



Upcoming implications to the Deregulation Act 2015

TW Update

Providing practical advice and guidance for **Owner Managed Businesses**

The Deregulation Act came into force on 1 October 2015. The provisions of the Act increase the burden on landlords wanting to serve Notices under Section 21 of the Housing Act 1998 which allows a landlord to terminate an Assured Shorthold Tenancy at the end of the initial fixed term or later on a no-fault basis.

The new rules under the Deregulation Act currently apply to an AST that was granted after 1 October 2015 and became a statutory periodic tenancy after this date or to an AST which was granted before 1 October 2015 and became a statutory periodic tenancy after this date.

However, from 1 October 2018, the Deregulation Act will apply to all existing AST's whether granted before or after 1 October 2015.

The changes which will come about are as follows:

- Retaliatory eviction - A landlord will be prevented from serving a Section 21 Notice if the landlord has received notice requiring it to carry out repairs.

- A landlord will not be able to serve a Section 21 Notice in the first four months of the AST and it will only have six months from the date the Section 21 Notice was given to issue possession proceedings.
- A new prescribed form of Section 21 Notice will be required.
- A landlord must give tenants free of charge an Energy Performance Certificate and a Gas Safety Certificate.

The obligation to provide tenants with the How to Rent Checklist will still only apply to those AST's granted or renewed after 1 October 2015. However, a landlord might want to provide a copy of this for completeness.

Should you have any questions then please feel free to contact Tracey Taylor (tracey.taylor@taylorwalton.co.uk) or call our Commercial Litigation team on 01582 731161.

The information given in this update was, at the time of publication, believed to be a correct statement of the law. However, readers should seek specific legal advice on matters arising, and no responsibility can be accepted for action taken solely in reliance upon such information.