



Home Office

Landlord's guide to right to rent checks

Version 3

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About this guidance

This guidance advises a landlord, letting agent or homeowner how to conduct a right to rent check when letting privately rented accommodation. The guidance sets out the specific actions they can take to prevent liability for a civil penalty. This is called establishing a statutory excuse against liability for a penalty.

This guidance applies to residential tenancy agreements granted on property located in England. The Right to Rent Scheme applies only to residential tenancy agreements first entered into on or after 1 December 2014 in Birmingham, Wolverhampton, Dudley, Sandwell and Walsall, and on 1 February 2016 in the rest of England.

Publication

This is the first version of this guidance document. It replaces 'A Short Guide on Right to Rent' and was published on 2 November 2020.

Changes from the last version of right to rent guidance

The most significant updates in this new guidance document relate to:

- the introduction of the Home Office online checking service
- the use of the combination of a passport, plus proof of travel within the preceding six months (for example a physical or electronic plane/boat/train ticket or boarding pass) for nationals visiting the UK from Australia, Canada, Japan, New Zealand, Singapore, South Korea and the USA to demonstrate a right to rent
- an amendment to the lists of acceptable documents set out in the Schedule to include Home Office documents issued to third-country family members of EEA nationals, which show the length of leave granted to such persons (both time-limited and indefinite)
- an amendment to the lists of acceptable documents set out in the Schedule to remove the requirement that a UK birth or adoption certificate must be the full (long) certificate. A short or a long birth or adoption certificate issued in the UK, Channel Islands, the Isle of Man or Ireland are now acceptable documents to demonstrate a right to rent
- further minor amendments and technical changes to the presentation of the lists of acceptable documents making it simpler for landlords to conduct the initial and follow-up checks

Introduction

All landlords in England have a responsibility to prevent [disqualified persons](#) from accessing the private rented sector. You do this by conducting right to rent checks on all prospective adult tenants before the start date of a tenancy agreement, to make sure the person is not disqualified from renting a property by reason of their immigration status.

This guidance provides information on how and when to conduct a right to rent check. You should also refer to the:

- [Code of Practice on right to rent: civil penalty scheme for landlords and their agents](#)
- [Code of Practice for landlords avoiding unlawful discrimination when conducting 'right to rent' checks in the private residential sector](#)
- [Right to Rent Checks: A user guide for tenants and landlords](#).

If you conduct the checks as set out in this guidance and the Code of Practice, you will have a [statutory excuse](#) against liability for a penalty in the event you are found to have rented to a person who is disqualified by reason of their immigration status. This means that if we find that you have rented to someone who does not have the right to rent a property, but you have correctly conducted a right to rent check as required, you will not receive a penalty.

In addition to the Codes of Practice, this guidance and the 'Right to Rent Checks: A user guide for tenants and landlords', there are a range of tools available on GOV.UK to support you in [conducting right to rent checks](#).

Discrimination

You should not discriminate when conducting right to rent checks. You should conduct right to rent checks on all adult prospective tenants, including British citizens.

You should not make assumptions about a person's right to rent or their immigration status on the basis of their name, colour, nationality, ethnic or national origins, accent or length of time they have been resident in the UK.

You should ask all prospective tenants to demonstrate their right to rent using either a physical document check as set out in the Code of Practice, or by using the Home Office online service. You cannot mandate how an individual proves their right to rent. To ensure that you do not discriminate against anyone, you should provide every opportunity to enable an individual to prove their right to rent.

The '[Code of Practice for landlords: avoiding unlawful discrimination when conducting right to rent checks in the private rented residential sector](#)' provides practical guidance on how to avoid unlawful discrimination when renting to individuals and conducting right to rent checks. We strongly recommend that you

refer to this guidance and the [Code of Practice on right to rent: civil penalty scheme for landlords and their agents](#) when conducting right to rent checks. If you breach this guidance, it may be used as evidence in legal proceedings.

Anyone who believes that they have been discriminated against, either directly or indirectly, by a landlord or a prospective landlord, because of their race or a protected characteristic may bring a complaint before a Tribunal. If the complaint is upheld, the Tribunal will normally order the payment of compensation, for which there is no upper limit.

If you need expert advice and support on discrimination, you can call the [Equality Advisory Support Service \(EASS\)](#) on 0808 800 0082.

References in this guidance

In this guidance, references to:

‘Adult’ means a person who has attained the age of 18.

‘Breach’ means that section 22 of the Immigration Act 2014 has been contravened by renting to an adult who is a disqualified person.

‘Civil penalty’ or ‘penalty’ means to a financial penalty imposed by the Home Office on a landlord who has allowed a tenant to occupy private rented residential accommodation but does not have the right to rent.

‘Check a tenant’s right to rent’ means the Home Office online checking service on GOV.UK allowing landlords or agents to check whether a person has a right to rent and, if so, the nature of any restrictions on that person’s right to do so.

‘Current document’ means a document that has not expired.

‘Days’ has two separate meanings:

- When referring to a tenant - means calendar days, including Saturdays, Sundays and bank holidays.
- When referring to the Landlord Checking Service – it does not include Saturdays or Sundays, Christmas Day or Good Friday, or any day which is classified as a bank holiday in England.

‘Disqualified person’ means a person with no legal immigration status and, therefore, doesn’t qualify for right to rent.

‘Document’ means an original document unless specified that a copy, electronic or screenshot is acceptable.

‘EEA or Swiss national’ means nationals of EEA countries or Switzerland.

The EEA countries are:

Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden.

'Home Office online check' means the online checking service allowing landlords to check whether a person is allowed to rent in England.

'Homeowner' means a person who owns the property used for renting or sub-letting.

'Immigration Offender' means a person who seeks to evade immigration controls and enter and remain in the UK without the legal right to do so.

'Landlord' means a person who lets accommodation for use by one or more adults as their only or main home. This includes people who take in lodgers and tenants who are sub-letting. References to 'landlord' also include agents who have accepted responsibility for complying with the Right to Rent Scheme on behalf of landlords, except for when agents are specifically and separately referred to.

'Leave to enter or remain in the UK' means that a person has permission from the Home Office to be in the UK. Permission may be time-limited or indefinite.

'Lodger' means someone who takes a room within accommodation that they share with their landlord (this could be the owner or an occupier of the property).

'Market rent' means the amount of rent that can be expected for the use of a property, in comparison with similar properties in the same area.

'Non-EEA nationals' means the nationals of countries outside the EEA.

'Occupier' means a person who is, or who will be, authorised to occupy the property under the residential tenancy agreement, whether or not they are named on that agreement.

'Permission to rent' means a person who is disqualified from renting by virtue of their immigration status but to whom the Secretary of State has granted permission to occupy premises.

'Rent' means a tenant's regular payment to a landlord for the use of property or land.

'Residential tenancy agreement' means an arrangement in any form (whether or not in writing) between parties that grants a right to occupy premise for residential use and provides payment of rent as to a course of action.

'Right to rent' means allowed to occupy privately rented residential accommodation in the UK by virtue of qualifying immigration status.

'Sub-tenant' means a person who leases property from a tenant.

‘Statutory excuse’ means the steps a landlord can take to avoid liability for a civil penalty.

‘Tenant’ means the person or persons to whom the residential tenancy agreement is granted.

‘You’ means the landlord, letting agent or homeowner who is letting private rented accommodation.

Legislation

Legislation to limit access to the private rental property sector only to those with the lawful right to be in the UK was introduced through sections 20 to 37 of the [Immigration Act 2014](#) (the 2014 Act).

Under section 28 of the 2014 Act, a landlord who enters into a tenancy agreement with a disqualified person may be subject to a civil penalty.

[The Immigration Act 2016](#) (the 2016 Act) introduced a criminal offence of knowingly letting to someone disqualified from renting a property. The 2016 Act also set out how a landlord can end a tenancy due to a tenant’s immigration status.

Which letting arrangements fall within the Scheme?

The Right to Rent Scheme applies only to residential tenancy agreements first entered into on or after 1 December 2014 in Birmingham, Wolverhampton, Dudley, Sandwell and Walsall, and on or after 1 February 2016 in the rest of England.

A landlord is not required to conduct right to rent checks in relation to residential tenancy agreements entered into before the dates set out above. A landlord is also not required to conduct right to rent checks in relation to residential tenancy agreements which are renewed after the dates set out above if the renewed agreement is between the same parties and there has been no break in the tenant’s right to occupy the premises.

Who may be liable for a civil penalty?

Liability

Responsibility under the Right to Rent Scheme lies with the landlord; that is the person who authorises the occupation of accommodation by the tenant under an agreement providing for the payment of rent. There are some circumstances in which responsibility for compliance with the Scheme can be transferred to another person. These are outlined below under Transfer of Liability.

Transfer of Liability

Appointing an agent

You can use the services of an agent to let or manage your property.

You may appoint an agent to conduct checks on your behalf. There must be a written agreement to make clear that:

- the agent is to be responsible for the initial right to rent check and whether or not the agent will be responsible for any follow-up checks for those with a time-limited right to rent
- the agent must conduct the checks within the timescales laid out in this guidance and the [Code of Practice on right to rent: civil penalty scheme for landlords and their agents](#)
- liability for civil penalties transfers to the agent, but liability cannot be transferred beyond the agent

Once you and the agent have made a written agreement which includes the above information, the agent then takes over responsibility for the right to rent checks. The agent will also be liable for a penalty in the event of a breach. The agent appointed may act in the course of a business but does not have to be a letting or managing agent.

Where it is agreed in writing that the agent will be responsible for conducting the checks, they must do this before entering into a tenancy agreement with the prospective tenants. If the prospective tenant does not have a right to rent and the agent enters into the tenancy agreement, they remain liable for a penalty.

If an agent establishes that the prospective tenant doesn't have a right to rent, they should report this to the landlord. If a landlord then enters into a tenancy agreement with this person, then it is the landlord who becomes liable for a penalty. In these circumstances an agent may wish to keep written records and copies of their actions.

Tenants who sub-let and lodgers

Any tenant who sub-lets all or part of their accommodation in an agreement involving the payment of rent to be used as the only or main home of the sub-tenant, will be a landlord for the purposes of the Scheme. The tenant who has sub-let all or part of their accommodation may be liable for a penalty if they do not conduct a right to rent check and allow a person with no right to rent to live there. This applies equally to tenants sub-letting private or social housing.

Where a tenant sub-lets all or part of their accommodation and grants a right of occupation, they can ask their landlord (the 'superior landlord') to agree to accept responsibility for occupation by the sub-tenants. This should be an agreement in writing.

The superior landlord will then be responsible for conducting right to rent checks and will be treated as though they have authorised the occupation by the sub-tenants. The superior landlord will incur any liability for a penalty.

However, if the superior landlord does not confirm that they are willing to accept this responsibility in writing, the tenant who is sub-letting remains the responsible landlord for the purposes of the Scheme. The tenant will therefore be liable for any penalties.

Homeowners who rent out part of their own property to one or more adult lodgers as [their only or main home](#) in return for payment are responsible for conducting right to rent checks.

Sitting tenants and changes in landlord

If you buy a property with sitting tenants, you should confirm with the transferring landlord that right to rent checks have been conducted and retain evidence, for example, copies of the documents checked by the previous landlords. Careful note should be taken of whether [follow-up checks](#) must be conducted, and when these are due, to ensure a statutory excuse against a penalty is maintained.

If a tenancy was entered in to before the Right to Rent Scheme [came in to force](#), you do not need to confirm with the transferring landlord that a right to rent check has been carried out. However, you should ask for proof of the date the tenancy was entered in to and keep a record of this.

If the tenant had no right to rent at the time the tenancy agreement was granted, then the original landlord who granted the residential tenancy agreement remains liable for a penalty. This is true, even if they have since sold the property on to a new landlord.

If a tenant had a time-limited right to rent when the tenancy agreement was granted, and follow-up checks were not completed, then the landlord at the time the breach was identified will be liable for a penalty. If the transferring landlord is unable to provide you with evidence that a follow-up check was carried out, it is

advisable to conduct a check. If the tenant no longer has a right to rent, you must [make a report to the Home Office](#) to maintain your statutory excuse.

Who can occupy residential accommodation?

Under the Right to Rent Scheme, people will fall mainly into two categories depending on their immigration status.

The majority of people will have an [unlimited right to rent](#) and some will have a [time-limited right to rent](#). This section sets out information about who falls into these two categories. It also provides information on two further groups; those who have been granted [permission to rent](#) by the Home Office and [children](#).

Those with an unlimited right to rent

The following groups of people currently have an unlimited right to rent:

- British citizens
- [EEA and Swiss nationals](#)
- people who have the right of abode in the UK
- people who have been granted indefinite leave to remain
- people who have no time limit on their stay in the UK

You can conduct checks on those with an unlimited right to rent at any time before the start of a tenancy agreement. You must retain the evidence of the check with the date of when the check was carried out, for the duration of the tenancy agreement and for at least one year thereafter. You do not need to conduct any further checks.

Those with a time-limited right to rent

The following group of people have a time-limited right to rent:

- people with valid leave to enter or remain in the UK for a time limited period

You must conduct checks on those with a time-limited right to rent no sooner than 28 days before the start of a tenancy. You should retain the evidence of the check along with the date of when the check was conducted for the duration of the tenancy agreement and for at least one year thereafter. To maintain a statutory excuse against a penalty you must [conduct a follow-up check](#) shortly before the tenants leave expires.

Those who have been granted permission to rent by the Home Office

In some limited circumstances, when a person is disqualified from renting by reason of their immigration status, the Home Office may grant permission to rent to that person.

To conduct a right to rent check on someone who says they have permission to rent from the Home Office, you must contact the [Landlord Checking Service \(LCS\)](#). Staff working in the LCS will confirm that the prospective tenant has been granted permission to rent. This confirmation will provide you with a continuous statutory excuse against a penalty, providing there is no change to the tenancy agreement. If there is a change to the tenancy agreement, you will need to contact the Landlord Checking Service again.

Children

This Scheme does not apply to children. You do not need to check a tenant's children but, you should satisfy yourself that they are under the age of 18, at the time the tenancy begins.

You may allow those who will turn 18 years of age during a tenancy agreement to continue to occupy property. You are not required to conduct a right to rent check at the point the child turns 18 years of age. However, where [follow-up checks](#) are required for the existing tenants, the now adult should be included in those checks when they are due.

Letting Arrangements that fall within the Scheme

Under the Right to Rent Scheme you must not authorise any adult to occupy a property under a residential tenancy agreement which provides for the payment of rent unless they have a right to rent or have been granted [permission to rent](#).

Residential tenancy agreements

There is no requirement to create a written tenancy agreement listing all those who will live in the property, but you may find it advisable to do so.

If the tenancy agreement is oral or implied, the checks should still be made on all adults living at the property. If there is evidence that you were aware of a person living in the property but did not conduct a right to rent check, you may be liable for a penalty. This will be the case regardless of whether the agreement is written, oral or implied. It is advisable to keep a record of:

- the full name and date of birth of all adults who will live in the property
- the names and dates of birth of all children under 18 who will be living with them in the property
- whether each of the adults named has current permission to be in the UK

Property for use as an only or main home

A property will be considered a person's only or main home (with exclusions as detailed in [Excluded agreements](#)) if:

- it is the only property they live in, or
- they live between multiple properties, their personal, legal or family ties to that property are such that it is where they live their settled day to day life

When a tenant lives away from the home for extended periods due to employment, the address to which they return when they are not working is usually taken as being their only or main home.

The tenant must physically live in the home for at least some of the time, but they do not need to spend the majority of their time there.

Relevant factors will include whether they:

- will keep most of their belongings there
- will be registered with a doctor/dentist from that address
- will register for voting purposes there
- receive post there or
- their partner or children live there

The tenant's reason for using the property will need to be considered on a case-by-case basis. If in doubt, it is advisable to assume that prospective tenants intend to occupy the property as their only or main home. See [initial right to rent checks](#) for further information about the steps you should take to establish who will use the property as their only or main home.

Holiday accommodation

When letting holiday accommodation, you should consider how a person will be using the property to decide whether right to rent checks are necessary.

If the letting is for a short, time-limited period, and the tenants intend to use the premises for leisure related purposes and will not remain in the property after this period, then you may conclude that the property is to be used as holiday accommodation. In this scenario there is no need to conduct right to rent checks.

As a guide, the Home Office would consider that bookings of three months or more may indicate that a person is using the accommodation for a purpose other than leisure purposes and could be intending to use the accommodation as their only or main home.

If the booking is open ended, or the initial booking was time-limited but is subsequently extended, then it would be advisable to conduct right to rent checks.

House guests

House guests, such as friends or family members, will not normally be treated as a tenant under the Scheme. This is because the temporary nature of a guest means they will not be living in the accommodation as their only or main home.

Excluded agreements

Some properties and types of living arrangements are excluded from the requirement to make right to rent checks. These are listed below.

Accommodation involving local authorities

The following residential tenancy agreements are exempt from the Scheme, where they are arranged by a local authority which is acting in response to:

- a statutory duty owed to an individual
- a relevant power¹, with the intention of providing accommodation to a person who is homeless, or who is threatened with homelessness

¹ As defined in paragraph 7(2) of Schedule 3, a 'relevant power' means a power that is exercised for, or in connection with, a purpose of providing accommodation to a person who is homeless or threatened with homelessness.

This includes instances where the person is to be placed into private rented property by the local authority.

In such circumstances, landlords should ask for written confirmation from the local authority that the authority is acting in response to a statutory duty and keep this on file.

Social housing

For residential tenancy agreements which grant a right of occupation in social housing by virtue of a relevant legislative provision as to housing². The local authority has already been required to consider their immigration status before allocating them the property. Also, where a tenant has such an existing tenancy and is seeking to exchange their home for an alternative tenancy are exempt from the Scheme.

Care homes, hospitals and hospices and continuing healthcare provision

Accommodation provided in care homes, hospitals and hospices is exempt from the Scheme. Accommodation arranged by relevant National Health Service bodies, which are acting in response to a statutory duty owed towards individuals as part of a package of continuing health care, is also exempt from the Scheme.

Hostels and refuges

Residential tenancies which grant a right of occupation in a hostel or refuge are exempt from the Scheme. This exemption applies to hostels and refuges which are managed by social landlords, voluntary organisations or charities, or which are not operated on a commercial basis and whose operating costs are provided either wholly or in part by a government department or agency or a local authority.

Mobile homes

An agreement under which a person is entitled to station a mobile home on a protected site and use it as their only or main home, is exempt. However, should a mobile homeowner decide to let their mobile home for use by another adult, this residential tenancy agreement will be subject to the Scheme.

Tied accommodation

A residential tenancy agreement that grants a right of occupation in accommodation provided by an employer to an employee, or by a body providing training to a person in connection with that training, is exempt from the Scheme. However, should the employee be expected to pay rent for that accommodation under a residential tenancy agreement, this will be subject to the Scheme.

² See paragraph 1 to Schedule 3 to the Immigration Act 2014 for the specified relevant provisions.

Student accommodation

All halls of residence (whether the landlord is an educational institution or private accommodation provider) are exempt from the Scheme, as is any accommodation provided for students directly by a higher or further educational institution. Residential tenancy agreements are also excluded where a student has been nominated to occupy the accommodation by a higher or further educational institution, or a body established for charitable purposes only. The nomination could take a variety of forms but will require communication between you and the institute providing confirmation that the student will take up occupation under the residential tenancy agreement.

You should retain a copy of the nomination document relied upon to support a claim to this exemption.

The Scheme applies to all other student accommodation in the private rented sector.

Long leases

Leases which grant a right of occupation for a term of seven years or more are exempt. Such arrangements are more like home ownership than traditional landlord and tenant arrangements. An agreement will not grant a right of occupation for a term of seven years or more if the agreement can be terminated at the option of a party before the end of seven years from the start of the term. A lease containing a break clause will include an option to terminate and so does not benefit from the exemption. A lease which contains a forfeiture or right of re-entry for the landlord is not considered to include an option to terminate and so is excluded from the Scheme.

How to conduct a right to rent check

You should conduct a right to rent check before you enter into a tenancy agreement with a person. If a person's right to rent is time-limited, you should conduct a follow-up check shortly before their leave expires.

A statutory excuse against a penalty can be established and maintained if you can show that you have correctly:

- conducted [initial right to rent checks](#) before authorising an adult to occupy rented accommodation
- conducted [follow-up checks](#) at the appropriate date if initial checks indicate that a tenant has [a time-limited right to rent](#), and
- made a [report to the Home Office](#) if follow-up checks indicate that a tenant no longer has the right to rent.

When to conduct initial right to rent checks

You must conduct a right to rent check **before** you rent to a prospective tenant to ensure they have a legal status in the UK and are therefore allowed to rent. This includes everyone over the age of 18, including British citizens, who will use the [property as their only or main home](#), even if they are not named on the tenancy agreement and regardless of whether the tenancy agreement is written, oral or implied.

In order to establish a statutory excuse against a penalty, right to rent checks must be undertaken within specific time limits:

- A check on a person with an [unlimited right to rent](#) may be undertaken at any time before the residential agreement is entered into
- A check on a person with a [time-limited right to rent](#) must be undertaken and recorded no earlier than 28 days before the start date of the tenancy agreement.

However, there will be some limited circumstances where it is not possible to undertake checks before the residential tenancy is agreed. See [agreeing to a tenancy in principle](#) for further information.

There are two types of right to rent checks; a [manual document-based check](#) and using the [Home Office online checking service](#). Conducting either the manual check or the online check as set out in this guidance and in the [Code of Practice on right to rent: civil penalty scheme for landlords and their agents](#) will provide you with a statutory excuse.

Agreeing to a tenancy in principle

In some cases, it may not be practical to check the documents of someone who will live in the property before the residential tenancy is agreed. For example, if a person lives overseas or in a remote area and wishes to arrange accommodation in advance of their arrival. In these circumstances, you can agree to a tenancy in principle and then check the tenant's documents in person when they arrive in the UK.

You may wish to see the prospective tenant via live video link before agreeing the tenancy in principle. However, you will still need to conduct a right to rent check, at a later date, before the start of their residential tenancy agreement.

Conducting a manual document-based right to rent check

There are three steps to conducting a manual document-based right to rent check. You must complete all three steps before the tenancy commences to ensure you have conducted a check in prescribed manner, in order to establish a statutory excuse.

You should take all reasonable steps to check the validity of the documents presented to you. If you are given a false document, you will only be liable for a penalty if it is reasonably apparent that it is false. This means that a person who is untrained in the identification of false documents, examining it carefully, but briefly, and without the use of technological aids could reasonably be expected to realise that the document in question is not genuine.

Step 1: Obtain

You must obtain [original documents](#) to conduct the check.

You must ask for and be given **original** documents from **List A** or **List B** of the acceptable document list or documents as set out in the Code of Practice.

Step 2: Check

In the presence of the prospective tenant or tenants, you must check that the:

- documents appear genuine
- documents have not been tampered with
- person presenting them is the prospective tenant or tenant and the rightful holder
- photographs and dates of birth are consistent across documents and with the person's appearance in order to detect impersonation
- reasons for any difference in names across documents can be explained by providing evidence (for example original marriage certificate, divorce decree absolute, deed poll)
- immigration leave to enter or remain in the UK has not expired

Step 3: Record and retain evidence of the check

You must make a clear copy of each document in a format which cannot be altered later and retain the copy securely: electronically or in hardcopy. You must make a record of the date on which the check was made and retain the copies securely for at least one year after the tenancy agreement comes to an end.

Where a person is unable to present a landlord with any of the above acceptable evidence, the landlord can make a request to the [Landlord Checking Service](#) to establish whether their prospective tenant has a right to rent.

You must copy and retain copies of:

Passports – any page with:

- the document expiry date
- the holder's nationality
- date of birth
- signature
- UK immigration leave expiry date
- biometric details
- photograph
- any page containing information indicating the holder has an entitlement to enter or remain in the UK (visa or entry stamp)

All other documents – the documents in full and copy both sides of:

- Biometric Residence Permit
- Application Registration Card
- Biometric Residence Card

Lists of acceptable documents for right to rent checks

The documents that are considered acceptable for establishing a statutory excuse when conducting a manual document-based right to rent check are set out in [List A](#) and [List B](#) and can be found in Annex A. You may also accept any documents set out in the Code of Practice.

Examples of the documents are provided to assist you with conducting right to rent checks, offering you a visual guide to each document which can be accepted to satisfy a right to rent check, either in isolation or in combination. These can be found in the [Right to Rent Checks: A user guide for tenants and landlords](#).

List A contains the range of documents which may be accepted to demonstrate an excuse against a penalty in relation to a British citizen, EEA or Swiss national, or a person who has an indefinite right to be in the UK. Landlords who correctly check the required document or documents from this list will establish a **continuous statutory excuse** against a penalty, and follow-up checks are not necessary.

List A is sub-divided into Group 1 and Group 2. The landlord is required to check one document from Group 1 or two documents from Group 2, to establish a continuous statutory excuse.

List B contains the range of documents which may be accepted to demonstrate an excuse against a penalty in relation to a person who has a time-limited right to be in the UK. Landlords who check a document in this list will establish a **time-limited statutory excuse** and should conduct [follow-up checks](#) as set out below in order to maintain a statutory excuse.

Eligibility Periods

If presented with a document in List B, you will establish a statutory excuse for a limited time period, 'the eligibility period'. The eligibility period will be the longest of the following:

- a) one year, beginning with the date on which the checks were last made
- b) until the period of the person's leave to enter or remain in the UK expires
- c) until the expiry of the validity of the immigration document which evidences their right to be in the UK

To maintain the statutory excuse against the penalty, a check should be conducted before the expiry of the eligibility period. At this point, you will need to conduct a follow-up check.

A further check can take place at any time, such as when a tenant tells you that they have extended their immigration leave and wishes to extend their eligibility period.

Conducting a right to rent check using the Home Office online checking service

On 25 November 2020, the Home Office is introducing a new online checking service. From that date, you will be able to rely on the online service '[Check a tenant's right to rent](#)' page on GOV.UK to obtain a statutory excuse against a penalty when conducting a right to rent check.

It is not possible to conduct a Home Office online check in all circumstances, as not all people will have an immigration status that can be checked online at this time. Landlords will be able to undertake a right to rent check in real time for:

- non-EEA nationals with a current biometric resident permit or card
- EEA nationals and their family members with status granted under the EU Settlement Scheme
- those with status under the points-based immigration system

If a person chooses to demonstrate their right to rent using the online service, in order to obtain a statutory excuse against a penalty, you must carry out the check by accessing the '[Check a tenant's right to rent](#)' page on GOV.UK. It is not sufficient to

view the details provided to your tenant on the migrant part of the service; [‘Prove your right to rent to a landlord’](#).

The online service allows checks to be carried out by video call. You do not need to see physical documents as the right to rent information is provided in real time directly from Home Office systems.

Whilst you may encourage use of the online check and may support a person in doing so (for example, by providing access to hardware and the internet), you cannot insist that they use the online service or discriminate against those who wish to prove their right to rent by presenting you with documents. To do so is against the law.

If a person does not wish to demonstrate their right to rent using the online service, even if their immigration status or documentation is compatible with the service, you should conduct a [manual document-based right to rent check](#).

There are three steps to conducting a Home Office online check using [‘Check a tenant’s right to rent’](#) on GOV.UK. You need to complete all three steps before the tenancy commences to ensure you have conducted the check in the prescribed manner to establish a statutory excuse.

Step 1: Use the Home Office online service

The Home Office online service works on the basis of the person first viewing their own Home Office right to rent record. They may then share this information with you by providing you with a ‘share code’. When this code is entered along with the person’s date of birth, it enables you to access their right to rent profile page. The share code will be valid for 30 days, after which a new code will be required in order to conduct an online check.

The person may provide the share code with you directly, or they may choose to send it to you via the service. If they choose to send it to you via the service, you will receive an email from right.to.rent.service@notifications.service.gov.uk

To check the person’s right to rent details, you will need to:

- access the service [‘Check a tenant’s right to rent’](#) via GOV.UK
- enter the ‘share code’ provided to you by the person, and
- enter their date of birth

BETA This is a new service – your [feedback](#) will help us to improve it.

Prove your right to rent to a landlord or agent

Share details of your right to rent in England, including how long you can rent for.

You can use this service if you have a biometric residence card or permit, or [settled or pre-settled status](#) under the EU Settlement Scheme.

If you do not have any of these, [check how to prove your right to rent](#).

What you'll need

If you have a biometric residence card or permit, you'll need:

- your biometric residence card or permit number
- your date of birth

If you have [settled or pre-settled status](#), you'll need:

- details of the identity document you used when you applied (your passport, national identity card, or biometric residence card or permit)
- your date of birth
- access to the mobile phone number or email address you used when you applied - you'll be sent a code to sign in

Until 31 December 2020, you can still use your EU, EEA or Swiss passport or national identity card to prove you can rent in England.

If you're a landlord or agent, use a different service to [view a tenant's right to rent details](#).

Start now

GOV.UK Prototype Kit v9.10.0 [Clear data](#)

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The above image is from the Home Office online service '[Check a tenant's right to rent](#)' and confirms you will need the tenant's share code and their date of birth to check their right to rent status.

Step 2: Check

In the presence of the person (in person or via live video link), you must check that the photograph from their profile page is of them (i.e. the information provided by the check relates to the person and they are not an imposter).

If you enter in to a tenancy agreement with someone on the basis of the online check, but it is reasonably apparent that the person in the photograph on the online service is not the prospective tenant, you may be liable for a penalty if they do not have the right to rent.

The online service will confirm that no further check is required for someone who has a continuous right to rent. For someone with a time-limited right to rent the service will advise when a further check is required.

GOV.UK View a tenant's right to rent

BETA This is a new service - your [feedback](#) will help us to improve it. [Need help using this service? Get help](#)

Right to rent

Joe Bloggs
They have the right to rent.
Details
There is no limit to how long they can rent for.

If you rent to this person
To avoid a [penalty](#), you must:

- check this looks like the person you meet face to face
- keep a secure copy of this check (either electronically or in hard copy), for the duration of the tenancy and for one year after

You don't need to do the check again.

Read the [landlords' code of practice](#) to find out more about right to rent checks.

Details of check	
Name of landlord or company Acme Ltd	Date of check 4 February 2019

[Download PDF](#)

[Finish and leave service](#)

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The above image is from the online service and shows the person has a continuous right to rent³.

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 **View a tenant's right to rent**

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Right to rent



Joe Bloggs
They have the right to rent until 9 September 2022.

If you rent to this person
To avoid a [penalty](#), you must:

- check this looks like the person you meet face to face
- keep a secure copy of this check (either electronically or in hard copy), for the duration of the tenancy and for one year after
- do this check again when their permission to be in the UK expires on 9 September 2022, or one year after the last check. The deadline is the latest of these dates

Read the [landlords' code of practice](#) to find out more about right to rent checks.

Details of check	
Name of landlord or company Acme Ltd	Date of check 4 February 2019

[Download PDF](#)

[Finish and leave service](#)

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The above image is from the online service and shows the holder has a time-limited right to rent and confirms the date that their leave expires⁴.

Step 3: Copy and retain evidence of the check

You must retain evidence of the online check; this should be the profile page confirming the person's right to rent (as shown in the pictures above). You have the option of printing the profile page (the response provided by the Home Office online service) or saving it as a PDF or HTML file.

⁴ Image used under the Getty Images photo agency licence agreement

You should store this securely (electronically or in hardcopy) for the duration of the tenancy agreement and for one year afterwards. The file must then be securely destroyed.

Should a disqualified person be identified, you will need to be able to evidence that you have conducted a right to rent check in order to have a statutory excuse and liability for a penalty. By retaining evidence of the check as above, you will be able to present this to a Home Office official in the event you are found to have rented to someone that is a disqualified person.

Individuals with an outstanding immigration application or appeal - Right to rent checks from the Home Office Landlord Checking Service

Where a person is unable to produce any documents from [List A or List B](#) or documents as set out in the Code of Practice, you must request a right to rent check from the [Landlord Checking Service](#) if the tenant claims:

- to have an ongoing immigration application or appeal with the Home Office
- that their documents are with the Home Office
- that they have been given permission to rent by the Home Office
- they have been resident in the UK before the end of 1988

You should delay entering into a tenancy agreement until you have received a response from the Landlord Checking Service.

You can request a Home Office right to rent check using an [online form](#). If you do not have access to the internet, a request can be made by calling the Landlord's Helpline on 0300 069 9799. The Landlord Checking Service will respond to your request with a clear 'yes' or 'no' response within two working days. This will only be sent to you by the Landlord Checking Service and will contain a unique reference number. The information provided by the Landlord Checking Service will clearly set out whether a follow-up check will be required, and if so, when.

If positive confirmation is received, by way of a 'yes' response from the Landlord Checking Service, the statutory excuse will last for 12 months from the date specified. The landlord will then need to make a further check before expiry. If the Landlord Checking Service informs the landlord that the tenant no longer has a right to rent, by way of a 'no' response, the landlord must make a report to the Home Office in order to maintain a statutory excuse, as detailed below. If they do not do this, their statutory excuse will expire.

If a 'no' response is received from the Landlord Checking Service, you will receive a Negative Verification Notice. This will inform you that the person does not have the right to rent, and if you rent to this person you will not have a statutory excuse and may be liable for a penalty or be committing a criminal offence.

If the Landlord Checking Service has not considered the request within two working days, an automated response will be sent to you informing you that you can let your property to the prospective tenant. This automated response will advise when a further check will be required. The response must be retained in order for you to avoid a penalty.

Nationals of Australia, Canada, Japan, New Zealand, Singapore, South Korea and the USA who are visiting the UK

Nationals of Australia, Canada, Japan, New Zealand, Singapore, South Korea and the USA who are visiting the UK can use their biometric passport to use an epassport gate to enter the UK for up to six months. If they do not have a biometric passport, they will be informed of their leave and its associated conditions orally by a Border Force officer. They will not have their passports endorsed with a stamp.

Those coming to live in the UK for more than six months will have a visa in their passport and will collect their biometric residence permit after their arrival. This will provide them with a means of evidencing their status in the UK, in common with all other non-EEA nationals coming to live in the UK for more than six months.

Those entering the UK as a visitor or business visitor will be granted automatic leave to enter for a maximum period of up to six months and will not have a document to evidence their lawful status in the UK. Nationals of Australia, Canada, Japan, New Zealand, Singapore, South Korea and the USA who are visiting the UK are, therefore, permitted to use a combination of their passport, plus evidence of travel to the UK to demonstrate a right to rent.

Acceptable evidence of travel to the UK may include (but is not restricted to) one of the following, or a combination of:

- an original or copy of a boarding pass or electronic boarding pass for air, rail or sea travel to the UK, establishing the date of arrival in the UK in the preceding six months
- an original or copy airline, rail or boat ticket or e-ticket establishing the date of arrival in the UK in the preceding six months
- any type of booking confirmation (original or copy) for air, rail or sea travel to the UK establishing the date of arrival in the UK in the preceding six months
- any other documentary evidence which establishes the date of arrival in the UK in the preceding six months

Under the Immigration Rules, non-visa nationals can be granted leave to enter as a visitor to the UK for up to six months from the date of their arrival. However, a different legislative framework governs the Right to Rent Scheme, purposely designed to minimise the frequency of checks you need to undertake.

Where you have correctly conducted a right to rent check you will obtain a statutory excuse for 12 months and must schedule a [follow-up check](#) before the end of the 12 month period if the person is still occupying the accommodation.

When to conduct a follow-up check

You may establish a time-limited statutory excuse where the initial right to rent checks are satisfied with one of the following:

- a document from [List B](#)
- a time-limited response from the Home Office online service
- a check for a [national of Australia, Canada, Japan, New Zealand, Singapore, South Korea and the USA](#) who is a visitor or
- the [Landlord Checking Service](#) has provided a 'yes' response to a request for verification of a right to rent

This time-limited statutory excuse lasts either for:

- 12 months from the date of the right to rent check, or
- until expiry of the person's permission to be in the UK, or
- until expiry of the validity of their immigration document(s) which evidences their right to be in the UK, whichever is later.

In order to maintain a statutory excuse follow-up checks should be conducted before the time-limited excuse expires.

You should ask the tenant for proof of their continued right to rent. The tenant can choose to evidence this either by providing the landlord with documents from [List A or B](#), a document as set out in the Code of Practice or by using the [Home Office online checking service](#), if applicable.

If the tenant is unable to produce their documents, you should contact the [Landlord Checking Service](#).

If the tenant cannot produce evidence of their continued right to rent, you must [make a report to the Home Office](#) in order to maintain your statutory excuse.

Making a report to the Home Office

If the [follow-up checks](#) indicate that a tenant no longer has the right to rent, or an existing tenant or tenants are not co-operating with follow-up checks, you must make a report to the Home Office using an [online form](#). You must make the report as soon as reasonably practicable after discovering that the tenant no longer has a right to rent, and before your existing time-limited statutory excuse expires.

Copies of documents should not be submitted when making a report but should be retained as set out in [initial right to rent checks](#) for future enquiries.

Making a report in the specified way will generate a unique reference number. You must ensure you keep a copy of this number as evidence of your continued statutory excuse. All copies of documents taken should be kept for the duration of the tenancy agreement and for at least one year thereafter.

A statutory excuse can only be maintained when the initial checks have been conducted before the beginning of the tenancy. If you have failed to conduct the initial right to rent checks before the beginning of a tenancy, you cannot establish a statutory excuse by making a report to the Home Office at a later date.

When to end a tenancy due to immigration status

If you know or have reasonable cause to believe that someone is living in your property and is not allowed to rent due to their immigration status, you have a range of options to end your tenancy with them. If you have made a report to the Home Office which maintains your statutory excuse, you are not required to end the tenancy agreement.

Ending a tenancy: your options

The following options may be available to you to end a tenancy with a disqualified person:

- if multiple people live in the property and some are disqualified and others are not, you can agree with the disqualified person(s) that they will leave the property - if they are a tenant you can consider reassigning the tenancy to one or more remaining non-disqualified tenants
- arrange the surrender of the tenancy by mutual agreement
- rely on a [Notice of Letting to a Disqualified Person](#) to begin the process to recover vacant possession - the steps you should take depend on whether this names [all occupiers](#) or [some of the occupiers](#)
- [take other steps](#) to recover vacant possession, depending on the kind of tenancy

This section of the guidance will help you to understand your rights and responsibilities to:

- [use a Notice of Letting to a Disqualified person to end a tenancy](#)
- [tell the Home Office that a disqualified person has left your property](#)
- [request a Notice of Letting to a Disqualified Person](#)
- [check if a person is still disqualified from renting](#)

Using a Notice of Letting to a Disqualified Person

The Home Office may send you a Notice of Letting to a Disqualified Person to tell you that someone living in your property is disqualified from renting. You need to keep this document safe as you may need to show it to your tenant or to the courts.

If you have received a Notice of Letting to a Disqualified Person, it shows that you have grounds for ending the tenancy. In certain circumstances, the Notice of Letting to a Disqualified Person may allow you to end a tenancy with a disqualified person without a court order.

The Home Office will also inform the person(s) named on the Notice of Letting to a Disqualified Person making them aware that it has been sent. If a person believes that they have been named in error, they should contact the Home Office.

The person can do this by contacting the Home Office, either via the team dealing with their case, via their reporting centre, or by calling the immigration public enquiry line on 0300 123 2241. To note, call charges may apply: [find out about call charges](#).

Once you have acted on a Notice of Letting to a Disqualified Person, you must [let the Home Office know when a disqualified person has left your property](#).

Using a Notice of Letting to a Disqualified Person when it names all the tenants

If you have received a Notice of Letting to a Disqualified Person which names all the tenants in your property (or the sole tenant if there is only one), or multiple Notices which together name all tenants, you have a number of options to end the tenancy with the disqualified persons:

- arrange the surrender of the tenancy by mutual agreement
- serve the appropriate [Prescribed Notice](#) on all your tenants, along with copies of the Notice of Letting to a Disqualified Person from the Home Office, and give the occupiers at least 28 days' notice for them to leave

If the tenants do not leave by the time their notice period expires, you can:

- rely on the Notice of Letting to a Disqualified Person to apply to the district registry of a High Court, to ask that High Court enforcement officers evict them - you can do this without a court order for possession under Section 33D of the Immigration Act 2014
- exclude them from the property peacefully after the notice period has expired, for example by changing the locks

Alternatively, you can [take other steps to recover vacant possession](#). The action you take will depend on the type of tenancy you have.

Using a Notice of Letting to a Disqualified Person when it names some of the tenants

If you have received a Notice of Letting to a Disqualified Person which names some of the tenants in your property, but not all of them, you have a number of options to end the tenancy.

You can ask the disqualified person(s) to leave voluntarily if you wish in one of the following ways:

- agree with the disqualified person that they will leave the property - if they are a tenant you can consider reassigning the tenancy to one or more of the remaining non-disqualified tenants
- arrange the surrender of the tenancy by mutual agreement

Alternatively, you can [take other steps to recover vacant possession](#).

Taking other steps to recover possession

If a disqualified person(s) does not leave under any of the routes described above, you can take other steps to recover vacant possession. The action you take will depend on the kind of tenancy you have.

If the fixed term of an Assured Shorthold Tenancy has already expired, you can serve a [Section 21 Notice](#) giving the appropriate amount of notice. After the notice period has expired you can apply to the courts for a possession order. Currently, because of the coronavirus pandemic, the minimum notice that must be given prior to applying to the courts for possession via Section 21 is six months. This will be the case until at least March 2021.

You can give notice to your tenants under Schedule 2 of the Housing Act 1988 using a [Section 8 Notice](#), relying on ground 7B. You can do this whether or not the fixed term has expired. If the tenants have not left the property after that notice period has expired, you can apply to the court for a mandatory possession order, relying on ground 7B. The court will either grant this order or may use discretion to order a transfer of the tenancy to the tenants that are not disqualified from renting. Currently, because of the coronavirus pandemic the minimum notice that must be given prior to applying to the courts for possession via Section 8 on ground 7B is three months. This will be the case until at least March 2021.

If the tenancy is a Rent Act 1977 tenancy (that is, it started before 15 January 1989), you can apply to the court for a possession order relying upon the immigration status of the disqualified person, under case 10A of Schedule 15 of the Rent Act 1977. Currently, because of the coronavirus pandemic landlords must currently provide at least three months' notice when seeking possession under case 10A.

This section will be updated once the coronavirus measures are lifted.

Tell the Home Office that a disqualified person has left your property

[Let the Home Office know when a disqualified person has left your property](#) after you have acted on a Notice of Letting to a Disqualified Person. The Home Office will then update their records.

Request a Notice of Letting to a Disqualified Person

If you know or have reasonable cause to believe that you are renting to someone who is disqualified from renting, you can [request a Notice of Letting to a Disqualified Person](#) if the Home Office has not sent you one.

You can also make this request if you have received a Notice of Letting to a Disqualified Person for some tenants, and you have reasonable cause to believe that other tenants are also disqualified from renting. If all tenants are then named on a Notice, or multiple Notices, you can [rely on the Notice\(s\) to bring the tenancy to an end without a court order](#).

‘Minded to serve’ process

Before a Notice of Letting to a Disqualified Person (NLDP) is issued, the Home Office will make enquiries with your tenant giving them an opportunity to demonstrate that they are not a disqualified person. The Home Office will do this by issuing them with a ‘minded to serve’ letter asking them for evidence that they have a right to rent or qualify for permission to rent. Your tenant will have 28 calendar days to provide a response to the Home Office, who will consider whether the evidence provided establishes whether the tenant has a right to rent or if permission to rent is applicable in their case. The Home Office will aim to respond to the tenant within 28 days of receipt of the evidence provided.

If the Home Office agrees that the tenant has a right to rent or could be granted permission to rent, we will advise both you and the tenant, in writing, that we will not issue an NLDP.

If an NLDP is appropriate, this will be issued to you, enabling you to take action to end the tenancy agreement.

Check if a person is still disqualified from renting

As it is possible for a tenants immigration status to change, it may be advisable to [check that the person is still disqualified from renting](#) before you use the NLDP to recover vacant possession. You may wish to do this if some time has passed since it was issued, and you want to use it now.

Further advice on ending a tenancy

Both landlords and tenants can also seek legal advice from solicitors, housing advice centres or the [Citizens Advice](#).

If you need to apply to a court, you can find your most suitable court using the [court finder](#).

You can call the Landlord Helpline on 0300 069 9799 for general information about ending a tenancy with a disqualified person. The helpline cannot talk about individual cases.

What are the sanctions if you are found to be renting to a disqualified person?

If you are found to be renting to someone who does not have the right to rent and you have not conducted the checks as set out in the code of practice, you may face sanctions including:

- a civil penalty of up to £3,000 per disqualified person
- in the most serious cases, a criminal conviction carrying a prison sentence

Civil penalties

The amount of any penalty issued is determined on a case-by-case basis. The [Code of Practice on right to rent checks: civil penalty scheme for landlords and their agents](#) explains how a penalty is calculated.

You will have a statutory excuse against a penalty if you can show that you have conducted an initial right to rent check, any [follow-up checks](#) if necessary, and made any required [report to the Home Office](#).

You will not have a statutory excuse against a penalty if you cannot show that you have conducted an initial right to rent check, any follow up checks if necessary, and made any required report to the Home Office. If you are found to be renting to a person who does not have a right to rent, you will be liable for a penalty.

The offence of 'knowingly letting to a disqualified person'

You will commit a criminal offence under section 33a and 33b of the [Immigration Act 2016](#), if you know or have reasonable cause to believe that you are renting to a person who does not have the right to rent. You may face an unlimited fine and in the most serious cases, up to five years in prison. This includes:

- the tenant didn't have leave (permission) to enter or remain in the UK
- the tenant's leave had expired
- the tenant's documents were incorrect, or it is reasonably apparent that they are false

It is illegal to rent to someone aged 18 or over, who is subject to immigration control and who is not allowed to rent the property in question. The penalty scheme is the sanction applied in most routine cases involving letting to disqualified persons. If you have complied with the civil penalty scheme, then you will not be in a position of knowingly letting and will have a statutory excuse. The criminal offence is for the most serious cases. It is not intended for landlords who have simply made a mistake when complying with the Right to Rent Scheme. In the most serious cases,

prosecution may be considered where it is deemed the appropriate response to the noncompliance encountered.

How and when a civil penalty is served

If a person does not have the right to rent and is found living in a privately rented property owned by you, you will be asked to show that you made a right to rent check (including any [follow-up checks](#) and [reports necessary](#)).

A penalty will not be issued in respect of a tenancy entered into before the Right to Rent Scheme commenced. If you cannot show the checks were made when the suspected breach of the law is identified, you may be served with a **Referral Notice** during a visit by the Home Office, explaining that liability for a penalty is being considered.

You will then be sent an **Information Request**. This provides you with an opportunity to present information and evidence. For example, evidence of a statutory excuse against a penalty, evidence that the checks were in fact conducted or that you are not the [liable party](#). After considering the case the Home Office will issue either a **Civil Penalty Notice**, or a **No Action Notice**, together with a Statement of Case explaining the decision.

The Home Office may routinely share information with other government departments, as required, in administering penalties under the Right to Rent Scheme.

Paying a civil penalty

Your Civil Penalty Notice will state the penalty amount and the date by which your payment should be made. The due date for the full amount is 28 days from the date your Civil Penalty Notice was given and will be clearly shown on your notice. The possible methods of payment will also be explained. If you fail to pay your penalty or exercise your objection or appeal rights by the deadlines given, enforcement action to recover the debt will be taken against you.

Fast payment option

A fast payment option reduces the amount of your penalty by 30 per cent if we receive payment **in full within 21 days of it being due**. The discounted penalty amount and the final date by which you must pay will be clearly shown on your notice. If you have been found to be renting to any disqualified persons in the previous three years for whom you did not have a statutory excuse, you are not eligible for this reduced payment after the first penalty notice or offence.

Payment by instalments

We will consider the impact of the penalty on you in circumstances where you are unable to pay it in one lump sum. We may agree that you are able to pay your

penalty by instalments over an agreed period of time, usually up to 24 months, and exceptionally up to 36 months. We will not reduce the penalty amount.

You may request to pay the penalty by way of an instalment plan by **Direct Debit**. If you wish to take up this option, you should contact the Home Office Shared Service Centre by e-mail to Order-to-cash@homeoffice.gov.uk stating that you wish to request an instalment plan or by writing to the Order to Cash Team at:

Order to Cash Team
Home Office Shared Service Centre
HO Box 5003
Newport
Gwent
NP20 9BB
Telephone: 0845 0100125

This should be **done within 28 days** of the date your Civil Penalty Notice was given, in order for your application to be considered. When we inform you of our decision, we will state when the payment or payments are due. Your request to pay by instalments does not affect the time limits within which an objection against the penalty must be brought.

If you do not pay an instalment on the due date, debt recovery enforcement action will be taken. A fast payment option may not be paid by instalments

Objecting to a civil penalty

If you have been issued with a **Civil Penalty Notice**, you may object in writing to the Home Office within 28 days of the date specified in the notice, after which you will lose the right to object.

You may object on the following grounds:

- you are not liable to pay the penalty (for example, because you are not the landlord of the disqualified person), or
- you have a statutory excuse (this means that you conducted the checks and made any necessary reports), or
- the level of penalty is too high (this means that the Home Office has miscalculated the amount of the penalty by reference to the wrong criteria).

The objection must contain:

1. the reference number of the penalty notice
2. the name and contact address of the landlord and any relevant agent
3. the name and address of the tenant(s) in respect of whom the penalty was issued, and
4. full grounds of objection together with supporting evidence, including copies of any documents relied upon

The Home Office will then consider the objection and reply within 28 days with an **Objection Outcome Notice** notifying you that either:

- the penalty is to be maintained, or
- the penalty is to be cancelled, or
- the penalty is to be reduced.

In the case that the penalty is increased, you will be served with a new **Civil Penalty Notice** which you may then first object to, and subsequently appeal against.

Appeal against a civil penalty

An appeal against an objection decision may be brought to a County Court on the same acceptable [grounds as for an objection](#), and must be made within 28 days of the due date given in the notice.

An appeal must be filed using [Form N161](#), which can be obtained from any County Court office or on the [HM Court Services](#) website, the form will also include guidance on the process. The completed appeal form will need to be submitted with the relevant fee. You are also required to serve the appeal papers on Secretary of State for the Home Office. This can be done by sending a copy of the papers by recorded delivery to: **Government Legal Department, 1 Kemble Street, London, WC2B 4TS.**

You should be aware that if your appeal to the court does not succeed, the court may order that you pay the reasonable costs or expenses of the Home Office in defending the appeal. If, however, the appeal is successful, the court may order that the Home Office pay your reasonable costs or expenses.

Annex A

Lists of acceptable documents for a document-based right to rent check

List A - acceptable documents to establish a continuous statutory excuse.

If a prospective tenant can produce either **one** document from group 1 or **two** documents from group 2 then they will not require a follow-up check.

List A Group 1 – If a prospective tenant can produce one document from this group then a continuous statutory excuse will be established.

1. A passport (current or expired) showing that the holder is a British citizen, or a citizen of the UK and Colonies having the 'right of abode' in the UK.
2. A passport or national identity card (current or expired) showing that the holder is a national of the European Economic Area (EEA) or Switzerland.
3. A registration certificate (current or expired) issued by the Home Office to a national of an EEA state or Switzerland.
4. A document certifying permanent residence (current or expired) issued by the Home Office to a national of an EEA state or Switzerland.
5. A permanent residence card (current or expired) issued by the Home Office to the family member of a national of an EEA state or Switzerland.
6. A document issued by the Home Office to a family member of a national of an EEA state or Switzerland (current or expired) and which indicates that the holder is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK.
7. A biometric immigration document (current or expired) issued by the Home Office to the holder which indicates that the person named in it is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK.
8. A passport or other travel document (current or expired) endorsed to show that the holder is 'exempt from immigration control', is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has 'no time limit' on their stay in the UK.
9. An immigration status document (current or expired) containing a photograph issued by the Home Office to the holder with an endorsement indicating that the person named in it is allowed to stay in the UK indefinitely or has no time limit on their stay in the UK.
10. A certificate of registration or naturalisation as a British citizen.

List A Group 2 – If a prospective tenant can produce any two documents from this group then a continuous statutory excuse will be established.

1. A birth certificate issued in the UK.
2. An adoption certificate issued in the UK.
3. A birth certificate issued in the Channel Islands, the Isle of Man or Ireland.
4. An adoption certificate issued in the Channel Islands, the Isle of Man or Ireland.
5. A letter which:
 - (a) is issued by a government department or local authority no longer than three months before the date on which it is presented;
 - (b) is signed by a named official stating their name and professional address;
 - (c) confirms the holder's name; and
 - (d) confirms that the holder has accessed services from that department or authority or is otherwise known to that department or authority.
6. A letter which:
 - (a) is issued no longer than three months before the date on which it is presented;
 - (b) is signed by a British passport holder who is or has been a professional person or who is otherwise of good standing in their community;
 - (c) confirms the holder's name;
 - (d) states how long the signatory has known the holder, such period being of at least three months' duration, and in what capacity; and
 - (e) states the signatory's name, address, profession, place of work and passport number.
7. A letter issued by a person who employs the holder no longer than three months before the date on which it is presented, which indicates the holder's name and confirming their status as an employee and employee reference number or National Insurance number and states the employer's name and business address.
8. A letter issued by a police force in the UK no longer than three months before the date on which it is presented, confirming that the holder has been the victim of a crime in which a document listed in List A (Group 1) belonging to the holder has been stolen and stating the crime reference number.
9. An identity card or document issued by one of Her Majesty's forces or the Secretary of State confirming that the holder is or has been a serving member in any of Her Majesty's forces.
10. A letter issued by Her Majesty's Prison Service, the Scottish Prison Service or the Northern Ireland Prison Service confirming that the holder has been released from the custody of that service no longer than six months before the date on which that letter is presented and confirming their name and date of birth.
11. A letter issued no longer than three months before the date on which it is presented by an officer of the National Offender Management Service in England

and Wales, an officer of a local authority in Scotland who is a responsible officer for the purposes of the Criminal Procedure (Scotland) Act 1995 or an officer of the Probation Board for Northern Ireland confirming the holder's name and date of birth and confirming that the holder is the subject of an order requiring supervision by that officer.

12. A current licence to drive a motor vehicle granted under Part 3 of the Road Traffic Act 1988 (to include the photocard licence in respect of licences issued on or after 1st July 1998) or Part 2 of the Road Traffic (Northern Ireland) Order 1981 (to include the photocard licence).
13. A certificate issued no longer than three months before the date on which it is presented, by the Disclosure and Barring Service under Part V of the Police Act 1997, the Scottish Ministers under Part 2 of the Protection of Vulnerable Groups (Scotland) Act 2007 or the Secretary of State under Part V of the Police Act 1997 in relation to the holder.
14. A document, or a screen shot of an electronic document, issued no longer than three months before the date on which it is presented, by Her Majesty's Revenue and Customs, the Department of Work and Pensions, the Northern Ireland Department for Social Development or a local authority confirming that the holder is in receipt of a benefit listed in section 115(1) or (2) of the Immigration and Asylum Act 1999.
15. A letter which:
 - (a) is issued no longer than three months before the date on which it is presented;
 - (b) is issued by a public authority, voluntary organisation or charity in the course of a scheme operated to assist individuals to secure accommodation in the private rented sector in order to prevent or resolve homelessness;
 - (c) confirms the holder's name; and
 - (d) states the address of a prospective tenancy which the authority, organisation or charity is assisting the holder to obtain.
16. A letter which:
 - (a) is issued by a further or higher education institution in the UK;
 - (b) confirms that the holder has been accepted on a current course of studies at that institution; and
 - (c) states the name of the institution and the name and duration of the course.

List B - acceptable documents to establish a time-limited statutory excuse

If a prospective tenant can produce **one** document from this group, then a time-limited statutory excuse will be established. A follow-up check will be required within the timescales outlined in [eligibility periods](#).

1. A passport or travel document which has not expired, endorsed to show that the holder is allowed to stay in the UK for a 'time-limited period'.

2. A biometric immigration document which has not expired, issued by the Home Office to the holder, which indicates that the person named is permitted to stay in the UK for a time-limited period (this includes a Biometric Residence Permit).
3. A residence card or a derivative residence card, which has not expired, issued by the Home Office to a non-EEA national who is either a family member of an EEA or Swiss national or has a derivative right of residence, which indicates that the holder is permitted to stay in the UK for a time-limited period.
4. A current immigration status document issued by the Home Office to the holder, with a valid endorsement indicating that the holder has been granted limited leave to enter, or remain in, the UK.
5. A document issued by the Home Office to a family member of a national of an EEA state or Switzerland, which has not expired, and which indicates that the holder is permitted to stay in the UK for a time-limited period.

Annex B

Right to rent checks for EEA and Swiss nationals

EEA and Swiss Citizens can continue to use their passport and national identity cards to evidence their right to rent until 30 June 2021, or if they have status under the EU Settlement Scheme or status under the points-based immigration system they can choose to evidence their right to rent using the Home Office online service. You cannot insist that they use the online service or discriminate against those who wish to use their passport or national identity card.

There is no requirement for a retrospective check to be undertaken on EEA or Swiss Citizens who entered in to a tenancy agreement on or before 30 June 2021. You will maintain a continuous statutory excuse against a penalty if the initial checks were undertaken in line with this guidance.

Irish citizens will continue to have the right to rent and prove their right to rent as they do now, for example using their passport.

New guidance on how to conduct right to rent checks on EEA and Swiss nationals after 30 June 2021 will be provided in advance of this date.

Biometric Residence Permits

Migrants overseas, who are granted permission to enter the UK for more than six months are issued with a vignette (sticker) in their passport enabling them to travel to the UK. Following their arrival, they will have either ten days or until their vignette expires (whichever is later) to collect their BRP from the Post Office branch detailed in their decision letter.

Migrants are encouraged to collect their BRP before they enter into a tenancy agreement. However, if they are due to enter into a tenancy agreement prior to collecting their BRP, they will be able to evidence their right to rent by producing the short validity vignette in their passport which they used to travel to the UK. This will provide you with a statutory excuse for 12 months. However, once the person has received their BRP you may wish to conduct a further check which will provide you with a statutory excuse for the duration of their leave. A follow-up check is required shortly before their leave expires.

Windrush generation

The Government has put in place additional safeguards to ensure that non-EEA nationals who have lived lawfully in the UK since before the end of 1988 are not denied access to housing in the private rented sector.

In some circumstances, individuals of the Windrush generation may not be able to provide documentation from the [acceptable document lists](#) to demonstrate their entitlement to rent. The Windrush Scheme is available for those who came to the UK

before the end of 1988 who are lawfully settled here to obtain the necessary documentation to evidence their lawful status.

If you encounter someone in this situation, you should contact the [Landlord Checking Service](#) (LCS) to conduct a right to rent check. The LCS will notify the Windrush Help Team, who will contact the person to confirm their circumstances and arrange for their status to be resolved. Working with the Windrush Help Team, the LCS will be able to confirm a person's right to rent.

The information provided by the LCS will clearly set out whether a repeat check will be required, and if so, when.

The [Windrush Help Team](#) can offer support and guidance to individuals on the Windrush Scheme and advise them how to apply. It can also help vulnerable people or those who need additional support. If a prospective tenant or tenant has been affected, they can contact the Windrush Help Team via the above link or by calling 0800 678 1925.

Students

If you are letting accommodation to students in the private rented sector, you are required to conduct right to rent checks in the prescribed manner on all prospective tenants, including British citizens, before the tenancy begins.

The below sections set out a number of different scenarios you may come across when renting to students.

First time students from overseas

If the student is from overseas and will be studying in the UK for the first time, they will have been issued with an endorsement in their passport to enable them to travel to the UK. Following their arrival, they will have either 10 days or until the vignette expires (whichever is later) to collect their Biometric Residence Permit (BRP) from the Post Office branch detailed in their decision letter.

If they enter into a tenancy agreement with you prior to collecting their BRP, they will be able to evidence their right to rent by producing the short validity vignette in their passport which they used to travel to the UK. The vignette must be valid at the time of the check. This will provide you with a time-limited statutory excuse for 12 months.

It may be good practice to encourage a further right to rent check once the student has picked up their BRP as this will provide you with a time-limited statutory excuse for the duration of their leave. The student will be able to choose whether they evidence their right to rent by providing you with their BRP or by using the [Home Office online checking service](#).

Returning students from overseas

If the student is from overseas and is returning for their second or third year, they should already be in possession of their BRP. If they choose to evidence their right

to rent using the Home Office online service, the check can be conducted via live video link before they return to the UK. The check must be conducted no earlier than 28 days before the start of the tenancy agreement.

Right to Rent checks when the student is overseas

In some cases, it may not be possible to check the documents of a student before drawing up a tenancy agreement, for example if the student lives overseas or is out of the country before the new term begins.

In this situation you are permitted to check a person's right to rent before they take up occupation of the property, rather than before the start of the tenancy agreement. The tenancy can be agreed in principle before the student arrives in the UK. The right to rent check can then be conducted at a later date in the presence of the prospective tenant, before the student moves in. The checks can even be conducted on the day that they move in.

If the student is in possession of a current BRP/C, they have status under the EU Settlement Scheme or they have been status under the points-based immigration system they can choose to evidence their right to rent using the [Home Office online checking service](#). You can perform the online check via live video link whilst the student is still abroad. For students with a time-limited right to rent the right to rent check must be undertaken no more than 28 days before the start of the tenancy.

Multiple Name Tenancies

If you are letting your property to multiple students, you are required to confirm how many adults will be living in the property and conduct right to rent checks on each one. In some cases, students may be moving into the property at different times, in this instance you are permitted to conduct the checks on each person before they move in.

Temporary adjusted right to rent checks during the coronavirus (COVID-19) pandemic

Since 30 March, right to rent checks have been temporarily adjusted in response to the coronavirus pandemic. Information on how to carry out these temporary adjusted checks is available at [Coronavirus \(COVID-19\): landlord right to rent checks](#) on GOV.UK. This page will be updated with any changes to the temporary measures.

From 25 November, you will be able to conduct a right to rent check using the [Home Office online checking service](#), for those eligible to use the service. This check can be carried out via live video link and as the information is provided in real-time, directly from Home Office systems there is no requirement to see documents.

If you conduct a check using the online service or a standard document-based check as set out in the code of practice, it will not be necessary to conduct a retrospective check.

Due to the ongoing nature of the pandemic we do not have a confirmed date for when the temporary adjustments will come to an end.

It remains an offence to knowingly lease premises to a person who is not lawfully in the UK.