



# Immigration Act 2014

## 2014 CHAPTER 22

### PART 3

#### ACCESS TO SERVICES ETC

### CHAPTER 1

#### RESIDENTIAL TENANCIES

#### *Penalty notices*

#### **26 Excuses available to agents**

- (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

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*Status: This is the original version (as it was originally enacted).*

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- (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.