



# Immigration Act 2014

## 2014 CHAPTER 22

### PART 3

#### ACCESS TO SERVICES ETC

### CHAPTER 1

#### RESIDENTIAL TENANCIES

#### *Penalty notices*

## **22 Persons disqualified by immigration status not to be leased premises**

- (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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*Changes to legislation: Immigration Act 2014, Section 22 is up to date with all changes known to be in force on or before 14 March 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) View outstanding changes*

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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**

- I1** S. 22 in force at 1.12.2014 for specified purposes by [S.I. 2014/2771](#), [art. 6\(1\)\(c\)](#)
- I2** S. 22 in force at 1.2.2016 for E. in so far as not already in force by [S.I. 2016/11](#), [art. 2\(c\)](#)

**Changes to legislation:**

Immigration Act 2014, Section 22 is up to date with all changes known to be in force on or before 14 March 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.

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing S.I. 2014/2771 by [S.I. 2015/371 art. 78](#)
- specified provision(s) savings for earlier commencing SI 2014/2771 by [S.I. 2014/2928 art. 2](#) (Amendment already reflected in Appended Commentary in EXTOES for 2014 SI2771.)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 21(4A) inserted by [S.I. 2019/745 reg. 21\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Reg. 21(2)(3) omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- s. 27(7) inserted by [S.I. 2019/745 reg. 21\(3\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Reg. 21(2)(3) omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- s. 70A(6A) inserted by [S.I. 2019/745 reg. 21\(7\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Reg. 21(7) omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- Sch. 3 para. 8A inserted by [2016 c. 19 Sch. 12 para. 16](#)