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In order to establish an excuse from payment of a civil penalty in the event the landlord is found to be renting to someone without lawful status, landlords must do one of the following before commencing a tenancy:

- a manual right to rent check
- a right to rent check using Identity Document Validation Technology (IDVT) via the services of an Identity Service Provider (IDSP), or
- a Home Office online right to rent check

Increasingly, the Home Office is issuing eVisas rather than issuing physical documents as proof of an individual's immigration status. This means those individuals will only be able to evidence their right to rent using the Home Office online service.

The Home Office online right to rent service sets out what information and/or documentation is needed in order to access the service. However, it will not be possible to conduct an online right to rent check in all circumstances, as not all individuals will have an immigration status that can be checked online at this stage.

In circumstances in which a Home Office online check is not possible, landlords should conduct a manual right to rent check. For British or Irish citizens who hold a valid passport (or Irish passport card) landlords can use the services of an IDSP instead of conducting a manual right to rent check if landlords wish.

When conducting follow-up checks for those whose right to rent is time-limited, landlords may conduct either a manual check or use the Home Office online service where applicable.

There are three steps involved in establishing and maintaining a statutory excuse against liability for a civil penalty:

1. conduct an [initial right to rent check](#) before authorising an adult to occupy rented accommodation
2. conduct a [follow-up check](#) at the appropriate date if initial checks indicate that an occupier has a time-limited right to rent
3. make a [report to the Home Office](#) if follow-up checks indicate that an occupier no longer has the right to rent.

## When to undertake an initial right to rent check

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

- 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. For instance, a prospective tenant may be overseas and wish to arrange accommodation for work or study in the UK in advance of their arrival. In these circumstances, landlords 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 residential tenancy agreement.

## Ways to evidence right to rent

### Manual document-based right to rent checks

There are three basic steps to conducting an initial document-based right to rent check:

1. Obtain original versions of one or more of the [acceptable documents](#) for adult occupiers
2. Check the documents in the presence of the holder<sup>1</sup>
3. Make clear copies of the documents and retain them with a record of the date on which the check is made. For example: the date on which this right to rent check was made: [insert date].

Landlords must check the validity of the documents in the presence of the holder. The documents must be checked to ensure that:

- They are genuine
- The person presenting them is the prospective or existing tenant
- The photograph and date of birth are consistent across documents and with the person's appearance.

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

For a manual check, landlords should take all reasonable steps to check the validity of the documents presented to them. If a landlord is given a false document, they will only be liable for a civil penalty if it is reasonably apparent that it is false. "Reasonably apparent" means:

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<sup>1</sup> The person must be present in person or via a live video link.

where 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.

For a step by step guide on how to complete a right to rent check please refer to the [Landlord's guide to right to rent checks](#).

## **List of acceptable documents for right to rent checks**

The documents that are considered acceptable for establishing a statutory excuse when conducting a manual right to rent check are set out in two lists, List A and List B.

Where a right to rent check has been conducted using the Home Office online service, the information is provided in real-time, directly from Home Office systems and there is no requirement to see any or a combination of any of the documents listed below.

**List A** contains the range of documents which may be accepted for checking purposes for a person who has a permanent right to rent in the UK (including British and Irish citizens). If landlords carry out the prescribed checks, they will establish a continuous statutory excuse for the duration of that person's tenancy. The landlord is required to check one document from List A (Group 1) or two documents from List A (Group 2).

**List B** contains the range of documents which may be accepted for checking purposes for a person who has a time-limited right to rent in England. If landlords carry out the prescribed checks, they will establish a time-limited statutory excuse. Landlords will be required to carry out a follow-up check as set out below.

Examples of the documents, how to check them and how to copy them can be found in the [Right to Rent Checks: A user guide for tenants and landlords](#).

### **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 passport card (in either case, whether current or expired) showing that the holder is an Irish citizen.
3. A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Landlord Checking Service, showing that the holder has been granted unlimited leave to enter or remain under

Appendix EU(J) to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules.

4. A passport or other travel document (in either case, whether 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.
5. 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.
6. 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<sup>2</sup>.
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
  - (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<sup>3</sup>
  - (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
  - (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

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<sup>2</sup> Definition includes a full birth certificate issued by a UK diplomatic mission (British Embassy or British High Commission)

<sup>3</sup> See Annex A for the full list of acceptable professional persons.

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
  - (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
- (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 current passport or travel document endorsed to show that the holder is allowed to stay in the UK for a 'time-limited period'.
2. 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.
3. A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Landlord Checking Service, showing that the holder has been granted limited leave to enter or remain under Appendix EU(J) to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules.
4. A document issued by the Bailiwick of Jersey or the Bailiwick of Guernsey, or Isle of Man, showing that the holder has made an application for limited leave to enter or remain under Appendix EU to the Jersey Immigration Rules or Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules (as the case may be), **together with a Positive Right to Rent Notice** issued by the Home Office Landlord Checking Service.
5. A document issued by the Home Office, confirming an application for leave to enter or remain, under Appendix EU to the immigration rules (known as the EU Settlement Scheme), made on or before 30 June 2021 **together with a Positive Right to Rent Notice** issued by the Home Office Landlord Checking Service.
6. A Certificate of Application (digital or non-digital) issued by the Home Office showing that the holder has made an application for leave to enter or remain, under Appendix EU to the immigration rules (known as the EU Settlement Scheme), on or after 1 July 2021, **together with a Positive Right to Rent Notice** issued by the Home Office Landlord Checking Service.
7. A passport of a national of an EEA country, Australia, Canada, Japan, New Zealand, Singapore, South Korea or the USA who is a visitor to the UK **together** with evidence of travel to the UK that provides documentary evidence of the date of arrival in the UK in the preceding six months.

## Using an Identity Service Provider (IDSP)

From 6 April 2022, landlords can use Identity Document Validation Technology (IDVT) via the services of an IDSP to complete the digital identity verification element of right to rent checks for British and Irish citizens who hold a valid passport (including Irish passport cards).

Digital identity verification conducted by IDSPs is the process of obtaining evidence of the prospective tenant's identity, checking that it is valid and belongs to the person who is claiming it.

If landlords use the services of an IDSP for digital identity verification, holders of valid British or Irish passports (or Irish passport cards) can demonstrate their right to rent using this method. This will provide landlords with a continuous statutory excuse. It is the landlord's responsibility to obtain the IDVT check from the IDSP. Landlords will only have a statutory excuse if they reasonably believe that the IDSP has carried out their checks in accordance with guidance issued here:

[Landlord's guide to right to rent checks.](#)

Landlords must not treat less favourably those who do not hold a valid passport, or do not wish to prove their identity and eligibility using an IDSP. Landlords must provide individuals with other ways to prove their right to rent and should carry out a manual document-based right to rent check in these circumstances.

For a detailed guide on how to complete a right to rent check, including detailed guidance on using an IDSP, please refer to: [Landlord's guide to right to rent checks.](#)

### Basic steps to conducting a RTR check using an IDSP:

1. IDSPs can carry out digital identity verification to a range of standards or levels of confidence. The Home Office recommends that landlords only accept checks via an IDSP that satisfy a minimum of a Medium Level of Confidence. A list of certified providers is available for you to choose from on GOV.UK: [Digital identity certification for right to work, right to rent and criminal record checks](#) not mandatory for you to use a certified provider; you may use a provider not featured within this list if you are satisfied that they are able to provide the required checks.
2. Landlords must satisfy themselves that the photograph and biographic details (e.g. date of birth) on the IDVT output are consistent with the individual seeking to rent the property (i.e. the information provided by the check relates to the individual and they are not an imposter).
3. Landlords must retain a clear copy of the IDVT identity check output for the duration of the tenancy and for one year after the tenancy has come to an end.

Should landlords be found to be renting to individuals without their identity and eligibility being verified correctly in the prescribed manner, you will not have a statutory excuse in the event the individual is found to be renting illegally by reason of their immigration status. The landlord remains liable for any civil penalty if there is no statutory excuse.



## Conducting a Home Office online right to rent check

Landlords can conduct a check by accessing the Home Office online service ['View a tenant's right to rent in England'](#) on GOV.UK. The online service allows checks to be carried out by video call, and landlords do not need to see physical documents as the right to rent information is provided in real-time, directly from Home Office systems.

Currently, the Home Office online service supports checks for a range of individuals, depending on the type of immigration documentation they are issued. The use of digital proof of immigration status forms part of our move towards a UK immigration system that is digital by default. This will be simpler, safer and more convenient. A full list of those who can access the Home Office online service is in our guidance, available on GOV.UK at: [Landlord's guide to right to rent checks](#).

Some individuals have been issued with an eVisa and can only use the online service to prove their right to rent.

Biometric Residence Card (BRC), Biometric Residence Permit (BRP) and Frontier Worker Permit (FWP) holders are also only able to evidence their right to rent using the Home Office online service. This means landlords cannot accept or check a physical BRC, BRP or FWP as proof of right to rent.

There are three basic steps to conducting a Home Office online right to rent check:

1. use the Home Office online right to rent checking service ['View a tenant's right to rent in England'](#) page on GOV.UK in respect of an individual and only rent to the person or enter in to a tenancy agreement with the person, if the online check confirms they have the right to rent;
2. landlords must satisfy themselves that the photograph on the online right to rent check is of the individual; and
3. retain a clear copy of the response provided by the online right to rent check (storing that response securely, electronically or in hardcopy) for the duration of the tenancy and for one year after the tenancy has come to an end.

If the Home Office online right to rent check does not confirm that the individual has a right to rent, the landlord will not have a statutory excuse if they enter into a tenancy agreement with them.

## The Home Office Landlord Checking Service

In certain circumstances, a landlord may need to contact the Home Office Landlord Checking Service (LCS) to verify an individual's right to rent and establish a statutory excuse. The landlord should contact the LCS when the individual:

- has a document (a non-digital CoA or an acknowledgement letter or email) confirming receipt of an application to the EUSS on or before 30 June 2021

- has a digital or non-digital CoA confirming the individual has made a valid application to the EUSS on or after 1 July, and is directed to the LCS
- is an asylum seeker or has an appeal pending against a determination in respect of their asylum claim
- has an ongoing immigration application or appeal with the Home Office
- has their documents with the Home Office
- has been granted permission to rent by the Home Office.

The LCS can confirm if Home Office records show that the applicant has lawful status and, if appropriate, will issue a Positive Right to Rent Notice (a 'yes' response).

The statutory excuse will continue from the expiry date of an existing tenant's permission for a further period of up to 28 days to enable the landlord to obtain a 'yes' response from the Landlord Checking Service. This '28-day period' does not apply to checks carried out before the start of a tenancy. In such circumstances, the landlord should delay entering into a tenancy agreement with the individual until they have received a 'yes' response from the Landlord Checking Service.

For individuals who make an application to the EUSS on or after 1 July 2021, please refer to the [Right to rent Checks: Landlord's guide](#) for further information.

**How:** A landlord must request verification of right to rent from the Home Office's Landlord Checking Service using ['Request a Home Office right to rent check'](#) on GOV.UK.

This is a different process to the online checking services described in [Conducting a Home Office online right to rent check](#).

The Landlord Checking Service will respond to the landlord with a clear 'yes' or 'no' response within two working days. This will only be sent to the landlord 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 check will be required, and if so, when.

If the Landlord Checking Service has not considered the request within two working days, an automatic response will be sent to the landlord informing them that they can let their property to the prospective tenant. Any response from the Home Office Landlord Checking Service must be retained in order to maintain a statutory excuse against liability for a civil penalty.

Please note that the Landlord Checking Service is for the use of landlords and agents **only**.

## Eligibility Periods

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

- one year, beginning with the date on which the checks were last made
- until the period of the person's permission to be in the UK expires

- until the expiry of the validity period of the immigration document which grants to the holder a right to enter or remain in the UK for such period as the document may authorise.

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

A further check can take place at any time, such as when a tenant tells the landlord that they have extended their immigration permission and by undertaking a further check their eligibility period may be extended.

## **Nationals of an EEA country, Australia, Canada, Japan, New Zealand, Singapore, South Korea or the USA who are visitors to the UK**

Nationals of the EEA, Australia, Canada, Japan, New Zealand, Singapore, South Korea and the USA, who enter the UK as a visitor are able to use eGates at UK airports, seaports and Brussels and Paris Eurostar terminals. Those individuals wishing to do so must hold a biometric passport. Those individuals not in possession of a biometric passport will be processed by a Border Force Officer at the manned passport control point. In either scenario they will not have their passports endorsed with a stamp. Those who are processed by an officer will be informed of their permission to enter/remain and its associated conditions verbally.

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 post-arrival or will have been issued with an eVisa.

Those entering the UK as a visitor or business visitor will be granted automatic Permission 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. These nationals are, therefore, permitted to use a combination of their passport, plus evidence of entry to the UK to demonstrate a right to rent. Although, by exception, some individuals may receive a stamp in their passport which will evidence their date of entry to the UK. In these circumstances, a landlord can conduct a right to rent check by checking their passport and the endorsement in it.

Acceptable evidence of entry 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 last six months
- An original or copy airline, rail or boat ticket or e-ticket establishing the date of arrival in the UK in the last 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 last six months

- Any other documentary evidence which establishes the date of arrival in the UK in the last six months.

Under the Immigration Rules, upon arrival, non-visa nationals can be granted Permission to Enter 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 a landlord needs to undertake. Landlords who have correctly conducted a right to rent check on visitors of these nationalities will obtain a statutory excuse for 12 months and must schedule a follow-up check before the end of the 12 month eligibility period if the individual is still occupying the accommodation.

## Follow-up checks

[A follow-up check](#) should be undertaken before this time-limited statutory excuse expires in order to maintain a statutory excuse against a civil penalty.

The landlord should ask the occupier for proof of their continued right to rent.

If the occupier cannot produce any documents (physical or digital), but claims to have reasons for this, the landlord must request a right to rent check from the LCS.

If positive confirmation is received, by way of a 'yes' response from the Landlord Checking Service, the response will also establish a statutory excuse, and will clearly detail if and when a follow-up check is required and must be retained as evidence.

If the Landlord Checking Service informs the landlord that the occupier 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, and they will knowingly be letting to a disqualified person.

If the occupier cannot produce evidence of their continued right to rent, the landlord must [make a report to the Home Office](#) in order to maintain their statutory excuse, which will provide a defence against liability for a civil penalty.

## Making a report to the Home Office

If the follow-up checks indicate that an occupier no longer has the right to rent, or an existing occupier or occupiers are not co-operating, the landlord must make a report to the Home Office using the [online form](#). The landlord must make the report as soon as reasonably practicable after discovering that the occupier no longer has a right to rent, or they are faced with non-compliance and before their existing time-limited statutory excuse expires.

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

Making a report in the specified way will generate a unique reference number. Landlords must ensure they keep a copy of that number as evidence of their 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.

Making a report to the Home Office maintains a statutory excuse where the eligibility period in respect of an occupier has expired. A statutory excuse can only be established initially by conducting checks before the beginning of the tenancy.

A landlord who has failed to conduct the requisite checks before the beginning of a tenancy cannot establish a statutory excuse by making a report to the Home Office at a later date.

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# 6: An overview of how the civil penalty is administered

If a landlord is found letting to a person who has no right to rent, the landlord or property owner may be issued with a Referral Notice informing them that the details of their case are being referred to officials for consideration of liability for a civil penalty. The notice will also detail how the case will be considered and the possible decision outcomes.

The landlord will then be sent an Information Request giving them the opportunity to present further information and evidence which will inform the decision on liability and, if appropriate, the level of the penalty.

If a landlord is then found liable for a civil penalty, they will be issued with a Civil Penalty Notice. This notice will include details of why the Home Office considers the landlord to be liable, the amount of the penalty and how to pay it, and information on how a landlord may pay the penalty or object to the penalty. If a landlord is not found liable for a civil penalty, they will be issued with a No Action Notice which makes clear that no further action will take place under the Scheme on this occasion.

In the event that the Home Office visits a property and the landlord is able to demonstrate to officials at this time that they have a statutory excuse in respect of the occupiers identified as having no right to rent, the landlord will not be served with a Referral Notice in respect of these occupiers. Instead, they will be issued with a No Action Notice indicating that no action will be taken on this occasion under the Scheme and the case will be closed. This notice will not be taken into account for the purposes of calculating penalty amounts in the event of any future breach of the Scheme.

## **Objecting to the penalty**

If the landlord receives a Civil Penalty Notice from the Home Office, they can object in writing within 28 days of the due date specified in the notice. Details of the reason for objecting must be supplied along with evidence supporting one or more of the acceptable grounds for objection as set out on the Objection Form.

The Home Office will send an Objection Outcome Notice if the penalty is to be cancelled, reduced or maintained. If the penalty is to be increased, a new Civil Penalty Notice will be sent. Each of these notices will include a Statement of Case.

## **Appealing against the penalty**

Upon receiving an Objection Outcome Notice informing the landlord that they remain liable for a civil penalty of the same or a reduced amount, the landlord may then appeal to the Courts if they are not satisfied with the Secretary of State's considerations. The landlord must appeal to the Courts within 28 days of either the date specified in the new Civil Penalty

























