



Letting Handbook

Revision Service – Update No. 35

Dear Subscriber,

October 2021

This mailing contains some important updates to The Letting Handbook. We trust that this update will form a useful addition to your handbook and hope that you find the amendments helpful.

- **CONTENTS, INDEX** – We have updated the contents and index pages to accommodate the changes below.
- **CHAPTER 1: PRE-TENANCY ISSUES AND PROCEDURES:** - We have made a minor change to the wording under Immigration Act 2014.
- **CHAPTER 2: GRANTING AND MANAGING THE TENANCY:** – We have added a short summary on fire safety and revised the text on inspections.
- **CHAPTER 8: OTHER SAFETY REGULATIONS** – We have added information on the Regulatory Reform (Fire Safety) Order 2005.
- **CHAPTER 16: HOUSE IN MULTIPLE OCCUPATION** – We have revised the text under licences to reflect legislation and made reference to the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 under HMO Management Regulations. We have also removed references to the CIEHO guidance which is no longer published.
- **CHAPTER 17: THE LAW OF AGENCY** – We have added information on rent repayment orders and improved wording under ‘Signing on behalf of a company’.
- **SECTION 3: LETTING FACTSHEETS** – **Lfacts21** has been updated to include the court of appeal case *Minister v Hathaway & Anor* [2021] EWCA Civ 936. **Lfacts34** has been updated to include reference to online right to rent checks. **Lfacts53** is a new factsheet providing a summary of fire safety for landlords.

Legal Note: It is understood that as at 1st October 2021 the section 21 and section 8 notice periods returned to the pre-Covid-19 notice periods under The Coronavirus Act 2020 (Residential Tenancies and Notices) (Amendment and Suspension) (England) Regulations 2021. These regulations also introduced new Prescribed Forms 6A (Section 21) and Form 3 (Section 8) notices which must be used from 1st October 2021.

The Letting Centre takes the view that it is no longer possible for us to supply these types of prescribed forms due to legal uncertainty. Since 2020, the only way for landlords and agents to use the correct ‘official form’ with certainty is by downloading the latest form from the Government website, and even legal experts disagree about the validity of other versions of these forms supplied by external providers. This is not an ideal situation when the success of a possession action can be determined by a dispute over the standard wording of the possession notice and is further compounded by current practice where the Government give little or no notice of the introduction of a new version of the prescribed form - hence making previous versions invalid.

The government versions of the prescribed forms can be accessed below but you should check with your legal advisor to ensure that the correct notice is served.

[Section 21 Form 6A Notice](#)

[Section 8 Form 3 Notice](#)

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