

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT

Third Delegated Legislation Committee

PUBLIC HEALTH (CORONAVIRUS) (PROTECTION  
FROM EVICTION) (ENGLAND) (NO. 2)  
REGULATIONS 2021

*Tuesday 9 March 2021*

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**Saturday 13 March 2021**

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**The Committee consisted of the following Members:**

*Chair:* †MARK PRITCHARD

† Andrew, Stuart ( <i>Treasurer of Her Majesty's Household</i> )	Efford, Clive ( <i>Eltham</i> ) (Lab)
Betts, Mr Clive ( <i>Sheffield South East</i> ) (Lab)	Jones, Mr Marcus ( <i>Vice-Chamberlain of Her Majesty's Household</i> )
Brennan, Kevin ( <i>Cardiff West</i> ) (Lab)	† Lammy, Mr David ( <i>Tottenham</i> ) (Lab)
Bristow, Paul ( <i>Peterborough</i> ) (Con)	Mann, Scott ( <i>North Cornwall</i> ) (Con)
Cadbury, Ruth ( <i>Brentford and Isleworth</i> ) (Lab)	† Morris, James ( <i>Lord Commissioner of Her Majesty's Treasury</i> )
Caulfield, Maria ( <i>Lewes</i> ) (Con)	† Rutley, David ( <i>Lord Commissioner of Her Majesty's Treasury</i> )
† Chalk, Alex ( <i>Parliamentary Under-Secretary of State for Justice</i> )	Spellar, John ( <i>Warley</i> ) (Lab)
† Charalambous, Bambos ( <i>Enfield, Southgate</i> ) (Lab)	Yohanna Sallberg, <i>Committee Clerk</i>
Clarkson, Chris ( <i>Heywood and Middleton</i> ) (Con)	
† Davies, David T. C. ( <i>Parliamentary Under-Secretary of State for Wales</i> )	† <b>attended the Committee</b>

The following also attended, pursuant to Standing Order No. 118(2):

Chope, Sir Christopher (*Christchurch*) (Con)

# Third Delegated Legislation Committee

Tuesday 9 March 2021

[MARK PRITCHARD *in the Chair*]

## Public Health (Coronavirus) (Protection from Eviction) (England) (No. 2) Regulations 2021

2.30 pm

**The Parliamentary Under-Secretary of State for Justice (Alex Chalk):** I beg to move,

That this Committee has considered the Public Health (Coronavirus) (Protection from Eviction) (England) (No. 2) Regulations 2021 (S.I. 2021, No. 164).

The statutory instrument before us extends the existing prohibition on enforcement agents—bailiffs—from attending residential premises in England to execute a writ or warrant of possession, except in the most serious circumstances. It applies to enforcement action in England and will be in force until the end of March 2021. The House has debated this restriction on two previous occasions, so I will take the matter in short.

This statutory instrument is a public health rather than an economic measure. It extends the restrictions on enforcement agents carrying out evictions that have been in place since 17 November until 31 March. It prevents enforcement agents from giving tenants notices of eviction or from attending residential premises to enforce a writ or warrant of possession, except in the most serious circumstances. That ensures we continue to protect public health during the national lockdown, at a time when the risk of virus transmission is high, and to avoid placing additional burden on the NHS and local authorities.

We have continued to provide for limited exemptions from the ban in cases where the Government feel that the competing public interests in ensuring access to justice, preventing harm to third parties, taking action against egregious behaviour and upholding the integrity of the rental market sufficiently outweigh the public health risks.

**Sir Christopher Chope (Christchurch) (Con):** I do not oppose the regulations, but I am interested in what will happen after 31 March. Will the Minister indicate whether there will be fresh regulations to renew the constraints, or will 31 March be the end date, after which people will be able to recover their properties under normal common law?

**Alex Chalk:** May I say that the Government are acutely aware of the point that my hon. Friend properly makes? There is a balance to strike here, not least to consider article 1 of the first protocol to the European convention on human rights—in other words, the right to peaceful enjoyment of possessions. As to when the decision will be made, it will be made shortly.

Let me return to the exemptions. They are as follows: first, where the claim is against trespassers who are persons unknown; and, secondly, where the order for possession was made wholly or partly on the grounds of antisocial behaviour or nuisance, false statements, domestic

abuse in social tenancies, or substantial rent arrears equivalent to six months' rent, or where the order for possession was made wholly or partly on the grounds of the death of a tenant and the enforcement agent attending the property is satisfied that the property is unoccupied.

I pause there to make the point—picking up on the representations made a few moments ago—that those cases where the arrears are particularly egregious are capable of leading to an eviction order. It is important to recognise that.

**Sir Christopher Chope:** The Minister mentioned the arrears being for more than six months but £1,500 a month in rent in arrears for five months is still £7,500. Is that not a big sum?

**Alex Chalk:** It certainly is a big sum. My hon. Friend, with laser-like focus, highlights the very balance that has to be struck. That is the issue and concern here: at the time of a pandemic, what is the correct balance to strike between the interests of tenants and of landlords? The Government are acutely conscious of the need to strike that delicate balance, and will continue to give active consideration to where it lies.

The statutory instrument contains a requirement for the court to be satisfied that the exemption applies on a case-by-case basis. That will ensure a clear, uniform and transparent process for establishing whether an exemption to the ban applies. In cases in which a court has decided that an exemption to the ban applies, bailiffs need to give tenants at least 14 days' notice of an eviction and have been asked not to enforce evictions where a tenant is self-isolating.

The instrument permits writs and warrants of restitution to be enforced. Those orders are issued in cases in which a person who has been evicted from premises re-enters those premises illegally. Therefore, it is appropriate that they are excluded from the ban.

These regulations will be in place until 31 March. We continue to keep the need for this measure under review, as I have indicated already, and will make an announcement shortly. In addition to the regulations, the Government have introduced a requirement in the Coronavirus Act 2020 to require landlords, in all but the most serious circumstances, to provide tenants with six months' notice before beginning formal possession proceedings in the courts. That is an important protection for tenants, because we know that most tenants leave before the end of the landlord's notice period. That protection will stay in place until at least the end of March 2021 and means that most renters now served notice by the landlord that they want them to leave the property can stay in their homes until September and have time to find alternative support or accommodation. The Government are also considering whether it is necessary to extend that measure.

As I have alluded to, the Government are continuing to take action to prevent people from getting into financial hardship by helping businesses to pay salaries—the most important measure to ensure that people can pay their rent—through the furlough scheme, which has been extended to the end of September, as the Committee is well aware. In addition, the self-employment income support scheme allows eligible individuals to claim a taxable grant worth up to 80% of their average monthly trading profits. That scheme will also remain in place until September.

We have also boosted the welfare safety net by billions of pounds. In the Budget, we announced that the universal credit top-up of £20 a week will continue for a further six months and that we will provide a one-off payment of £500 to eligible working tax credit claimants. We have, in addition, provided an extra £1 billion to increase local housing allowance rates so that they cover the lowest 30% of market rents. In 2021-22, local housing allowance rates will be maintained at their increased level, meaning that claimants renting in the private rented sector will continue to benefit from the significant increase in the rates applied in April 2020.

The Government have also made available for local authorities £180 million for discretionary housing payments to help renters with their housing costs. From 2021-22, the Government will make available an additional £140 million in DHP funding, which takes account of the increased LHA rates.

In addition, temporary court arrangements and rules remain in place to ensure appropriate support for all parties until the end of July. That includes the introduction of a new review stage at least 28 days before the substantive hearing, so that tenants can access legal advice; a requirement for any cases that were started prior to August 2020 to be reactivated by the landlords until 30 April; and a requirement for landlords to provide the courts and judges with information on how tenants have been affected by the pandemic.

In addition, the Government are piloting a new mediation service, as part of the possession action process, to support landlords and tenants to resolve disputes before a formal court hearing takes place. The new service is free for tenants and landlords that agree to use it. The aim is to help more tenants at an early stage of the formal possession process in order to help sustain tenancies where possible, thus reducing the risk of tenants becoming homeless. That pilot will run until August 2021.

The Government continue to think that it is proportionate to provide for an exemption in cases in which a landlord has brought a claim on the ground of rent arrears and where a full six months' rent is owed. It is important to balance the impact of the ongoing restrictions on landlords, many of whom rely on rental income, with the need to continue to protect tenants. Given the significant level of financial support that has been available to renters through furlough, welfare and the other measures that I have referred to, it is unlikely—indeed, this is borne out by the statistics—that a full six months of arrears would have been accumulated solely due to covid-19.

Let me conclude by referring to some points that the right hon. Member for Tottenham made on the previous occasion we considered the matter. He talked about the level of financial support available to tenants to help them to pay their rent. As I have set out, the Budget has extended much of the support—I hope he will welcome this—that has been made available to help tenants to pay their rent. That includes extension of the furlough scheme, widening of access to grants in order to make a further 600,000 self-employed people eligible for help, and continuation of the universal credit top-up of £20 a week for a further six months.

The instrument provides tenants with protection from eviction up to 31 March, ensuring that vulnerable tenants are not forced from their homes during the current national lockdown restrictions. It is intended to protect

public health during the national lockdown, at a time when the virus transmission is high, and to avoid placing additional burdens on the NHS and local authorities. I commend the regulations to the Committee.

2.39 pm

**Mr David Lammy** (Tottenham) (Lab): It is self-evident that a ban on evictions should stop evictions, but that is not what the Government's so-called ban is achieving. Eviction attempts by landlords doubled during the winter coronavirus lockdown and more than 500 households were forced out by county court bailiffs. However, the problem is even bigger than that. In 2020, between the start of April and the end of November, 207,543 households approached their council for help with homelessness. A combination of illegal evictions, tenants being put under pressure to leave before eviction, and lodgers never having had protection, has meant that hundreds of thousands have faced the indignity and threat of homelessness.

We all remember the words of the Housing Secretary last March, that

“no one should lose their home as a result of the coronavirus epidemic”.

How do the Government square their promises with the misery that they delivered? In the middle of the lockdown they created loopholes in the eviction ban that meant that hundreds of evictions continued to go ahead. No wonder the London Renters Union branded it a fake eviction ban. The Government promised to put their arms around the British people; but instead they pushed them out into the cold in the depths of the winter lockdown. Everyone deserves security in their home, but throughout the covid crisis the Government consistently made last-minute decisions that put renters at risk. Why does the Minister think it is right to allow arrears that have built up since the start of the pandemic to lead to evictions?

The Government should give people security in their homes by strengthening the ban so that it means what it should. Why does the Minister think it is right to extend the ban only to 31 March when we know that restrictions on our liberty, lives and work will go on much longer? It is becoming a farce that every couple of weeks we end up here debating yet another extension to the evictions ban. In a few weeks we will inevitably be back here again, debating the same problems, without any solutions.

Labour has the solution for renters and homeowners. I shall repeat what I said the last time and perhaps the Minister will listen. We need to strengthen and extend the ban on evictions and repossessions until restrictions are over, extend the mortgage holiday, raise the local housing allowance to cover median market rents, reform housing law to end automatic evictions through the courts, reduce the waiting period to receive support for mortgage interest payments, retain the £20 uplift to universal credit beyond six months, end the five-week wait and suspend the benefits cap.

People face the threat of losing their homes, and the biggest intervention that the Government will make is to extend the stamp duty holiday to help the owners of second homes, and buy-to-let landlords. Get your priorities straight. Stand up for those who need help. Do not turn this health crisis into a homelessness crisis as well.

2.43 pm

**Sir Christopher Chope:** It is a pleasure to contribute to this short debate. If I had been selected as a member of the Committee it would have been quorate at the outset, instead of having to rely on Whips. It is desirable that on an issue as controversial as this one, which affects so many small businesses, ordinary Back Benchers should be able to articulate, on behalf of their constituents—

**The Chair:** Order. Sir Christopher, you will know, as a senior Member of this House, that when addressing the Chair in a debate we are talking about the matters before us. It is not a matter for this Committee to consider what the Whips may or may not be doing, and who is attending the Committee. You are here. You are free to speak, but can we please stick to the matter before us.

**Sir Christopher Chope:** Absolutely, Mr Pritchard. I shall stick to the matters in front of us. All I am pointing out is that I am the only Government Back Bencher present in the Committee and I therefore feel a heavy onus and responsibility on my shoulders. How that came about is of no interest to anyone on the Committee, I know.

I must say that the Opposition spokesman has really made me feel that I am sat on the right side of this Committee. His approach seems to be very much anti-landlord, “property is theft” and old-fashioned hard Labour. However, my approach is that we need to have a balance—and I think that my hon. Friend the Minister accepts this—between the needs of tenants in this crisis and the needs of small-scale landlords in particular, many of whom do not have any income other than from letting one or two properties.

Most private tenants are responsible and take the view that their first obligation is to pay their rent, and we must not damn all tenants by suggesting that they are irresponsible. The vast majority of tenants are being very responsible and, although they may be facing financial hardship, they recognise that paying their rent to their landlord is an essential part of what they do.

However, I am concerned about that small minority of tenants who are taking advantage of the indulgence of the Government and are making life a nightmare for their landlords. I have attended this afternoon because I have received a number of representations from constituents who are on their uppers, absolutely tearing their hair out, because of their frustration at not being able to recover possession of a premises. In some cases, the premises have probably been abandoned, but it is impossible to prove that under the present circumstances—no rent is being paid, there is a threat of squatters moving in, and there is sometimes active vandalism of the property.

I am concerned that my hon. Friend the Minister says he is still weighing up the options as to what will happen after 31 March, because here we are today, on 9 March, and this House rises in just over two weeks for the recess. There seems to be no urgency to bring regulations forward, which then justifies no advance notices and no consideration by the Joint Committee on Statutory Instruments. I would have expected that, if the Government were going to bring forward regulations extending this protection from eviction beyond 31 March, they would have done so now, so that there would be a proper opportunity to debate those regulations before the Easter recess.

Am I right to interpret the fact that those regulations have not been laid as meaning that the Government have decided—and I would certainly support this—that the moment has now passed when this protection against eviction, in these stark terms, is needed, and that the time is now right to rebalance the interests? Unfortunately, in answering my own question, my hon. Friend the Minister said “No, this is still under consideration; it is still being balanced,” but when is it going to reach a conclusion?

I am not expecting to get an answer, but I think this is symptomatic of the hand-to-mouth existence that we seem to be living in this Parliament, in terms of legislating, without taking into account the burden that we are placing upon people who we are regulating. Those landlords—and, for that matter, the tenants—wish to know where they stand with this.

My plea to the Government is to ensure that these regulations are not renewed beyond 31 March, but, if they are renewed, to issue the draft regulations now, give a proper opportunity for people to discuss those and to debate their merits, ensure that they can be debated in this House before they come into effect—which would be a novel innovation—and I would also suggest that they have a proper regulatory impact assessment attached to them.

These regulations, like so many others, do not have an impact assessment because it is said that it is not necessary to have one, but the Minister himself has said that a careful balancing act must to be conducted, taking into account competing interests. Therefore, we owe it to Parliament and to the process of scrutiny to be able to see the Government’s workings. If the Government are going to proceed and extend the regulations beyond 31 March, I hope we have a proper impact assessment, early production of those regulations and a full opportunity to debate them before the Easter recess.

2.50 pm

**Alex Chalk:** I am grateful to my hon. Friend for making those powerful representations, and speaking up for those individuals for whom their rental income is often their only source of income. We in this House must avoid falling into the trap of assuming that those in that situation are somehow vastly wealthy and have numerous other sources of income to draw on. I have constituents, as my hon. Friend evidently does as well, for whom nothing could be further than the truth.

I gently push back on the suggestion of legislation being hand to mouth. It is not that; it is about being agile and responsive to the fact that this is a fluid situation. Notwithstanding the remarkable roll-out of the vaccine and the positive direction of travel in respect of covid infection numbers, the Government properly have to consider matters day by day. Striking that balance, to which my hon. Friend properly referred, must take account of that prevailing epidemiological context.

On the comments made by the right hon. Member for Tottenham (Mr Lammy), respectfully I think he offered an unfair mischaracterisation of the Government’s position. He took no proper account of the fact that in normal circumstances, if someone was two months late with their rent that would trigger eviction proceedings. Under these proposals the trigger is six months—three times more—and again, it is about striking that proper balance.

My bigger concern was the right hon. Gentleman's suggestion that the exemptions listed in this statutory instrument are loopholes—his word. That prompts the question, which of the “loopholes” would he close? The first exemption only exists where the claim is against trespassers, who are persons unknown. Is he saying that no eviction proceedings should be taken in those circumstances?

The second exemption applies where the order for the possession is made wholly or partly on the basis of antisocial behaviour or nuisance. Again, should the landlord not be able to evict then, or if false statements have been made or if there is domestic abuse in social tenancies? Where someone is battering the other person in that flat, is it really being suggested by the Labour party that the courts ought not to be able to intervene, or where the possession is made wholly or partly on the

grounds of the death of the tenant? It would be a ridiculous situation if the landlord could not intervene in circumstances where the tenant had sadly died.

For those reasons, we respectfully contend that the regulations strike the right balance and we have considered them with care. They are appropriate measures that ensure that the needs of tenants are properly safeguarded, while recognising that in those exceptional circumstances where it would make a nonsense of the law for courts not to be able to intervene, such circumstances are catered for. In those circumstances, I commend the regulations to the Committee.

*Question put and agreed to.*

2.53 pm

*Committee rose.*

