

Serving Notices

Lee Power | Mishka Simpson



Lee Power –

Head Of Strategic Partnerships

With over 20 years of experience in the UK property and insurance sectors, across PropTech, SaaS, tenant referencing, and insurance.

Specialised in emerging property-focused risk solutions that provide measurable value to agents, landlords, and tenants.



Mishka Simpson – Partner

Mishka is a solicitor and head of Lyons Davidson's Landlord and Tenant team. She deals with a wide variety of landlord and tenant disputes and has done so for over 14 years.

Mishka manages a team of lawyers who act on behalf of both landlords and tenants and has regularly written and spoken about all aspects of the Renters' Rights legislation.

What we'll cover:

1. Section 21 Housing Act 1988
2. Section 8 Housing Act 1988
3. Preparing and Serving Notice
4. ABG Policy holder update

Section 21 Housing Act 1988

- Abolished on 1st May 2026
- Section 21 Notices served on or after 1st May 2026 will be invalid
- Court claims based on notices served before 1st May 2026 must be issued by the earlier of:
 - 6 months from date of service of the notice; or
 - 31st July 2026
- Don't delay issuing court proceedings based on Section 21 notice already served

Section 8 Housing Act 1988

- Amendments to Schedule 2 Housing Act 1988
- New Grounds introduced
 - Ground 1A
- Existing Grounds Amended:
 - Ground 1
 - Grounds 8, 10 and 11
 - Certain other grounds e.g. Antisocial behaviour
- Certain grounds won't be available to Landlords who haven't registered on the Private Rented Sector database (when it's introduced in late 2026)

From 1st May 2026 – Ground 1

- Used by Landlords who want to move into the Property
- Being amended to make it more widely applicable
- Currently the named Landlord must intend to occupy
- Amendment means this Ground applies when
 - the named Landlord; or
 - a member of the Landlord's family will occupy the Property as their only or principal home
- 'Family' means spouse, civil partner (or person Landlord lives with as if they) are a spouse of civil partner, parent, Grandparent, sibling, child, grandchild
- 4-month notice period

From 1st May 2026 – Ground 1A

- Completely new Ground
- For Private Landlords who want to sell the Property or grant a long lease (over 21 years)
- Not applicable to some (very old) tenancies
- 4-month notice period

Grounds 1 and 1A - Restrictions and penalties for mis-use

- These Grounds cannot be used in the first 12 months of a tenancy e.g. if tenancy begins 01/03/2026, earliest date notice can expire is 01/03/2027
- Civil and criminal penalties for misuse of these Grounds and
- Landlord cannot, for a 'restricted period'
 - market the property for renting or
 - receive rent (very limited exceptions)
- 'restricted period'
 - Begins on the date notice is served
 - Ends 12 months after the date the notice expires or when a possession order is made (if earlier)

From 1st May 2026 – Rent Arrears Grounds

Ground 8 (mandatory Ground)

- Amended
- 3 months' rent arrears (or 13 weeks if rent payable weekly or fortnightly)
- 4 weeks' notice

Grounds 10 and 11 (discretionary Grounds)

- Usually relied on alongside Ground 8
- 4 weeks' notice

FORM 3A - from 1st May 2026

- New Form 3A must be used
- <https://www.gov.uk/guidance/assured-tenancy-forms-for-privately-rented-properties-from-1-may-2026>
 - Form 3A
 - Guidance for Landlords (includes the relevant notice periods)
 - Guidance for Tenants
 - Legal wording for possession grounds
- <https://www.gov.uk/guidance/assured-tenancy-forms>

FORM 3A - TIPS

- Name all Tenants in form
- Check the tenancy agreement for any clauses about service
- Allow time for service when calculating expiry date
- Allow a few more days
- Copy and paste the Grounds
- Mirror the statutory wording as far as possible in the explanation
- “lawfully due”
- Serve a copy of the notice on each tenant separately
- Retain proof of postage or evidence of delivery
- Send a copy of the form to any Guarantor

REMINDERS - By 31st May 2026

- Existing Tenants must be provided with a copy of a new government published 'Information sheet' explaining the changes to their tenancy
- <https://www.gov.uk/government/publications/the-renters-rights-act-information-sheet-2026>

POLICY HOLDER UPDATE

Policy endorsements

From 1 May, we will introduce policy endorsements to ensure our cover aligns with the legislative changes under the Renters' Rights Act. This will be followed by a full policy review and rewrite in due course, allowing us to incorporate any further developments and practical implications as the changes take effect.

Maintaining our claims position

Although legislation may require three months' arrears before eviction proceedings can begin, our claims trigger will remain at two months' arrears. This means landlords can start receiving rental payments earlier, with legal action available once arrears reach three months.

Early intervention & mediation

We have appointed an independent mediation specialist to support earlier engagement with tenants in arrears. Early intervention has proven to reduce escalation of arrears and help maintain tenant and landlord relationships.

Thanks for attending.

For questions about your insurance, speak to our team on 01603 216399.



Lyons Davidson
SOLICITORS