



# Assured Shorthold Tenancies – Guidance Note 5

## Right to Rent Checks

**Note: Law stated here is as at February 2016.**

The government is always making changes in this area of law. Please contact us before proceeding to check the current law.

'Right to rent' checks came into force on 1st February 2016. Under the Immigration Act 2014, a residential landlord must not allow an adult to occupy their property unless they are a British Citizen, EEA or Swiss national or have a 'right to rent'. It is important to note that the rule does not just apply to tenants but to any known adult occupier. If you do allow such illegal occupation, you can be fined £1000 or £3000 for further breaches. There will not be a breach if the landlord has carried out a 'right to rent' check.

The 'right to rent' details must be checked in the 28 days prior to tenancy start date. There is a full list of the acceptable documents on the **www.gov.uk** site here [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). A landlord must examine the original document and take a copy.

If you are 'under suspicion' for an illegal letting under the Act, the Home Office will send you a 'referral notice' saying you are being investigated and may be fined. You will also get an 'information request' to

allow you to provide evidence that you have done a 'rent check'. After your case has been investigated, you'll be sent either a 'no action notice' or a notice telling you the fine you must pay. Go onto [gov.uk](http://gov.uk) for more information about the process, or consult us.

You must make a further check to make sure they can still rent property in the UK if their permission to stay is time limited. Depending on which is the longest, you must make a further check just before either:

- the expiry date of the occupier's right to stay in the UK; or
- 12 months after your previous check

You won't have to make a further check if your tenant doesn't have any time restrictions on their right to stay in the UK. You must tell the Home Office if you find out that your tenant can no longer legally rent property in England after making a further check. It would be sensible then to commence possession proceedings, although you still have to follow the normal eviction procedures!



[www.kerseys.co.uk](http://www.kerseys.co.uk)

Kerseys Solicitors  
32 Lloyds Avenue  
Ipswich, Suffolk IP1 3HD

Telephone: 01473 213 311  
Fax: 01473 257 739 or 01473 214 874

Email: [info@kerseys.co.uk](mailto:info@kerseys.co.uk)

Kerseys Solicitors  
1st Floor, 844 The Crescent  
Colchester Business Park  
Colchester, Essex CO4 9YQ

Telephone: 01206 584 584

Email: [infocolchester@kerseys.co.uk](mailto:infocolchester@kerseys.co.uk)