



Immigration Act 2014

2014 CHAPTER 22

PART 3 **U.K.**

ACCESS TO SERVICES ETC

CHAPTER 1 **U.K.**

RESIDENTIAL TENANCIES

Penalty notices

22 Persons disqualified by immigration status not to be leased premises **U.K.**

- (1) A landlord must not authorise an adult to occupy premises under a residential tenancy agreement if the adult is disqualified as a result of their immigration status.
- (2) A landlord is to be taken to “authorise” an adult to occupy premises in the circumstances mentioned in subsection (1) if (and only if) there is a contravention of this section.
- (3) There is a contravention of this section in either of the following cases.
- (4) The first case is where a residential tenancy agreement is entered into that, at the time of entry, grants a right to occupy premises to—
 - (a) a tenant who is disqualified as a result of their immigration status,
 - (b) another adult named in the agreement who is disqualified as a result of their immigration status, or
 - (c) another adult not named in the agreement who is disqualified as a result of their immigration status (subject to subsection (6)).
- (5) The second case is where—
 - (a) a residential tenancy agreement is entered into that grants a right to occupy premises on an adult with a limited right to rent,

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- (b) the adult later becomes a person disqualified as a result of their immigration status, and
 - (c) the adult continues to occupy the premises after becoming disqualified.
- (6) There is a contravention as a result of subsection (4)(c) only if—
- (a) reasonable enquiries were not made of the tenant before entering into the agreement as to the relevant occupiers, or
 - (b) reasonable enquiries were so made and it was, or should have been, apparent from the enquiries that the adult in question was likely to be a relevant occupier.
- (7) Any term of a residential tenancy agreement that prohibits occupation of premises by a person disqualified by their immigration status is to be ignored for the purposes of determining whether there has been a contravention of this section if—
- (a) the landlord knew when entering into the agreement that the term would be breached, or
 - (b) the prescribed requirements were not complied with before entering into the agreement.
- (8) It does not matter for the purposes of this section whether or not—
- (a) a right of occupation is exercisable on entering into an agreement or from a later date;
 - (b) a right of occupation is granted unconditionally or on satisfaction of a condition.
- (9) A contravention of this section does not affect the validity or enforceability of any provision of a residential tenancy agreement by virtue of any rule of law relating to the validity or enforceability of contracts in circumstances involving illegality.
- (10) In this Chapter—
- “post-grant contravention” means a contravention in the second case mentioned in subsection (5);
 - “pre-grant contravention” means a contravention in the first case mentioned in subsection (4);
 - “relevant occupier”, in relation to a residential tenancy agreement, means any adult who occupies premises under the agreement (whether or not named in the agreement).

Commencement Information

II S. 22 in force at 1.12.2014 for specified purposes by [S.I. 2014/2771](#), [art. 6\(1\)\(c\)](#)

23 Penalty notices: landlords U.K.

- (1) If there is a contravention of section 22, the Secretary of State may give the responsible landlord a notice requiring the payment of a penalty.
- (2) The amount of the penalty is such an amount as the Secretary of State considers appropriate, but the amount must not exceed £3,000.
- (3) “Responsible landlord” means—

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- (a) in relation to a pre-grant contravention, the landlord who entered into the residential tenancy agreement;
 - (b) in relation to a post-grant contravention, the person who is the landlord under the agreement at the time of the contravention.
- (4) But if there is a superior landlord in relation to the residential tenancy agreement who is responsible for the purposes of this section, the “responsible landlord” means that superior landlord (and references to the landlord in the following provisions of this Chapter are to be read accordingly).
- (5) A superior landlord is “responsible for the purposes of this section” if arrangements in writing have been made in relation to the residential tenancy agreement between the landlord and the superior landlord under which the superior landlord accepts responsibility for—
 - (a) contraventions of section 22 generally, or
 - (b) contraventions of a particular description and the contravention in question is of that description.
- (6) The Secretary of State may by order amend the amount for the time being specified in subsection (2).

Commencement Information

I2 S. 23 in force at 1.12.2014 for specified purposes by [S.I. 2014/2771](#), [art. 6\(1\)\(d\)](#)

24 Excuses available to landlords **U.K.**

- (1) This section applies where a landlord is given a notice under section 23 requiring payment of a penalty.
- (2) Where the notice is given for a pre-grant contravention, the landlord is excused from paying the penalty if the landlord shows that—
 - (a) the prescribed requirements were complied with before the residential tenancy agreement was entered into, or
 - (b) a person acting as the landlord's agent is responsible for the contravention (see section 25(2)).
- (3) The prescribed requirements may be complied with for the purposes of subsection (2) (a) at any time before the residential tenancy agreement is entered into.
- (4) But where compliance with the prescribed requirements discloses that a relevant occupier is a person with a limited right to rent, the landlord is excused under subsection (2)(a) only if the requirements are complied with in relation to that occupier within such period as may be prescribed.
- (5) The excuse under subsection (2)(a) or (b) is not available if the landlord knew that entering into the agreement would contravene section 22.
- (6) Where the notice is given for a post-grant contravention, the landlord is excused from paying the penalty if any of the following applies—
 - (a) the landlord has notified the Secretary of State of the contravention as soon as reasonably practicable;
 - (b) a person acting as the landlord's agent is responsible for the contravention;

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- (c) the eligibility period in relation to the limited right occupier whose occupation caused the contravention has not expired.
- (7) For the purposes of subsection (6)(a), the landlord is to be taken to have notified the Secretary of State of the contravention “as soon as reasonably practicable” if the landlord—
 - (a) complied with the prescribed requirements in relation to each limited right occupier at the end of the eligibility period, and
 - (b) notified the Secretary of State of the contravention without delay on it first becoming apparent that the contravention had occurred.
- (8) Notification under subsection (6)(a) must be in the prescribed form and manner.
- (9) In this Chapter “limited right occupier”, in relation to a residential tenancy agreement, means a relevant occupier who had a limited right to rent at the time when the occupier was first granted a right to occupy the premises under the agreement.

Modifications etc. (not altering text)

- C1** S. 24 modified (1.12.2014) by [The Immigration \(Residential Accommodation\) \(Prescribed Cases\) Order 2014 \(S.I. 2014/2873\)](#), arts. 1, 7, **Sch. paras. 3**
- C2** S. 24 modified (1.12.2014) by [The Immigration \(Residential Accommodation\) \(Prescribed Cases\) Order 2014 \(S.I. 2014/2873\)](#), arts. 1, 6, **Sch. paras. 1**

Commencement Information

- I3** S. 24 in force at 1.12.2014 for specified purposes by [S.I. 2014/2771](#), **art. 6(1)(e)**

25 Penalty notices: agents U.K.

- (1) Subsection (3) applies where—
 - (a) a landlord contravenes section 22, and
 - (b) a person acting as the landlord's agent (“the agent”) is responsible for the contravention.
- (2) For the purposes of this Chapter, an agent is responsible for a landlord's contravention of section 22 if (and only if)—
 - (a) the agent acts in the course of a business, and
 - (b) under arrangements made with the landlord in writing, the agent was under an obligation for the purposes of this Chapter to comply with the prescribed requirements on behalf of the landlord.
- (3) The Secretary of State may give the agent a notice requiring the agent to pay a penalty.
- (4) The amount of the penalty is such an amount as the Secretary of State considers appropriate, but the amount must not exceed £3,000.
- (5) The Secretary of State may by order amend the amount for the time being specified in subsection (4).

Commencement Information

- I4** S. 25 in force at 1.12.2014 for specified purposes by [S.I. 2014/2771](#), **art. 6(1)(f)**

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26 Excuses available to agents **U.K.**

- (1) This section applies where an agent is given a notice under section 25 requiring payment of a penalty.
- (2) Where the notice is given for a pre-grant contravention, the agent is excused from paying the penalty if the agent shows that the prescribed requirements were complied with before the residential tenancy agreement was entered into.
- (3) The prescribed requirements may be complied with for the purposes of subsection (2) at any time before the residential tenancy agreement is entered into.
- (4) But where compliance with the prescribed requirements discloses that a relevant occupier is a person with a limited right to rent, the agent is excused under subsection (2) only if the requirements are complied with in relation to that occupier within such period as may be prescribed.
- (5) The excuse under subsection (2) is not available if the agent—
 - (a) knew that the landlord would contravene section 22 by entering into the agreement,
 - (b) had sufficient opportunity to notify the landlord of that fact before the landlord entered into the agreement, but
 - (c) did not do so.
- (6) Where the notice is given for a post-grant contravention, the agent is excused from paying the penalty if either of the following applies—
 - (a) the agent has notified the Secretary of State and the landlord of the contravention as soon as reasonably practicable;
 - (b) the eligibility period in relation to the limited right occupier whose occupation caused the contravention has not expired.
- (7) For the purposes of subsection (6)(a), the agent is to be taken to have notified the Secretary of State and the landlord of the contravention “as soon as reasonably practicable” if the agent—
 - (a) complied with the prescribed requirements in relation to each limited right occupier at the end of the eligibility period, and
 - (b) notified the Secretary of State and the landlord of the contravention without delay on it first becoming apparent that the contravention had occurred.
- (8) Notification under subsection (6)(a) must be in the prescribed form and manner.

Modifications etc. (not altering text)

- C3** S. 26 modified (1.12.2014) by [The Immigration \(Residential Accommodation\) \(Prescribed Cases\) Order 2014 \(S.I. 2014/2873\)](#), arts. 1, 7, **Sch. paras. 4**
- C4** S. 26 modified (1.12.2014) by [The Immigration \(Residential Accommodation\) \(Prescribed Cases\) Order 2014 \(S.I. 2014/2873\)](#), arts. 1, 6, **Sch. paras. 2**

Commencement Information

- I5** S. 26 in force at 1.12.2014 for specified purposes by [S.I. 2014/2771](#), **art. 6(1)(g)**

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27 Eligibility period **U.K.**

- (1) An eligibility period in relation to a limited right occupier is established if the prescribed requirements are complied with in relation to the occupier.
- (2) An eligibility period established under subsection (1) may be renewed (on one or more occasions) by complying with the prescribed requirements again.
- (3) But an eligibility period in relation to a limited right occupier is only established or renewed under this section at any time if it reasonably appears from the information obtained in complying with the prescribed requirements at that time that the occupier is a person with a limited right to rent.
- (4) The length of an eligibility period established or renewed under this section in relation to a limited right occupier is the longest of the following periods—
 - (a) the period of one year beginning with the time when the prescribed requirements were last complied with in relation to the occupier;
 - (b) so much of any leave period as remains at that time;
 - (c) so much of any validity period as remains at that time.
- (5) In subsection (4)—

“leave period” means a period for which the limited right occupier was granted leave to enter or remain in the United Kingdom;

“validity period” means the period for which an immigration document issued to the limited right occupier by or on behalf of the Secretary of State is valid.
- (6) In subsection (5) “immigration document” means a document of a prescribed description which—
 - (a) is issued as evidence that a person who is not a national of an EEA state or Switzerland is entitled to enter or remain in the United Kingdom by virtue of an enforceable EU right or of any provision made under section 2(2) of the European Communities Act 1972, or
 - (b) grants to the holder a right to enter or remain in the United Kingdom for such period as the document may authorise.

Commencement Information

I6 S. 27 in force at 1.12.2014 for specified purposes by [S.I. 2014/2771](#), [art. 6\(1\)\(h\)](#)

28 Penalty notices: general **U.K.**

- (1) The Secretary of State may give a penalty notice—
 - (a) to a landlord under section 23 without having established whether the landlord is excused from paying the penalty under section 24;
 - (b) to an agent under section 25 without having established whether the agent is excused from paying the penalty under section 26.
- (2) A penalty notice must—
 - (a) be in writing,
 - (b) state why the Secretary of State thinks the recipient is liable to the penalty,
 - (c) state the amount of the penalty,

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- (d) specify a date, at least 28 days after the date specified in the notice as the date on which it is given, before which the penalty must be paid,
 - (e) specify how a penalty must be paid,
 - (f) explain how the recipient may object to the penalty or make an appeal against it, and
 - (g) explain how the Secretary of State may enforce the penalty.
- (3) A separate penalty notice may be given in respect of each adult disqualified by their immigration status in relation to whom there is a contravention of section 22.
- (4) Where a penalty notice is given to two or more persons who jointly constitute the landlord or agent in relation to a residential tenancy agreement, those persons are jointly and severally liable for any sum payable to the Secretary of State as a penalty imposed by the notice.
- (5) A penalty notice may not be given in respect of any adult if—
- (a) the adult has ceased to occupy the premises concerned, and
 - (b) a period of 12 months or more has passed since the time when the adult last occupied the premises,
- but this subsection is not to be taken as affecting the validity of a penalty notice given before the end of that period.
- (6) Subsection (5) does not apply to a penalty notice given after the end of the 12 month period mentioned in that subsection if—
- (a) it is a new penalty notice given by virtue of section 29(6)(b) on the determination of an objection to another penalty notice, and
 - (b) that other penalty notice was given before the end of the period.

Commencement Information

I7 S. 28 in force at 1.12.2014 for specified purposes by [S.I. 2014/2771](#), [art. 6\(1\)\(i\)](#)

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