

IMMIGRATION ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3: Access to Services etc

Chapter 1: Residential tenancies

Section 35: Transitional provision

179. *Subsections (1) and (2)* provide that landlords who allowed people to occupy their premises before these provisions come into force do not need to make checks regarding the immigration status of those occupants. Any new arrangements made between landlords and tenants where they were previously parties to another agreement and the tenant has enjoyed a continuing right of occupation of the premises will also not be subject to the restrictions.
180. *Subsection (3)* enables the Secretary of State to appoint the commencement day for the purposes of this section by order, and allows different days to be appointed for different purposes or areas. The section is subject to the general commencement powers set out in section 75(3) and so will be brought into force by an order made under the procedure specified for that provision. But as the new regime under the Chapter may be commenced at different times in relation to different areas, it follows that different commencement days may also be required for different areas for the purposes of the transitional provisions under this section. This provision provides the flexibility to appoint those different commencement days.
181. Implementation of the provisions in Chapter 1 of Part 3 relating to residential tenancies will be rolled out on a phased geographical basis across the United Kingdom. Commencement of the initial implementation will be by order which is not subject to any parliamentary procedure. Section 74(7) provides that any subsequent order made under section 75(3) bringing into force those provisions is subject to the negative resolution procedure.