



Immigration Act 2014

2014 CHAPTER 22

PART 3

ACCESS TO SERVICES ETC

CHAPTER 1

RESIDENTIAL TENANCIES

Key interpretation

20 Residential tenancy agreement

- (1) This section applies for the purposes of this Chapter.
- (2) “Residential tenancy agreement” means a tenancy which—
 - (a) grants a right of occupation of premises for residential use,
 - (b) provides for payment of rent (whether or not a market rent), and
 - (c) is not an excluded agreement.
- (3) In subsection (2), “tenancy” includes—
 - (a) any lease, licence, sub-lease or sub-tenancy, and
 - (b) an agreement for any of those things,and in this Chapter references to “landlord” and “tenant”, and references to premises being “leased”, are to be read accordingly.
- (4) For the purposes of subsection (2)(a), an agreement grants a right of occupation of premises “for residential use” if, under the agreement, one or more adults have the right to occupy the premises as their only or main residence (whether or not the premises may also be used for other purposes).
- (5) In subsection (2)(b) “rent” includes any sum paid in the nature of rent.

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- (6) In subsection (2)(c) “excluded agreement” means any agreement of a description for the time being specified in Schedule 3.
- (7) The Secretary of State may by order amend Schedule 3 so as to—
 - (a) add a new description of excluded agreement,
 - (b) remove any description, or
 - (c) amend any description.

Commencement Information

- I1** S. 20 in force at 1.12.2014 for specified purposes by [S.I. 2014/2771](#), **art. 6(1)(a)**
- I2** S. 20 in force at 1.2.2016 for E. in so far as not already in force by [S.I. 2016/11](#), **art. 2(a)**

21 Persons disqualified by immigration status or with limited right to rent

- (1) For the purposes of this Chapter, a person (“P”) is disqualified as a result of their immigration status from occupying premises under a residential tenancy agreement if—
 - (a) P is not a relevant national, and
 - (b) P does not have a right to rent in relation to the premises.
- (2) P does not have a “right to rent” in relation to premises if—
 - (a) P requires leave to enter or remain in the United Kingdom but does not have it, or
 - (b) P's leave to enter or remain in the United Kingdom is subject to a condition preventing P from occupying the premises.
- (3) But P is to be treated as having a right to rent in relation to premises (in spite of subsection (2)) if the Secretary of State has granted P permission for the purposes of this Chapter to occupy premises under a residential tenancy agreement.
- (4) References in this Chapter to a person with a “limited right to rent” are references to—
 - (a) a person who has been granted leave to enter or remain in the United Kingdom for a limited period, or
 - (b) a person who—
 - (i) is not a relevant national, ^{F1}...
 - ^{F1}(ii)
- (5) In this section “relevant national” means—
 - (a) a British citizen,
 - ^{F2}(aa) an Irish citizen, or
 - (ab) a person who is not an Irish citizen and who has leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration rules within the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020.]
 - ^{F3}(b)
 - ^{F3}(c)

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Textual Amendments

- F1** S. 21(4)(b)(ii) and word omitted (31.12.2020) by virtue of [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), regs. 1(2), **20(2)(a)**
- F2** S. 21(5)(aa)(ab) inserted (31.12.2020) by [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), regs. 1(2), **20(2)(b)(i)**
- F3** S. 21(5)(b)(c) omitted (31.12.2020) by virtue of [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), regs. 1(2), **20(2)(b)(ii)**

Modifications etc. (not altering text)

- C1** S. 21 applied (with modifications) (31.12.2020) by [The Citizens' Rights \(Application Deadline and Temporary Protection\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1209\)](#), regs. 1(1), **3(4)**, 4(5), 12(1)(n)

Commencement Information

- I3** S. 21 in force at 1.12.2014 for specified purposes by [S.I. 2014/2771](#), **art. 6(1)(b)**
- I4** S. 21 in force at 1.2.2016 for E. in so far as not already in force by [S.I. 2016/11](#), **art. 2(b)**

Changes to legislation:

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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:

- Act excluded by [2024 c. 8 s. 2\(5\)\(a\)5](#)

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](https://www.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](https://www.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](https://www.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](#)