



Immigration Act 2014

2014 CHAPTER 22

PART 3

ACCESS TO SERVICES ETC

CHAPTER 1

RESIDENTIAL TENANCIES

General

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).

Changes to legislation: *Immigration Act 2014, Section 37 is up to date with all changes known to be in force on or before 29 February 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*

- (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), ^{F1}...
 - (iii) section 26(6)(a) and (7)(b),
 - ^{F2}(iv) section 33A,]
 - ^{F3}(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.

Changes to legislation: Immigration Act 2014, Section 37 is up to date with all changes known to be in force on or before 29 February 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](#)

Textual Amendments

- F1** 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)
- F2** 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)
- F3** 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

- I1** S. 37 in force at 1.12.2014 by [S.I. 2014/2771](#), **art. 7(f)**

Changes to legislation:

Immigration Act 2014, Section 37 is up to date with all changes known to be in force on or before 29 February 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.

[View outstanding changes](#)

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](#)