

Regulations made by the Welsh Ministers, laid before Senedd Cymru under section 45R of the Public Health (Control of Disease) Act 1984 (c. 22), for approval by resolution of Senedd Cymru within twenty-eight days beginning with the day on which the instrument is made, subject to extension for periods of dissolution or recess for more than four days.

WELSH STATUTORY INSTRUMENTS

2021 No. 12 (W. 5)

PUBLIC HEALTH, WALES

**The Public Health (Protection from Eviction)
(Wales) (Coronavirus) Regulations 2021**

<i>Made</i>	- - - -	<i>6 January 2021</i>
<i>Laid before Senedd Cymru</i>		<i>8 January 2021</i>
<i>Coming into force</i>	- -	<i>11 January 2021</i>

The Welsh Ministers make the following Regulations in exercise of the powers conferred on them by sections 45C(1), (2), (3)(c) and 45P(2) of the Public Health (Control of Disease) Act 1984(1).

These Regulations are made in response to the serious and imminent threat to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in Wales.

The Welsh Ministers consider that the restrictions and requirements imposed by these Regulations are proportionate to what they seek to achieve, which is a public health response to that threat.

In accordance with section 45R of that Act(2), the Welsh Ministers are of the opinion that, by reason of urgency, it is necessary to make this instrument without a draft having been laid before, and approved by a resolution of, Senedd Cymru.

Title, commencement, application and interpretation

1.—(1) The title of these Regulations is the Public Health (Protection from Eviction) (Wales) (Coronavirus) Regulations 2021.

(2) These Regulations come into force on 11 January 2021.

(3) These Regulations apply in relation to Wales.

(1) 1984 c. 22. Sections 45C and 45P were inserted by section 129 of the Health and Social Care Act 2008 (c. 14) (“the 2008 Act”). The functions under these sections are conferred on “the appropriate Minister”. Under section 45T(6) of the Public Health (Control of Disease) Act 1984 “the appropriate Minister” as respects Wales, is the Welsh Ministers.

(2) Section 45R was inserted by section 129 of the 2008 Act.

(4) In these Regulations, “dwelling-house” has the same meaning as in the Housing Act 1985(3), the Housing Act 1988(4) or the Rent Act 1977(5), as the case may be.

Residential tenancies (protection from eviction)

2.—(1) Subject to paragraphs (2) and (3), no person may attend at a dwelling-house for the purpose of—

- (a) executing a writ or warrant of possession,
- (b) executing a writ or warrant of restitution, or
- (c) delivering a notice of eviction.

(2) Paragraph (1) does not apply where the court is satisfied that the writ, warrant or notice relates to an order for possession made—

- (a) against trespassers pursuant to a claim to which rule 55.6 (service of claims against trespassers) of the Civil Procedure Rules 1998(6) applies,
- (b) wholly or partly under section 84A (absolute ground for possession for anti-social behaviour) of the Housing Act 1985(7),
- (c) wholly or partly on Ground 2 or Ground 2A in Schedule 2 (grounds for possession of dwelling-houses let under secure tenancies) to the Housing Act 1985(8),
- (d) wholly or partly on Ground 7A, Ground 14 or Ground 14A in Schedule 2 (grounds for possession of dwelling-houses let on assured tenancies) to the Housing Act 1988(9),
- (e) wholly or partly on Ground 7 (ground for possession where tenant dies and no right of succession) in Schedule 2 to the Housing Act 1988(10), or
- (f) wholly or partly under Case 2 of Schedule 15 (ground for possession of dwelling-houses let on or subject to protected or statutory tenancies) to the Rent Act 1977.

(3) Where paragraph (2)(e) applies, the person attending at the dwelling-house must take reasonable steps to satisfy themselves that the dwelling-house is unoccupied before carrying out those matters set out in paragraph (1)(a), (b) or (c).

Review and expiry

3.—(1) The Welsh Ministers must review the need for the restrictions and requirements imposed by these Regulations, and whether those restrictions are proportionate to what the Welsh Ministers seek to achieve by them—

- (a) at least once in the period from 11 January 2021 to 28 January 2021;
- (b) at least once in each subsequent period of 21 days.

(2) These Regulations expire at the end of the day on 31 March 2021.

(3) 1985 c. 68.

(4) 1988 c. 50.

(5) 1977 c. 42.

(6) S.I. 1998/3132 (L. 17). Rule 55.6 was inserted by Schedule 1 to S.I. 2001/256 (L. 7).

(7) Section 84A was inserted by section 94(1) of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12) (“the 2014 Act”) and was amended by paragraph 84 of Schedule 24 of the Sentencing Act 2020 (c. 17) (“the 2020 Act”).

(8) Ground 2 was substituted by section 144 of the Housing Act 1996 (c. 52) (“the 1996 Act”) and amended by paragraph 45 of Schedule 7 to the Serious Organised Crime and Police Act 2005 (c. 15) (“the 2005 Act”) and section 98(1) of the 2014 Act. Ground 2A was inserted by section 145 of the 1996 Act and amended by paragraph 33 of Schedule 8 to the Civil Partnership Act 2004 (c. 33) (“the 2004 Act”) and by S.I. 2019/1458.

(9) Ground 7A was inserted by section 97(1) of the 2014 Act and amended by paragraph 97 of Schedule 24 to the 2020 Act. Ground 14 was substituted by section 148 of the 1996 Act and amended by paragraph 46 of Schedule 7 to the 2005 Act and section 98(2) of the 2014 Act. Ground 14A was inserted by section 149 of the 1996 Act and amended by paragraph 43(3) of Schedule 8 to the 2004 Act, S.I. 2010/866, S.I. 2011/1396 and S.I. 2019/1458.

(10) There are amendments to Ground 7 which are not relevant to these Regulations.

6 January 2021

Julie James
Minister for Housing and Local Government,
one of the Welsh Ministers

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 45C of the Public Health (Control of Disease) Act 1984 enables the Welsh Ministers as “the appropriate Minister”, by regulations, to make provision for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection or contamination in Wales.

These Regulations are made in response to the serious and imminent threat to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in Wales.

These Regulations re-enact the Public Health (Protection from Eviction) (Wales) (Coronavirus) Regulations 2020 which expire on 11 January 2021.

These Regulations come into force on 11 January 2021 and expire at the end of the day on 31 March 2021. Regulation 3 provides that the Regulations must be reviewed regularly to ensure the restrictions and requirements imposed remain proportionate.

These Regulations prevent, except in specified circumstances, attendance at a dwelling-house for the purpose of executing a writ or warrant of possession, executing a writ or warrant of restitution or delivering a notice of eviction.

The specified circumstances are where the court is satisfied that: the claim is against trespassers who are persons unknown; or where it was made wholly or partly on the grounds of domestic violence, serious offences, anti-social behaviour, or nuisance; or, in cases where the person attending is satisfied that the dwelling-house is unoccupied at the time of attendance and the possession order was made wholly or partly on the grounds of the death of the occupant.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has not been prepared as to the likely cost and benefit of complying with these Regulations.