



# Property Updates Possession Proceedings COVID Update 2

🕒 Updated 18 Sep 2020

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Since the publication of the Newshub article [Possession Proceedings COVID Update - What do Managing Trustees need to do if they need to regain possession?](#) there have been further legal developments in relation to possession proceedings for residential tenancies.

The original article was drafted by Sintons LLP, one of the firms on the Methodist Church's Panel of Solicitors. Following the Government's decision to extend the emergency notice periods, Sintons have provided an update to help clarify the current position with possession proceedings. Please read this update in conjunction with the [original article](#) which discussed the ongoing effects of Covid-19 on possession proceedings and the options open to Managing Trustees of residential tenancies who need to regain possession:

# SINTONS

## Residential Tenancies - Possession Proceedings – Update 2

Legislation was introduced on 29 August 2020 which increases from three months to six months, the notice period that must now be given before a landlord can commence Court proceedings for repossession of residential properties in England. The relevant time period during which the new notice period will be required has been extended until **31 March 2021**. The notice period in relation to Welsh properties is also six months in most cases. This extended time period in Wales is due to expire on 30 September 2020 and confirmation is awaited as to whether this will revert to two months on 1 October 2020 or if it will also be further extended.

*(Managing Trustees in Wales should also note that the Renting Homes (Wales) Amendment Bill is currently progressing to change the notice period for almost all private tenancies to six months on a permanent basis. This is expected to take effect from April 2021. TMCP and the Connexional Team are keeping the situation under review and will provide further guidance to Managing Trustees on this in due course).*

In addition to increasing the period of notice landlords must now give to recover possession of rented properties, the stay (halt) on all Court proceedings for possession of residential property that was due to end on 23 August 2020 was extended on 21 August 2020 until 20 September 2020 and there is political pressure to extend that stay further.

Since 1988, landlords have had a legal right to recover rented residential property subject to them giving the required notice and without having to show any fault on the part of a tenant. There is currently debate and political pressure on Government to remove that right from landlords, the result of which may be that landlords, including Managing Trustees, become much less willing to rent property that they may not be able to recover for potentially long periods of time.

Over the past few months the legislation relating to possession proceedings has been changing frequently and at speed and Managing Trustees who are seeking to bring a residential tenancy to an end should ensure that they are fully aware of the most up to date position. Angus Ashman at Sintons LLP ([angus.ashman@sintons.co.uk](mailto:angus.ashman@sintons.co.uk)) would be delighted to assist Managing Trustees who have any queries, or require any further information or advice. Managing Trustees can also visit <http://www.sintons.co.uk/religious/our-services> which features links to articles and podcasts which may also be of interest.

For more information and advice on your specific situation, please do not hesitate to contact [Laura Peace](#) at Sintons or visit our website: <https://www.sintons.co.uk/religious/our-services/>

## Charity law and Methodist law and policy requirements

Managing Trustees also need to bear in mind that before they can issue or be a party to possession proceedings, the consent of the Connexional Team under Standing Order 931(5) is required. TMCP will assist you with this and make the request for this approval on your behalf. Please refer back to the [original article](#) published on 18 August 2020 for details.

If Managing Trustees have any queries regarding the issues discussed in this article, please contact [TMCP Legal](#) and [Sintons LLP](#) who will be able to provide the Managing Trustees with further guidance.

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