



Immigration Act 2014

2014 CHAPTER 22

PART 3

ACCESS TO SERVICES ETC

CHAPTER 1

RESIDENTIAL TENANCIES

General

34 Orders

- (1) An order prescribing requirements for the purposes of this Chapter may, in particular, require a landlord or agent to—
 - (a) obtain a document of a prescribed description from relevant occupiers before or during the course of a residential tenancy agreement;
 - (b) obtain one document of each of a number of prescribed descriptions from relevant occupiers before or during the course of a residential tenancy agreement;
 - (c) take steps to verify, retain, copy or record the content of a document obtained in accordance with the order;
 - (d) take such other steps before or during the course of a residential tenancy agreement as the order may specify.
- (2) If the draft of an instrument containing an order under or in connection with this Chapter would, apart from this subsection, be a hybrid instrument for the purposes of the standing orders of either House of Parliament, it is to proceed in that House as if it were not a hybrid instrument.

Status: Point in time view as at 01/12/2016.

Changes to legislation: Immigration Act 2014, Cross Heading: General is up to date with all changes known to be in force on or before 01 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

II S. 34 in force at 1.12.2014 by [S.I. 2014/2771](#), [art. 7\(c\)](#)

35 Transitional provision

- (1) This Chapter does not apply in relation to a residential tenancy agreement entered into before the commencement day.
- (2) This Chapter does not apply in relation to a residential tenancy agreement entered into on or after the commencement day (“the renewed agreement”) if—
 - (a) another residential tenancy agreement was entered into before the commencement day between the same parties (“the original agreement”), and
 - (b) the tenant has always had a right of occupation of the premises leased under the renewed agreement since entering into the original agreement.
- (3) In this section “the commencement day” means such day as the Secretary of State may by order appoint; and different days may be appointed for different purposes or areas.
- [^{F1}(4) References in this section to this Chapter do not include sections 33A to 33E (offences and eviction).
- (5) Sections 33A to 33C apply in relation to a residential tenancy agreement entered into before or after the coming into force of section 39 of the Immigration Act 2016 (which inserted those sections into this Act).
- (6) But sections 33A(10) and (11) and 33B apply only in relation to a contravention of section 22 which occurs after the coming into force of section 39 of the Immigration Act 2016.]
- [^{F2}(7) Sections 33D and 33E apply in relation to a residential tenancy agreement entered into before or after the coming into force of section 40 of the Immigration Act 2016 (which inserted those sections into this Act).]

Textual Amendments

- F1** S. 35(4)-(6) inserted (1.11.2016 for specified purposes, 1.12.2016 in so far as not already in force) by [Immigration Act 2016 \(c. 19\)](#), [ss. 39\(3\)](#), 94(1); [S.I. 2016/1037](#), [regs. 2\(a\)](#), 5(c)
- F2** S. 35(7) inserted (1.11.2016 for specified purposes, 1.12.2016 in so far as not already in force) by [Immigration Act 2016 \(c. 19\)](#), [ss. 40\(3\)](#), 94(1); [S.I. 2016/1037](#), [regs. 2\(b\)](#), 5(d)

Modifications etc. (not altering text)

- C1** S. 35(3): 1.12.2014 appointed as “the commencement day” by [S.I. 2014/2771](#), [art. 12](#)

Commencement Information

I2 S. 35 in force at 1.12.2014 by [S.I. 2014/2771](#), [art. 7\(d\)](#)

36 Crown application

This Chapter binds the Crown, except where the Crown is the responsible landlord for the purposes of section 23 [^{F3}or the landlord for the purposes of section 33A.]

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Textual Amendments

- F3** Words in s. 36 inserted (1.11.2016 for specified purposes, 1.12.2016 in so far as not already in force) by [Immigration Act 2016 \(c. 19\)](#), [ss. 39\(4\)](#), [94\(1\)](#); [S.I. 2016/1037](#), [regs. 2\(a\)](#), [5\(c\)](#)

Commencement Information

- I3** S. 36 in force at 1.12.2014 by [S.I. 2014/2771](#), [art. 7\(e\)](#)

37 Interpretation

(1) In this Chapter—

- “adult” means a person who has attained the age of 18;
- “agreement” includes an agreement in any form (whether or not in writing);
- “eligibility period”, in relation to a limited right occupier, is to be read in accordance with section 27;
- “limited right occupier” has the meaning given in section 24(9);
- “occupy” means occupy as an only or main residence;
- “penalty notice” means a penalty notice given under this Chapter;
- “person with a limited right to rent” has the meaning given in section 21(4);
- “post-grant contravention” has the meaning given in section 22(10);
- “pre-grant contravention” has the meaning given in section 22(10);
- “premises” includes land, buildings, moveable structures, vehicles and vessels;
- “prescribed” means prescribed in an order made by the Secretary of State;
- “recipient” means the recipient of a penalty notice;
- “relevant occupier” has the meaning given in section 22(10);
- “residential tenancy agreement” has the meaning given in section 20(2).

(2) For the purposes of this Chapter a residential tenancy agreement grants a person a right to occupy premises if—

- (a) the agreement expressly grants that person the right (whether or not by naming the person), or
- (b) the person is permitted to occupy the premises by virtue of an express grant given to another person,

and references to a person occupying premises under an agreement are to be read accordingly.

(3) A reference in this Chapter to the “prescribed requirements”, in connection with compliance with the requirements at a particular time, is a reference only to such of the requirements as are capable of being complied with at that time.

(4) Where two or more persons jointly constitute the landlord in relation to a residential tenancy agreement—

- (a) the references to the landlord in—
 - (i) section 22(7)(a),
 - (ii) section 24(5), (6)(a) and (7), ^{F4}...
 - (iii) section 26(6)(a) and (7)(b),
 - ^{F5}(iv) section 33A,]

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- [^{F6}(v) section 33D, and
(vi) section 33E,]
are to be taken as references to any of those persons;
- (b) any other references to the landlord in this Chapter are to be taken as references to all of those persons.
- (5) Where two or more persons jointly constitute the agent in relation to a residential tenancy agreement—
- (a) the references to the agent in section 26(5), (6)(a) and (7) are to be taken as references to any of those persons;
- (b) any other references to the agent in this Chapter are to be taken as references to all of those persons.
- (6) The Secretary of State may by order prescribe cases in which—
- (a) a residential tenancy agreement is, or is not, to be treated as being entered into for the purposes of this Chapter;
- (b) a person is, or is not, to be treated as occupying premises as an only or main residence for the purposes of this Chapter.
- (7) An order under subsection (6) prescribing a case may modify the application of this Chapter in relation to that case.
- (8) The cases mentioned in subsection (6)(a) include, in particular, cases where—
- (a) an option to renew an agreement is exercised;
- (b) rights of occupation under an agreement are varied;
- (c) an agreement is assigned (whether by the landlord or the tenant);
- (d) a periodic tenancy arises at the end of a fixed term;
- (e) an agreement grants a right of occupation on satisfaction of a condition;
- (f) there is a change in the persons in occupation of the premises leased under an agreement or in the circumstances of any such person.

Textual Amendments

- F4** Word in s. 37(4)(a)(ii) omitted (1.11.2016 for specified purposes, 1.12.2016 in so far as not already in force) by virtue of [Immigration Act 2016 \(c. 19\)](#), [ss. 39\(5\)\(a\)](#), 94(1); S.I. 2016/1037, [regs. 2\(a\)](#), 5(c)
- F5** S. 37(4)(a)(iv) inserted (1.11.2016 for specified purposes, 1.12.2016 in so far as not already in force) by [Immigration Act 2016 \(c. 19\)](#), [ss. 39\(5\)\(b\)](#), 94(1); S.I. 2016/1037, [regs. 2\(a\)](#), 5(c)
- F6** S. 37(4)(a)(v)(vi) inserted (1.11.2016 for specified purposes, 1.12.2016 in so far as not already in force) by [Immigration Act 2016 \(c. 19\)](#), [ss. 40\(4\)](#), 94(1); S.I. 2016/1037, [regs. 2\(b\)](#), 5(d)

Commencement Information

- I4** S. 37 in force at 1.12.2014 by [S.I. 2014/2771](#), [art. 7\(f\)](#)

Status:

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