

## Assured shorthold tenancies – Changes to section 21 notice procedure

### Introduction

On 1 October 2015 a number of changes came into force under the Deregulation Act 2015 relating to the section 21 procedure for terminating assured shorthold tenancies (“ASTs”).

### What’s changing?

The key provisions include:

- Introducing a new prescribed form of section 21 notice which must be used.
- Preventing a landlord from serving a section 21 notice in the first 4 months of the AST.
- Restricting the period during which a landlord may make a claim for an order for possession to within 6 months from the date the section 21 notice was given. If proceedings have not been commenced within this period then a fresh section 21 notice will have to be served.
- Preventing a landlord from serving a section 21 notice unless it has provided the tenant with: (a) an Energy Performance Certificate; (b) a gas safety certificate; and (c) prescribed information (to satisfy this requirement the landlord must give the tenant a copy of the DCLG leaflet, [How to rent: The checklist for renting in England](#)).

### What leases do these changes apply to

The changes apply to properties in England only.

The changes currently only apply to ASTs granted on or after 1 October 2015. They do not apply to fixed term ASTs granted before this date even if it became a statutory periodic tenancy after this date.

From 1 October 2018 most of the changes will apply to all ASTs regardless of when they were granted.

### What should landlords do?

It would be best practice to provide the prescribed information, energy performance certificate and gas certificate at the start of an AST, to make sure that these requirements have been satisfied.

Landlords should also be aware (and make their managing agents aware) that the practice of serving a section 21 notice on the first day of a tenancy must be stopped. Any notice served within the first four months of the tenancy will be invalid. A landlord will also have to be aware of the earliest date it can serve a section 21 notice, if it wants to end the tenancy as soon as the contractual period ends.

Landlords will also have to be more proactive in issuing possession proceedings if a tenant does not vacate the premises by the date set out in the section 21 notice.