



Immigration Act 2014

2014 CHAPTER 22

PART 3

ACCESS TO SERVICES ETC

CHAPTER 1

RESIDENTIAL TENANCIES

Key interpretation

20 Residential tenancy agreement

- (1) This section applies for the purposes of this Chapter.
- (2) “Residential tenancy agreement” means a tenancy which—
 - (a) grants a right of occupation of premises for residential use,
 - (b) provides for payment of rent (whether or not a market rent), and
 - (c) is not an excluded agreement.
- (3) In subsection (2), “tenancy” includes—
 - (a) any lease, licence, sub-lease or sub-tenancy, and
 - (b) an agreement for any of those things,and in this Chapter references to “landlord” and “tenant”, and references to premises being “leased”, are to be read accordingly.
- (4) For the purposes of subsection (2)(a), an agreement grants a right of occupation of premises “for residential use” if, under the agreement, one or more adults have the right to occupy the premises as their only or main residence (whether or not the premises may also be used for other purposes).
- (5) In subsection (2)(b) “rent” includes any sum paid in the nature of rent.

Status: This is the original version (as it was originally enacted).

- (6) In subsection (2)(c) “excluded agreement” means any agreement of a description for the time being specified in Schedule 3.
- (7) The Secretary of State may by order amend Schedule 3 so as to—
 - (a) add a new description of excluded agreement,
 - (b) remove any description, or
 - (c) amend any description.

21 Persons disqualified by immigration status or with limited right to rent

- (1) For the purposes of this Chapter, a person (“P”) is disqualified as a result of their immigration status from occupying premises under a residential tenancy agreement if—
 - (a) P is not a relevant national, and
 - (b) P does not have a right to rent in relation to the premises.
- (2) P does not have a “right to rent” in relation to premises if—
 - (a) P requires leave to enter or remain in the United Kingdom but does not have it, or
 - (b) P’s leave to enter or remain in the United Kingdom is subject to a condition preventing P from occupying the premises.
- (3) But P is to be treated as having a right to rent in relation to premises (in spite of subsection (2)) if the Secretary of State has granted P permission for the purposes of this Chapter to occupy premises under a residential tenancy agreement.
- (4) References in this Chapter to a person with a “limited right to rent” are references to—
 - (a) a person who has been granted leave to enter or remain in the United Kingdom for a limited period, or
 - (b) a person who—
 - (i) is not a relevant national, and
 - (ii) 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.
- (5) In this section “relevant national” means—
 - (a) a British citizen,
 - (b) a national of an EEA State other than the United Kingdom, or
 - (c) a national of Switzerland.