenant with a gas safety certificate).

(2) For the purposes of section 21A of the Act, the requirement prescribed by paragraph (1)(b) is limited to the requirement on a landlord to give a copy of the relevant record to the tenant and the 28 day period for compliance with that requirement does not apply.

Requirement for landlord to provide prescribed information

3.—(1) A landlord under an assured shorthold tenancy of a dwelling-house in England, or a person acting on behalf of such a landlord, must give the tenant under that tenancy the information mentioned in paragraph (2).

(2) The information is the version of the document entitled "How to rent: the checklist for renting in England", as published by the Department for Communities and Local Government, that has effect for the time being.

(3) The information may be provided to the tenant—

(a) in hard copy; or

(b) where the tenant has notified the landlord, or a person acting on behalf of the landlord, of an e-mail address at which the tenant is content to accept service of notices and other documents given under or in connection with the tenancy, by e-mail.

(4) Paragraph (1) does not require a landlord, or person acting on behalf of the landlord, who has provided the tenant with the document mentioned in paragraph (2) to supply a further copy of the document each time a different version of that document is published during the tenancy.

(5) This regulation does not apply—

(a) where the landlord is a private registered provider of social housing; or

(b) where—

(i) the tenancy ("the new tenancy") is a replacement tenancy;

(ii) the landlord, or a person acting on behalf of the landlord, provided the tenant with the document mentioned in paragraph (2) under an earlier tenancy; and

(iii) the version of the document provided to the tenant under the earlier tenancy is the same version as the version which is in effect on the first day of the new tenancy.

(6) In this regulation "replacement tenancy" has the same meaning as in section 21(7) of the Act.

Amendments to the Assured Tenancies and Agricultural Occupancies (Forms) (England) Regulations 2015

4.—(1) The Assured Tenancies and Agricultural Occupancies (Forms) (England) Regulations 2015(**5**) are amended as follows.

(2) In regulation 3 (prescribed forms) after paragraph (f) insert—

"(fa) for a notice under paragraph (1) or (4) of section 21 informing a tenant that the landlord intends to seek recovery of possession of a dwelling-house let on an assured shorthold tenancy, Form No. 6A;".

(3) After regulation 3 (prescribed forms) insert—

(**4**) S.I. 1998/2451.
(**5**) S.I. 2015/620.

"**Review**

3A.—(1) The Secretary of State must from time to time—

(a) carry out a review of regulation 3(fa) and the associated form (Form No. 6A),

(b) set out the conclusions of the review in a report, and

(c) publish the report.

(2) The report must in particular—

(a) set out the objectives intended to be achieved by the regulatory system established by regulation 3(fa),

(b) assess the extent to which those objectives are achieved, and

(c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(3) The first report under this regulation must be published before the end of the period of five years beginning with 1st October 2015.

(4) Reports under this regulation are afterwards to be published at intervals not exceeding five years.".

(4) In the Schedule (forms prescribed for the purposes of Part 1 of the Housing Act 1988)—

(a) in Form No. 3, in the instructions, for "There is no form prescribed for these cases, but you must give notice in writing." substitute—

"Form 6A 'Notice seeking possession of a property let on an Assured Shorthold Tenancy' is prescribed for these cases."; and

(b) after Form No. 6 insert Form No. 6A as set out in the Schedule to these Regulations.

Review

5.—(1) The Secretary of State must from time to time—

(a) carry out a review of regulations 2 and 3,

(b) set out the conclusions of the review in a report, and

(c) publish the report.

(2) The report must in particular—

(a) set out the objectives intended to be achieved by the regulatory system established by those regulations,

(b) assess the extent to which those objectives are achieved, and

(c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(3) The first report under this regulation must be published before the end of the period of five years beginning with the day on which regulations 2 and 3 come into force.

(4) Reports under this regulation are afterwards to be published at intervals not exceeding five years.

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

Brandon Lewis
Minister of State
Department for Communities and Local Government

7th September 2015