



Immigration Act 2014

2014 CHAPTER 22

PART 3

ACCESS TO SERVICES ETC

CHAPTER 1

RESIDENTIAL TENANCIES

Codes of practice

32 General matters

- (1) The Secretary of State must issue a code of practice for the purposes of this Chapter.
- (2) The code must specify factors that the Secretary of State will consider when determining the amount of a penalty imposed under this Chapter.
- (3) The code may contain guidance about—
 - (a) factors that the Secretary of State will consider when determining whether—
 - (i) a residential tenancy agreement grants a right of occupation of premises for residential use, or
 - (ii) a person is occupying premises as an only or main residence;
 - (b) the reasonable enquiries that a landlord should make to determine the identity of relevant occupiers in relation to a residential tenancy agreement (so far as they are not named in the agreement);
 - (c) any other matters in connection with this Chapter that the Secretary of State considers appropriate.
- (4) Guidance under subsection (3)(a) may in particular relate to the treatment for the purposes of this Chapter of arrangements that are made in connection with holiday lettings or lettings for purposes connected with business travel.

Status: This is the original version (as it was originally enacted).

- (5) The Secretary of State must from time to time review the code and may revise and re-issue it following a review.
- (6) The code (or revised code)—
 - (a) may not be issued unless a draft has been laid before Parliament, and
 - (b) comes into force in accordance with provision made by order of the Secretary of State.

33 Discrimination

- (1) The Secretary of State must issue a code of practice specifying what a landlord or agent should or should not do to ensure that, while avoiding liability to pay a penalty under this Chapter, the landlord or agent also avoids contravening—
 - (a) the Equality Act 2010, so far as relating to race, or
 - (b) the Race Relations (Northern Ireland) Order 1997 ([S.I. 1997/869 \(N.I. 6\)](#)).
- (2) The Secretary of State must from time to time review the code and may revise and re-issue it following a review.
- (3) Before issuing the code (or a revised code) the Secretary of State must consult—
 - (a) the Commission for Equality and Human Rights,
 - (b) the Equality Commission for Northern Ireland, and
 - (c) such persons representing the interests of landlords and tenants as the Secretary of State considers appropriate.
- (4) After consulting under subsection (3) the Secretary of State must—
 - (a) publish a draft code, and
 - (b) consider any representations made about the published draft.
- (5) The code (or revised code)—
 - (a) may not be issued unless a draft has been laid before Parliament (prepared after considering representations under subsection (4)(b) and with or without modifications to reflect the representations), and
 - (b) comes into force in accordance with provision made by order of the Secretary of State.
- (6) A breach of the code—
 - (a) does not make a person liable to civil or criminal proceedings, but
 - (b) may be taken into account by a court or tribunal.