



Landlord Legal Services 'Right to Rent' Legislation Guide

Right to Rent

From 1st February 2016 landlords will have to carry out checks to ensure new potential tenants have the right to rent a property in the UK. The changes are part of the Immigration Act 2014 which has introduced measures to reform the immigration system.

The new legislation applies to the majority of private landlords in England, including those who sub-let or take in lodgers. It excludes those landlords renting student accommodation or housing which has been arranged by Local Authorities or the NHS in response to statutory duties.



Failure to comply with the legislation can result in penalty fines of up to £3,000 per tenant.

The new legislation guidelines can appear daunting but the checks are relatively simple. In this guide our Landlord Legal Services experts provide you with their top tips to help you ensure that you are operating good practice when it comes to ensuring your tenants have the 'right to rent'.

Our Client Commitment

- 24/7 access to Landlord and Dispute Resolution legal specialists
- Day to day confidential support and advice
- Concise and honest advice tailored to your needs
- Regular updates ensuring you are fully informed
- Transparent pricing with no hidden costs
- Prompt and thorough response to enquiries

Right to Rent: Top Tips



Make a list of anyone over the age of 18 who will be occupying the property as their main home, including lodgers.



Request identification, and any official documents, from the adult occupiers. You must check original documents, copies will not suffice. Here are our top tips to consider;

- Anyone who can show they are a UK citizen, national from the European Economic Area (EEA) or Switzerland automatically has a right to rent in England. The EEA includes: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the UK.
- It is advisable to always check either any one document in List A, or any two documents in List B, lists of which are detailed in the official guide from the Home Office. Please visit;

[https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/497242/Right to Rent Document Checks - a User Guide.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/497242/Right_to_Rent_Document_Checks_-_a_User_Guide.pdf)
- For non-EEA citizens, documents should be marked with a statement which can include 'indefinite leave to remain', 'right of abode' or 'exempt from immigration control'.
- Most documents will have been issued by the Home Office so look out for the official logo.
- Some individuals may have a time limit on their right to rent. This will usually be shown on a valid passport endorsed with a time limit, or a non-EEA residence card with a time limit.
- Carefully record any dates on which the right to rent may expire and be sure to carry out a further check on the right to rent status before this runs out, or every 12 months (whichever is sooner).
- If a tenant has a pending application with the Home Office, you can utilise their two day checking service.

- As the landlord, it is your responsibility to carry out these checks and you must be satisfied that the documents are genuine. You will not be penalised if you are caught out by a sophisticated forgery.

- Checks should apply to all adult occupiers. Be cautious not to discriminate. If you usually only offer six months tenancy agreements, you may be discriminating if you decrease the term to tie in with the expiry date of a time limited right to rent.
- Check the identification and any official documents in the presence of the individual tenant. Where location is a problem, this can be done via skype or facetime. This is to certify that any photographs are a true likeness of the holder. It is important to also check for consistency with date of birth.
- Make copies and keep securely for at least one year after the occupation has ended. Be aware that information may be sensitive under the Data Protection Act.

For all your legal needs contact our team today

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This publication contains general information only. Nothing in this publication constitutes legal advice. You should consult a suitably qualified lawyer on any specific legal problem or matter