



BRIEFING PAPER

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Right to Rent: private landlords' duty to carry out immigration status checks

By Alex Bate
Shiro Ota

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Summary

As part of the Government's attempts to cut down on illegal migration, the *Immigration Act 2014* contains a number of measures to restrict access to services for those without a valid right to remain in the UK.

One of these measures is a new requirement for private sector landlords to check that tenants' immigration status does not disqualify them from renting property. As a result, landlords who allow tenants without a so-called Right to Rent to occupy their property may be liable for a civil penalty. The Government has published a [short guide for landlords on the Right to Rent](#) and a [code of practice](#) reminding landlords of their responsibilities under the *Equality Act 2010* and the *Race Relations (Northern Ireland) Order 1997*.

Given the additional burdens this is expected to place on landlords, the policy has proved controversial within the private rented sector, with a number of concerns raised by landlord associations at the consultation stage and during the 2014 Act's progress through Parliament. Consequently, the scheme was piloted in five West Midlands council areas from 1 December 2014. The results of the pilot scheme were published in October 2015: [Evaluation of the Right to Rent scheme](#). The scheme was subsequently rolled-out across the UK from 1 February 2016.

In August 2015, the Government announced that the *Immigration Bill 2015-16* would amend further the rules on Right to Rent, introducing possible prison sentences for landlords who repeatedly fail to carry out checks. The Bill would also make it easier for landlords to evict existing tenants without a current Right to Rent. The Bill is currently progressing through Parliament.

This briefing paper explains the law in relation to these Right to Rent checks and the new obligations on private sector landlords set out in the *Immigration Act 2014*. The paper also considers some of the concerns raised by landlord associations and sets out details of the 'pilot' testing of the policy. Finally, the paper details the measures contained in the *Immigration Bill 2015-16*.

1. Background

In the summer of 2013 the Home Office consulted on proposals to require private landlords to carry out “immigration checks on tenants, with penalties for those who provide rented accommodation to illegal non-EEA migrants in breach of the new requirements.”¹ Home Secretary Theresa May argued this would “make it harder for landlords to house illegal immigrants and harder for illegal immigrants to settle in the UK.”² This proposal was subsequently approved by Parliament as part of the *Immigration Act 2014*.

A pilot programme, beginning in December 2014, took place in the West Midlands, with plans to roll out the ‘Right to Rent’ checks across the UK initially scheduled for 2015. This date was postponed to 1 February 2016, when the new requirements came fully into force. Social housing providers, letting through local choice based letting schemes, are already expected to check the immigration status of their tenants; however the new legislation will affect housing associations making direct lets and social tenants taking in lodgers.³

Landlord associations have raised a number of concerns with the legislation (see Section 4), particularly that it places an undue burden on their members. In response, the Government has emphasised what it feels is the ‘light-touch’ nature of the regulation. A number of tenancies have been excluded, such as care homes, student accommodation and long leases (see Schedule 3 of the Act for the full list).⁴

At the schemes inception, breaches were proposed to make the landlord liable for only a *civil* penalty, rather than a *criminal* equivalent, as applies to employers who employ people with no right to work in the UK. The *Immigration Bill 2015-16* would alter this; providing for potential criminal sanctions of up to five years in prison (see section 5 of this paper).⁵

Other concerns are that landlords will not have the resources or knowledge to properly check immigration documents. The Home Office has therefore committed resources to providing suitable information to landlords and to offering a checking service for more complicated immigration cases.

As well as those from landlord associations, the Joint Committee on Human Rights has also raised concerns around potential for the legislation to lead to discrimination against prospective tenants (see

¹ Home Office, [Tackling illegal immigration in privately rented accommodation](#), July 2013

² [HC Deb 22 October 2013 c166](#)

³ Chartered Institute of Housing, [Right to Rent](#), Accessed 4 February 2016

⁴ [Immigration Act 2014](#)

⁵ Property Industry Eye, [Right to Rent pilot branded a ‘fiasco’ by top housing lawyer](#), Sept 2015

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Section 2.4).⁶ In response, the Government has produced a [code of practice](#) for landlords on how to avoid unlawful discrimination when conducting the Right to Rent checks.⁷

⁶ [Legislative scrutiny: Immigration Bill](#), Human Rights Joint Committee eighth report, 11 December 2013, HC 935 2013-14

⁷ Home Office, [Code of practice for landlords: avoiding unlawful discrimination when conducting 'Right to Rent' checks in the private rented residential sector](#), October 2014

2. What do private landlords have to do?

2.1 Carrying out checks

Under Section 22 of the *Immigration Act 2014*, landlords “must not authorise an adult to occupy premises under a residential tenancy agreement if the adult is disqualified as a result of their immigration status.” The legislation does not apply to those under 18 or those not renting the property as their main home, although the Home Office’s [code of practice](#) on the civil penalty scheme does recommend assuming the property is being let as a main home if there is any doubt.⁸ It also suggests that a booking of three months or more could indicate that a person intends on using the property as their only or main home.⁹

Adults are disqualified if they do not have unlimited or a time-limited right to remain in the UK, or if they have a right to remain but are barred from renting property as a condition of their immigration status.

Documents to check

In order to check a tenant’s immigration status, landlords will need to view original immigration documents in the presence (or via live video link) of the applicant, make copies of the documents, and keep the copies for 12 months after the tenancy expires. Where a person has no time limit on their stay in the UK, checks may be undertaken at any point before the residential tenancy agreement is granted. However, where a person has a time-limited right to remain, the checks can take place no more than 28 days before the commencement of the tenancy agreement.

The code of practice sets out a list of acceptable documents to prove a tenant’s Right to Rent, including UK, Swiss or EEA passports (current or expired), a biometric immigration document, or a residence card.¹⁰

For applicants whose immigration documents are held by the Home Office and are therefore not available, the Home Office has created a [Landlords Checking Service](#). This online tool will provide an answer as to the applicant’s Right to Rent. If no answer is received from the service within 48 hours, the landlord will have a statutory excuse against liability for a penalty.

⁸ Home Office, [\(Archived for reference only\) Code of practice on illegal immigrants and private rented accommodation for tenancies which started before 1 February 2016 in Birmingham, Dudley, Sandwell, Walsall or Wolverhampton](#), 1 February 2016, section 3.3

⁹ Ibid., section 3.4

¹⁰ Ibid., section 5.2

When to carry out checks

Concerns were raised at Committee Stage that the legislation may inadvertently invalidate all existing tenancy agreements. In response, an amendment was passed which means that landlords only need to carry out checks at the commencement of a new tenancy agreement.¹¹ They do not need to check a tenant's Right to Rent for existing agreements as at 1 February 2016, nor when renewing agreements where the tenant has been at the property since before 1 February 2016.¹²

If a check shows a tenant has unlimited Right to Rent, the landlord is not required to carry out further checks prior to any subsequent tenancy renewals. If, however, the tenant has a limited Right to Rent, landlords have to carry out repeat checks. For example, if a tenant has leave to remain in the UK until 1 July 2018, their Right to Rent will expire on that date and it will be the responsibility of the landlord to carry out additional checks before that date.

For tenants with limited leave to remain, they only need to demonstrate their eligibility on the commencement date of the tenancy agreement. Where this applies, the landlord has a statutory excuse for a year. Even if the tenant's leave expires a day after the agreement is commenced, no follow-up checks are required in the first year.¹³

In some limited circumstances, a landlord may consider checks unnecessary; for example where an adult child returns to the family home and makes financial contributions towards their board. In such a case, the landlord may feel that they have a full enough knowledge of their tenant's immigration status as to render the checks redundant. It should be noted however that the landlord would retain a statutory responsibility in this case and would risk being liable should it transpire that the tenant did not have the Right to Rent.¹⁴

2.2 Reporting to the Home Office

If a follow-up check indicates an occupier no longer has the Right to Rent, landlords are required to report this to the Home Office "as soon as reasonably practical." Once this report has been made, the landlord is currently under no obligation to evict the occupier.¹⁵

With regards to new tenants, landlords are under no obligation to report an applicant with no Right to Rent to the Home Office, provided they do not allow them to occupy the property.

¹¹ [Immigration Act 2014](#), section 22(9)

¹² *Ibid.*, section 35

¹³ [Immigration Act 2014](#), section 27(4)

¹⁴ Home Office, [\(Archived for reference only\) Code of practice on illegal immigrants and private rented accommodation for tenancies which started before 1 February 2016 in Birmingham, Dudley, Sandwell, Walsall or Wolverhampton](#), 1 February 2016. Section 3.6

¹⁵ *Ibid.*, section 5.4 – see section 5 of this paper for changes to be introduced by the *Immigration Bill 2015-16*

If a landlord rents to a person with no Right to Rent, or does not report the expiration of an occupier's limited Right to Rent, they may be liable for a civil penalty. The levels of these penalties are set out in the table below.¹⁶

	No breach of regulations within past 3 years	Previous breach of regulations within past 3 years
Category A (Lodgers in a private household)	£80	£500
Category B (occupiers in rented accommodation)	£1,000	£3,000

2.3 Excluded agreements

Some types of property and agreements are excluded from the scheme. These are briefly summarised as follows:¹⁷

Local authorities

Tenancy agreements which grant a right of occupation in any circumstances where the accommodation is arranged by a local authority which is acting in response to a statutory duty, or is exercising a relevant power with the intention of housing a person who is, or is threatened with, homelessness, is exempt from the scheme. This includes where the person is to be placed into private rental accommodation.

Social housing

Properties let by social landlords under legislative provisions as to housing (where immigration status checks have already been required), or where such an existing tenant is seeking to exchange their home for an alternative. Note that directly let housing association properties are covered by the Right to Rent provisions.

¹⁶ Ibid., section 7

¹⁷ Ibid., section 3.7

Care homes, hospitals and hospices and continuing healthcare provision

Accommodation provided in care homes, hospitals and hospices. Accommodation arranged by NHS bodies which are acting in response to a statutory duty as part of a continuing package of health care.

Hostels and refuges

Tenancies in hostels and refuges 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; or those managed by a social landlord, voluntary organisation or charity.

Mobile homes

Agreements under which a person is entitled to station a mobile home on a site and use it as their only or main home (under the [Mobile Homes Act 1983](#)). However, mobile homes let to others are subject to the Right to Rent requirements.

Tied accommodation

A residential property provided by an employer to an employee, or by a body providing training to an individual in connection with that training.

Student accommodation

All halls of residence (whether the landlord is an educational institution or a private accommodation provider). Any accommodation provided for students directly by a higher or further educational institution, or a body established for charitable purposes only.

Long leases

Leases which grant a right of occupation for 7 years or more. Agreements which allow for early termination (for example, those including a break clause) do not qualify for the exemption and are accountable to the scheme.

2.4 Avoiding discrimination

One of the major concerns highlighted during the consultation exercise was the potential for discrimination. The Chartered Institute of Housing argued:

Recent migrants overwhelmingly rely on the private rented sector and already often occupy poorer quality lettings. It seems likely that if a prospective tenant is not obviously British landlords may simply reject them, given the pressures in the sector at the moment, the competition for tenancies and the potential delay if further checks are needed.

Such discrimination will be very difficult to uncover given that landlords will be making simultaneous enquiries about bank

accounts, references etc. which will give them other grounds for rejecting an application.¹⁸

The Government acknowledged the potential risk of discrimination and has produced a separate [code of practice](#) for landlords, reminding them of their responsibilities under the *Equality Act 2010* and the *Race Relations (Northern Ireland) Order 1997*.

The code of practice advises that documents should be requested from **all** potential applicants, and advises that rejecting a tenant on the basis of only having a limited Right to Rent may constitute indirect discrimination under the above-listed legislation.¹⁹

2.5 Agencies and fees

If a landlord wishes to use an external agency to carry out the Right to Rent checks, they are permitted to do so. However a written agreement between the landlord and the agency will need to be drawn up, otherwise the landlord will remain responsible for any breaches and be liable for any associated civil penalties.²⁰

During the Bill's Commons Committee Stages, Norman Baker, the Minister for Crime Prevention, argued that the cost to landlords would not be "particularly onerous,"²¹ but the Government's impact assessment estimated that agencies would increase their fees to cover the costs of implementing the checks, costing tenants an additional £17.9m over 10 years. No such estimates were made for the cost increase paid by landlords to agencies, as there is no legal obligation on letting agents to accept liability for carrying out the checks.²²

The impact of the costs on the devolved Administrations was also discussed at Public Bill Committee; Mr Baker said he did not expect the Scottish Parliament's ban on pre-tenancy charges to be affected by the changes.²³

¹⁸ CIH letter to the Housing Minister, [Tackling illegal immigration in the private rented sector](#), 15 July 2013

¹⁹ Home Office, [Code of practice](#)

²⁰ Home Office, [Code of practice](#), section 4.1

²¹ [PBC 7 November 2013 c227](#)

²² Home Office, [IA HO0094](#), 14 October 2013

²³ [PBC 7 November 2013 c227](#)

3. The pilot scheme

In September 2014, Immigration and Security Minister, James Brokenshire, announced that regulations would implement 'pilot' Right to Rent checks in the areas of Birmingham, Walsall, Sandwell, Dudley and Wolverhampton from 1 December 2014.²⁴ The pilot was initially due to be evaluated in spring 2015, with checks rolled out across the rest of the country later that year.²⁵

The Government said that the West Midlands area was chosen "after careful consideration."²⁶ A Guardian article suggested that this area was chosen because its diverse housing stock and population size would mitigate the risk that tenants would be displaced to other areas.²⁷

As part of the consultation, the Residential Landlords Association (RLA) raised concerns that the nature of the private rented sector would mean "there is little chance of the obligation to comply getting out there to the landlord community."²⁸ In response, the Government produced an information sheet for the pilot areas, and liaised with the relevant local authorities. The Home Office also launched an online '[Right to Rent](#)' tool to help landlords carry out the required checks.

On 17 June 2015, the National Landlords Association (NLA) announced that it had met with Mr Brokenshire about the pilot scheme.²⁹ They were told that the report of the evaluation project would inform the national roll-out, which could be phased in area-by-area and may not include all the nations of the UK. The NLA also reported that the pilot scheme had seen four payment notices issued, with one payment having been made.

The final report of the evaluation project was expected at the end of August 2015.³⁰ This was delayed to late October, at which point the Home Office published their findings (see section 3.1).

On 3 August 2015, the Government announced that the forthcoming *Immigration Bill* would amend further the rules around Right to Rent, with landlords who persistently failed to carry out checks facing up to a

²⁴ Article 6 of *The Immigration Act 2014 (Commencement No. 3, Transitional and Saving Provisions) Order 2014 (SI 2014/2771)*

²⁵ Home Office, [West Midlands to be first landlord 'Right to Rent' check area](#), 3 September 2014

²⁶ Home Office, [Written statement to Parliament: Implementation of the Immigration Act 2014](#), 3 September 2014

²⁷ *The Guardian*, [Landlord check scheme to be rolled out in West Midlands](#), 3 September 2014

²⁸ [RLA's response to the Home Office's consultation on immigration checks for tenants](#), August 2013, para 4

²⁹ NLA, [Immigration Act – Update](#), 17 June 2015

³⁰ *The Guardian*, [British citizens without passports being turned away by landlords](#), 3 August 2015

possible five years imprisonment.³¹ It was also announced that the new Bill would include measures to make eviction of tenants without a Right to Rent easier (see section 5).³²

Following this announcement, the NLA complained that the Government had not referred to these measures during earlier meetings on the Right to Rent policy.³³ The CIH also expressed reservations about the policy, arguing that the threat of jail for improper checks of complicated immigration documents may make landlords unwilling to let to anyone who they believe isn't British.³⁴

3.1 Evaluation of the pilot scheme

On 20 October 2015, the Home Office published the results of the pilot scheme under the title: [Evaluation of the Right to Rent scheme](#). This report drew on a range of research activities, including some carried out by external contractors (IRIS Consulting and BDRC Continental). These contractor's findings were separately published in more detail in the reports [Research with landlords, letting agents and tenants](#) and [Mystery shopping to test the potential for discrimination within the private rental sector](#), respectively.³⁵

The report announced the successful implementation of the Landlords Checking Service (LCS), which it said had received 11,670 hits (with the majority of both letting agents and landlords finding it useful).³⁶ It also reported that the civil penalties regime for landlords had been established, with 13 referral notices being served and 5 civil penalty notices being issued.³⁷

Scheme awareness was variable based on the report's survey respondents. While there was a small majority of respondents who were aware of the scheme (169 out of 284, or 60%), this ranged from relatively high awareness for local authorities (at 21 out of 24, or 88%) to middling awareness for landlords (70 out of 114, or 61%) and

³¹ [Immigration Bill 2015-16](#) – Part 2 section 33C (1) – “on conviction on indictment, to imprisonment for a term not exceeding five years, to a fine or to both; on summary conviction, to imprisonment for a term not exceeding 12 months, to a fine or to both.”

³² DCLG press release, [New measures to crackdown on illegal immigrants renting property](#), 3 August 2015

³³ NLA, [‘Right-to-Rent’ – Closer to reality?](#), 3 August 2015

³⁴ *Inside Housing*, [‘CIH warns of Immigration Bill impact’](#), 3 August 2015

³⁵ Gov.uk, [Evaluation of the Right to Rent scheme](#), 20 October 2015

³⁶ Home Office, [Evaluation of the Right to Rent scheme](#), October 2015

³⁷ *Ibid.*

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vocational & community services including housing associations (20 out of 34, or 59%) to low awareness among tenants (22 out of 68, or 32%).³⁸

The report justified the lesser awareness among landlords by pointing out that 46% of those surveyed had not had any new tenancies since the scheme's introduction, and for those who had had new tenancies, 44% always used letting agents. For tenants it suggested that they would naturally be less likely to be aware given that the scheme was targeted at landlords, and that many had not moved or looked for new accommodation since the scheme's introduction.

According to the report, 109 individuals who were in the UK illegally were identified by the scheme, 63 of which were previously unknown to the Home Office.³⁹

Discrimination

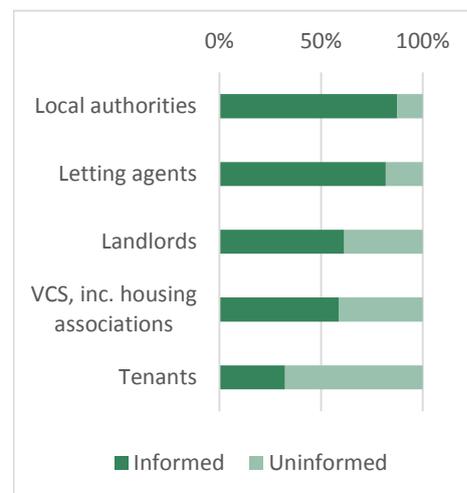
The mystery shopper exercise looked to assess levels of racial discrimination, which the researchers hypothesised that the scheme could be linked to. It used three scenarios (a student, an older UK citizen with limited documentation and a single mother on a low income), and pairs of shoppers: one White British and the other Black or Minority Ethnic (BME) to compare treatment between the phase one location (the pilot) and comparator locations (Coventry and Stoke-on-Trent).

The results showed a marginally higher positive response to the manner of the landlord or letting agent in the case of BME shoppers (81%) against White British (70%), however White British reported a more prompt reply to email enquiries (at 60% against 40%). This difference wasn't observed in comparator locations.⁴⁰

BME shoppers were more likely to be asked to register than White British shoppers, and of those who wanted to register, rental fees were not mentioned to White British shoppers; while they were raised with 67% of BME shoppers. This difference again wasn't observed in the comparator locations.⁴¹

Despite the differences in dialogue, the report found that race did not appear to have impacted negatively on BME shoppers in terms of being offered relevant properties. 33% of White British were told that relevant properties were available while 53% of BME shoppers

Awareness by respondent type



White British and BME variance in treatment in phase 1 (pilot area)

Requests for references:

White British – 7%

BME – 20%

(broadly the same in comparator)

Asked about length of residency in the local area:

White British – 1%

BME – 11%

(broadly the same in comparator)

Being informed about additional fees:

White British – 19%

BME – 31%

(WB – 27% / BME – 24% in comparator)

Mention of Right to Rent scheme:

White British – 0%

BME – 9% (only to older UK citizen lacking documentation)

(no mention to either in comparator)

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ Ibid.

⁴¹ Ibid.

were similarly informed. These differences were not observed in comparator locations.⁴²

Although this quantitative data was broadly encouraging, quotations were collected from mystery shoppers which could imply discriminatory behaviour or attitude. These were as follows:

The landlord said that if I was under that scheme he was not going to bother because he had a local person who wanted the property and it was much easier to rent to them. (Phase 1, Asian shopper, landlord – card advert, telephone)

And:

I was told they needed to look at what they had that was suitable for me and they needed to check with the landlords on whether the landlord wanted to do the Right to Rent check because it cost extra. (Phase 1, Asian shopper, independent agent)⁴³

Other research, centred on focus group discussions, provided further concern; with risks reported around:

- attitudes towards potential tenants with time-limited leave, with one apparent instance of a tenancy being refused for this reason;
- a preference for tenants whose Right to Rent was seen as easy to check (for example, international students);
- a preference for 'lower risk' tenants (for example, people with local accents) for whom landlords felt they did not need to carry out a Right to Rent check.⁴⁴

Other fears were raised around unseen and unmeasurable discrimination occurring; with Right to Rent potentially leading to discrimination that tenants would be unaware of due to not being able to identify the checks in particular as the cause of refusals.

Other general concerns

A number of concerns were raised through focus groups, summarised as follows:

- Changes to documentation practice making it harder for British citizens with limited documentation to rent a property.

Surveyed tenants (22% respondents concerned):

- General fears around being treated unfairly.
- Checks delaying tenancies.
- Increased costs to cover checks.

Surveyed landlords (17% respondents concerned):

- Checks delaying tenancies.

⁴² Ibid.

⁴³ Ibid.

⁴⁴ Ibid.

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- General fears around being treated unfairly.
- Vulnerable groups being disadvantaged due to lack of documentation.
- Requiring tenants to provide personal information, risking fraud and exploitation.

During the second pulse check survey, VCS organisations (14 of 33) reported impacts on the people that they work with or represent, including:

- Those without the Right to Rent being targeted by rogue landlords.
- People with the Right to Rent, but not the right documentation, struggling to find accommodation.
- Discrimination on the basis of nationality.
- People becoming homeless.

Impact on the housing sector

The general perception reported was either that the scheme was having no effect on the cost of rent, turnover of accommodation or availability (from letting agents); or uncertainty (from landlords).⁴⁵

12 of 26 landlords found the checks easy, with a further 10 finding them neither easy nor difficult and 4 finding them difficult to complete.⁴⁶ 26 of 40 letting agents found the checks easy, with a further 9 finding them neither easy nor difficult.⁴⁷

8 of 57 letting agent respondents reported charging a fee for conducting checks (£10 - £120) although the report notes that the question may have been misinterpreted to cover all tenant referencing as opposed to Right to Rent specifically.⁴⁸

16 of 26 landlords said that the checks took them less than 20 minutes, 5 felt it took between 20 minutes and an hour and 4 said that it took over an hour. 2 said that it took no extra time. By comparison 13 of 59 letting agents said that the checks took no extra time, with 39 saying that they did (17 of which felt that they took no longer than 10 minutes).⁴⁹

The report suggests that:

It may be the case that checks will become quicker as landlords become more familiar with the scheme, whereas agents who routinely carry out checks on tenants as part of their usual

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ Ibid.

business will find the scheme relatively straightforward to administer.⁵⁰

Complaints and other impacts

14 of 55 letting agents had received complaints from landlords or potential tenants, most frequently mentioning discrimination and delayed tenancy starts due to checks. 52% of respondent landlords said they had concerns about the scheme. Including the following:

- Additional work for them.
- Checks delaying tenancy start dates.
- Not understanding the immigration system.
- Vulnerable groups being disadvantaged.
- Properties being left empty.⁵¹

A prevailing view in the landlords' survey was that they were being required to carry out a role that should be carried out by Immigration Officers.⁵²

The majority of landlords and letting agents saw no benefit to the scheme. Those who did, cited tackling illegal immigration; standardising practice; professionalising the sector; discouraging rogue landlords and improving the reputations of landlords and agents. Concerns were raised, however, that only 'responsible' players were observing the scheme and that 'rogue' elements might get away with non-compliance. Some feared that this would see a proportional increase in the exploitative end of the sector; with immigrants unable to provide documents and thereby being drawn into using these illegal channels.⁵³

Impacts on local authorities and VCS organisations

5 of 9 local authorities felt that the scheme had increased their workload through having to explain it to landlords; responding to enforcement activity and answering enquiries on it. Overall, local authorities offered a mixed response as to whether the scheme had impacted on them, and whether or not this was positive.

Those working in social services, homeless or children's services commented on an increase in workload, with respondents dealing with no recourse to public funds (NRPF) cases seeing an increase from families no longer able to access private rental accommodation.

Quantifiable changes weren't provided and some local authorities felt that, in the longer term, the scheme may lead to 'individuals either successfully regularising their immigration status or returning to their home country.'⁵⁴

⁵⁰ Ibid., p30

⁵¹ Ibid.

⁵² Ibid.

⁵³ Ibid.

⁵⁴ Ibid., p33

Data comparing the scheme area to a comparator (West Yorkshire) found no major change in the number of homelessness decisions. There was, however, a slight increase in the number of homelessness acceptances for non-EEA nationals which didn't occur in the comparator; although a similar increase in EEA nationals was observed.

Just over half (16 of 30) of VCS respondents felt that the scheme had negatively affected their workload. This additional work was commonly cited as including having to explain the scheme to tenants; additional work to support people to access accommodation and needing to raise awareness of Right to Rent.

5 of 28 VCS organisations saw positive impacts from the scheme, including tackling illegal immigration and ensuring the right people had access to housing.

3.2 Media and sector response to the pilot scheme

The results of a Freedom of Information request from *The Economist* issued to the Home Office prior to the publication of the evaluation of the pilot scheme prompted concern over its viability from a number of organisations and members of the press.⁵⁵

The Economist article (8 August 2015) claimed that across the pilot, "only seven property owners have been issued with notices under the scheme"⁵⁶, with an average fine of £800.⁵⁷ Further, it claimed:

The pilot may have encouraged discrimination by landlords. John Stewart of the Residential Landlords Association notes that, requiring checks means that, on business grounds, "it makes more sense to rent to people who will have quick access to documents." A mystery-shopping exercise carried out during the trial found that properties were available to a Briton, but not to a non-Briton, on 11 out of 27 occasions.⁵⁸

Rosey Carey, an immigration specialist at the Charles Russell Speechlys law firm, laid out the difficulty from the perspective of a landlord – either of risking civil litigation by discriminating between prospective tenants or, in complying with the scheme, having to recognise:

⁵⁵ Pims.co.uk, [Right to Rent pilot immigration check is a failure](#), August 2015

⁵⁶ *The Economist*, [Crisis Management](#), 8 August 2015

⁵⁷ The Government's own report differs on this claim, referring to 13 referral notices resulting in 5 civil penalty notices with a total value of £3,470 (average £696). The remaining 8 cases resulted in 'no action' notices – see Home Office, [Evaluation of the Right to Rent scheme](#), October 2015

⁵⁸ Ibid.

444 documents issued by countries within the European Economic Area, and for storing copies in a manner that complies with data-protection laws.⁵⁹

The Joint Council for the Welfare of Immigrants (JCWI) carried out an independent assessment of the pilot programme alongside Shelter, the Chartered Institute of Housing (CIH), the National Union of Students and Movement Against Xenophobia. The report of their findings was published in September 2015.

The JCWI survey garnered a small number of responses at 76, 45 of which were from tenants/lodgers and 31 from landlords/agents.⁶⁰ 42% of responding landlords said that they were less likely to consider someone who did not have a British passport and 27% said they were reluctant to engage with applicants with a foreign accent or name. Only one British citizen responding to the survey had been asked whether they had permission to be in the UK in comparison with 73% of responding non-British citizens.⁶¹

The survey also suggested that the policy was not well understood by landlords or agents with 57% of respondents nationally and 40% in the pilot area claiming either not to have effectively understood the changes or not to have been aware of them at all.⁶²

The main findings included:

- There is evidence that landlords are prepared to discriminate against those with complicated immigration status and those who cannot provide documentation immediately.
- Many landlords have found the checks confusing and have therefore undertaken them incorrectly.
- The 'Code of Practice for Landlords' and the 'Code of Practice on Avoiding Discrimination' are difficult for landlords and agents to understand.
- Due to the timing, location and duration of the 'pilot', it cannot capture the impact of the policy if rolled out nationwide.
- The policy has not and will not achieve its stated aim to deter irregular migration or prevent irregular migrants from settling in the UK.⁶³

The *Guardian* reported the response from a Home Office spokesperson at the time as follows: "there are no indications so far to suggest landlord checks are being carried out unfairly" and that "[the Home

⁵⁹ Ibid.

⁶⁰ JCWI, [*"No Passport Equals No Home": An independent evaluation of the 'Right to Rent' scheme*](#), 3 September 2015

⁶¹ Ibid.

⁶² Ibid., p12

⁶³ [*No passport equals no home*](#), JCWI, September 2015

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Office] do not recognise figures suggesting only half of landlords checked potential tenants' Right to Rent."⁶⁴

⁶⁴ Guardian, [*Pilot scheme forcing landlords to check tenants' immigration status 'has failed'*](#), 6 August 2015

4. Landlords' reactions

The new measures were controversial amongst landlords, with over half of the respondents to the Government's consultation exercise disagreeing with the principle of the policy.⁶⁵ An RLA survey of its members found that 82% opposed the plan.⁶⁶

The RLA asserted that "untrained British civilians" should not be expected to undertake the work of immigration officials.⁶⁷ The National Landlords Association (NLA) was more supportive of Theresa May's argument that landlords should help to tackle illegal immigration:

We view the policy underpinning these proposals as a positive way in which landlords can contribute towards neighbourhood cohesion and believe that this represents a recognition of the important function performed by the private rented sector in Britain today.⁶⁸

As well as objections to the principle of the policy, landlords raised additional, specific concerns about its implementation. Previous sections have looked at concerns over the cost burden of carrying out checks, the potential for discrimination and the difficulty in informing landlords of their new responsibilities.

The RLA described the private rented sector as a "cottage industry"; making it difficult to easily disseminate information on new legislation, and was concerned that Home Office support for landlords may be poorly resourced.⁶⁹

In response, the Home Office created the Landlords Checking Service to assist with enquiries, and committed it to certain service standards through the 48 hour response rule. With regards to initial dissemination of information, the Government's impact assessment estimated that it would commit £22.6m to familiarising landlords with the new rules.⁷⁰

The Government has emphasised the "light touch" nature of the legislation, reflected in the exemptions for tenancies such as student accommodation, and the graduated penalty scale which the Government says targets repeat offending, "rogue" landlords.⁷¹

Some consultation responses also supported a pilot scheme to test assumptions and guard against unintended consequences. Upon the Government's announcement of the pilot scheme in the West Midlands,

⁶⁵ Home Office, [Tackling illegal immigration in privately rented accommodation – The Government's response to the consultation](#), 10 October 2013, p12

⁶⁶ RLA landlord news hub, ['Immigration: Pilot area decided'](#), 3 September 2014

⁶⁷ [RLA's response](#), section 2.4

⁶⁸ [NLA's response to tackling immigration in privately rented accommodation](#), August 2013

⁶⁹ [RLA's response](#)

⁷⁰ Home Office, [IA HO0094](#)

⁷¹ [HC Deb 22 October 2013 c164](#)

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the Association of Residential Letting Agents (ARLA) expressed support for testing the scheme before the nationwide roll-out.⁷²

Since the completion of the pilot and the publication of the evaluation report, further sector concerns have been expressed. The *Guardian* reported, on the day of the Right to Rent scheme's launch, that the Residential Landlords Association (RLA) claimed more than 90% of 1,500 landlords it had surveyed had not received any information from the Government about their new duties, and 72% did not understand their obligations.⁷³

Further, fuelling fears around discrimination, the RLA reported that 44% of survey respondents had indicated that they would only accept documents that were familiar to them.⁷⁴

Speaking to some of the other concerns raised around the scheme, Head of Compliance at Chesterton's estate agency in London said:

As a professional agency we are legally obliged to 'dis-instruct' landlords for discriminatory or racist behaviour, but in reality those who are rejected or overlooked for tenancies by landlords using less scrupulous agents or advertising directly through classified ads for instance may have a hard time proving they have been discriminated against.

[...]

Some of the most vulnerable people in the private rented sector may be forced to turn to the black economy to find a place to live. Someone who is homeless, for instance, may not hold a passport or visa; and obtaining one may be difficult, not to say costly, for someone living on the streets or in temporary accommodation, so this policy could well bar many such people from ever getting back into secure, rented accommodation.⁷⁵

⁷² *Property Wire*, ['UK pilot scheme on checking tenants immigrations rights to launch in December'](#), 4 September 2014

⁷³ The *Guardian*, ['Landlords 'don't understand right to rent immigration checks'](#), 1 February 2016

⁷⁴ *Ibid.*

⁷⁵ *Ibid.*

5. Measures in the *Immigration Bill 2015–16*

5.1 The offence of leasing premises

The Bill, which is currently progressing through Parliament, creates four new offences which, according to the [Explanatory Notes](#), are aimed at targeting “those rogue landlords and agents who deliberately and repeatedly fail to comply with the Right to Rent scheme or fail to evict individuals who they know or have reasonable cause to believe are disqualified from renting as a result of their immigration status.”⁷⁶

The Bill will insert new sections 33A, 33B and 33C into the *Immigration Act 2014*.

New section 33A will create two new offences.

- The first offence will be committed by landlords of a residential tenancy where they know or have reasonable grounds to believe that the premises are occupied by an adult disqualified from renting as a result of their immigration status. The offence will be committed if the adult is occupying the premises even if they are not a tenant or named on the tenancy agreement. The offence will not apply where the Right to Rent scheme is in force if the adult occupant has a limited Right to Rent and the eligibility period has not expired, unless the landlord has received notice from the Secretary of State advising that the adult is disqualified from occupying under a residential tenancy agreement as a result of their immigration status.
- The second offence will be committed where a tenant’s leave to remain in the UK expires during the course of the tenancy; the tenant continues to occupy the property; and the landlord is aware of this, or has reasonable cause to believe this has happened and fails to notify the Secretary of State as soon as reasonably practicable.

New section 33B will create two new offences relating to letting agents.

- A letting agent will commit an offence if they carry out Right to Rent checks for a landlord and know, or have reasonable cause to believe, that a landlord will be entering into a tenancy agreement with someone disqualified as a result of their immigration status and fails to tell the landlord despite having sufficient opportunity to do so.
- A further offence will be committed where an agent carrying out right to rent checks for a landlord does not notify the landlord and Secretary of State when a tenant’s leave to remain in the UK

⁷⁶ Bill 74-EN, para 13

expires during the course of the tenancy and they continue to occupy the premises with the agent's knowledge or where the agent has reasonable cause to believe this has happened.

New section 33C will provide that a landlord or agent found guilty of an offence under section 33A or 33B will be liable to imprisonment for up to twelve months or to a fine (or both) on summary conviction, or up to five years imprisonment or a fine (or both) if convicted on indictment. If conviction takes place before section 154(1) of the *Criminal Justice Act 2003* comes into force the maximum term of imprisonment on summary conviction will be six rather than twelve months.

Subsections 33C (3) to (5) provide for the commission of offences under new sections 33A and 33B by officers of a body corporate in certain circumstances.

The offence of letting to someone disqualified from renting under new sections 33A and 33B will, when brought into force, apply to landlords even if the tenancy was entered into before that date. However, the new offences applying to agents and the offence created by new section 33A(7) and (8) and new section 33B will only apply to contraventions of the Right to Rent scheme which take place after these measures come into force.

Immigration officers will be able to use powers under the *Immigration Act 1971* (e.g. entering and searching premises and persons) in relation to these offences.

5.2 Eviction

Currently, a landlord may discover that a tenant no longer has a Right to Rent but the immigration status of a tenant is not a basis on which the landlord can seek possession of the property. The Bill will enable landlords to obtain possession of their properties where tenants no longer have the Right to Rent. The *Immigration Bill 2015-16* contains measures to amend the 2014 Act to:

- Allow a landlord to terminate a tenancy agreement when the Secretary of State has given one or more notices in writing to the landlord identifying a single or multiple occupiers of a premises as disqualified as a result of their immigration status from occupying premises under a residential tenancy agreement.⁷⁷ The landlord will be able to issue a termination notice in writing no sooner than 28 days after the written directive is delivered. The notice is to be treated as a notice to quit where one would be required and will be enforceable as if it were a notice from the High Court.
- Landlords will also be given an implied right to:

⁷⁷ New section 33D: Termination of agreement where all occupiers disqualified.

“Terminate the tenancy if the premises to which it relates are occupied by an adult who is disqualified as a result of their immigration status from occupying premises under a residential tenancy agreement.”⁷⁸

The Bill will give the Secretary of State power to make regulations (subject to the affirmative procedure) to enable the new residential tenancies provisions to apply in Wales, Scotland or Northern Ireland.

5.3 Commons Committee Stage

During the Bill’s House of Commons Committee stage, which took place over 15 sessions held between 20 October and 17 November, amendment 71 was proposed by Keir Starmer, Shadow Home Office Minister, which would have provided landlords with a defence to prosecution if they could show that they had started eviction procedures within 2 months of becoming aware that a tenant did not have the Right to Rent.⁷⁹ The concern was that a landlord would be committing an offence as soon as they became aware that a tenant was occupying illegally. Several similarly themed amendments were considered alongside.

The Minister for Immigration, James Brokenshire, said that he would reflect on the points raised in relation to amendment 71:

I will reflect carefully on the contributions that they have made, because the intent is not to try to catch out and to act in a deliberate way to seek effectively to say, as a consequence of the issuance of the notice, that someone is committing a criminal offence. In fairness to the hon. and learned Gentleman and the hon. Lady, and to the Committee, I will reflect on what they have said because of the intent that we have in respect of the measure, on which I have just responded. I could say that, as he knows, it is for the CPS to make those sorts of decision, but, in fairness to both Members, I will reflect further on what they have said and my intention and that of the Government as regards whom the measure is aimed at and the manner in which we seek the offence to be advanced.⁸⁰

Mr Starmer pressed amendment 71 (along with amendments 87⁸¹ and 89⁸² which had been considered alongside) to a vote. All three amendments were defeated by 9 votes to 6.⁸³

⁷⁸ New section 33E: Other procedures for ending agreement. The tenancy must not be protected, statutory or assured as defined under the *Rent Act 1977* or *Housing Act 1988*.

⁷⁹ [PBC Deb 29 October 2015 c244](#)

⁸⁰ [PBC Deb 29 October 2015 c256](#)

⁸¹ To provide that a landlord would not be committing an offence during the period in which they are prohibited from evicting a tenant without a Right to Rent.

⁸² To give the court discretion when deciding whether individuals should be evicted.

⁸³ [PBC Deb 29 October 2015 c269](#); [PBC Deb 3 November c285](#); [PBC Deb 3 November cc294-5](#)

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A further 3 Opposition amendments were raised by Mr Starmer during the Committee's eighth sitting. These were:

- Amendment 73, to place a duty on the Home Secretary to lay a report before Parliament on the likely impact of clause 13 (Right to Rent offence of leasing premises) on minority groups and British citizens without passports;
- Amendment 86 (to clause 14 – Right to Rent eviction), to provide a safeguard to families with children where the Home Office serves a notice which would ordinarily prompt action to evict; and
- Amendment 70, to delay the implementation of clause 13 until at least 1 January 2018 "to allow more time to give assurance to landlords and ensure that the scheme is rolled out in a way that is fair and proportionate and does not lead to discrimination."⁸⁴

In response, the Minister referred to the policy equality statement and the Home Office evaluation of the pilot, saying "we judge there is no good reason to delay implementation of the new measures."⁸⁵ On amendment 86, he said "the Home Office will seek to engage [families with children found not to have the Right to Rent] in the family returns process [...] In serving a notice in respect of a child, the Home Office will have regard to its duty to safeguard and promote the rights of children."⁸⁶

All three amendments were pressed to a vote and defeated.⁸⁷

Anne McLaughlin, for the SNP, moved amendment 78 to clause 16 (Extension to Wales, Scotland and Northern Ireland), with a view to preventing the Right to Rent from applying in Scotland. Her amendment was considered alongside amendments 79, 80, 81 and 82, which were all similarly concerned; as well as a further Labour amendment on an additional clause 12 to require consent from devolved administrations in applying the Right to Rent. The Minister argued in response that immigration control is a reserved matter and that the amendments would lead to different immigration controls applying in different parts of the UK.⁸⁸

Amendments 78 – 82 were all defeated in a vote by 9 votes to 2. Clause 12 was not pressed to a vote.

During the final sitting of the Committee, Keir Starmer moved new clause 7 to remove the residential tenancy provisions from the *Immigration Act 2014* and the new 2015-16 Bill; and also new clause 8 to provide protection for landlords from prosecution when a tenant's leave comes to an end. Both were withdrawn.

⁸⁴ [PBC Deb 29 October 2015 c275](#)

⁸⁵ [PBC Deb 29 October 2015 c277](#)

⁸⁶ [PBC Deb 29 October 2015 c278](#)

⁸⁷ [PBC Deb 29 October 2015 c278](#) (amendment 73 by 9 votes to 6); [PCB Deb 3 November 2015 c283](#) (amendment 86 by 9 votes to 5); [PBC Deb 17 November c553](#) (amendment 70 by 8 votes to 6).

⁸⁸ [PBC Deb 3 November 2015 c300](#)

A new clause 9, to exclude tenancies relating to accommodation shared with a landlord or member of their family from the Right to Rent provisions, was considered alongside clause 8. The Minister argued that this point had been debated at length during the passage of the *Immigration Act 2014* and that it would provide a loophole for rogue landlords to claim his letting was his family home, or to arrange for one tenant to take another as a 'lodger'.⁸⁹

Mr Starmer moved a final new Clause 11 to probe what action the Government was taking to tackle an issue that arises in relation to certain migrants who have leave to remain and access to public funds but who may not access local authority housing. The Minister responded that although the Government was aware of the issue, "it does not follow ... that everyone who has been granted leave should have an immediate and enforceable claim to access local authority support and services, even where there is no bar to them accessing other public funds."⁹⁰ He asked Mr Starmer to withdraw clause 11 "while noting that this is something we are aware of and will take steps to remedy."⁹¹ New clause 11 was subsequently withdrawn.

Government amendments – Commons

The following Government amendments were made:

- Amendment 12 to prevent transitional measures in the *Immigration Act 2014* (which limited the application of the Right to Rent scheme to new tenancies created after commencement) from applying to new clauses on evictions and offences (agreed on a division by 9 votes to 6).⁹²
- Amendment 18 to make it clear that the measures on landlords obtaining possession of their properties "would apply regardless of when the occupancy or tenancy agreement was entered into."⁹³
- Amendments 13, 14 and 17 to 20 to provide that reference to a landlord under the Bill would mean any landlord, where there are joint landlords (agreed without division).
- Amendment 21 (minor drafting change).
- Amendment 69 to clarify how a landlord may serve a notice terminating a tenancy. Electronic service may be allowed if prescribed in regulations (agreed without division).
- Amendment 15 to ensure that a landlord will be able to use the powers of eviction in new section 33D only if there is a Home Office notice in respect of all occupants (agreed without division).
- Amendment 16 to change the definition of an occupier of rented premises in respect of action taken to evict. A landlord may be able to pursue eviction on the basis of "who they know to be occupying the property, including where that knowledge had

⁸⁹ [PBC Deb 17 November 2015 c538](#)

⁹⁰ [PBC Deb 17 November 2015 c540](#)

⁹¹ Ibid.

⁹² [PBC Deb 29 October 2015 c274](#)

⁹³ [PBC Deb 29 October 2015 c270](#)

been established through inquiries with the tenant or tenants (agreed without division)."

5.4 Lords Committee Stage

A number of amendments were proposed during the House of Lords Committee Stage of the Bill on 20 January 2016.

Baroness Hamwee proposed amendment 148; broadening the code of practice from the Secretary of State specifying what a landlord or agent should do to avoid contravening the *Equality Act 2010* to cover all protected characteristics, not race alone.

The Minister of State (Home Office), Lord Bates responded:

The code of practice that has been published addresses the concerns raised when the *Immigration Act 2014* was passed that the right-to-rent scheme might inadvertently result in increased discrimination on the grounds of race. [...] The Government do not believe that there is potential for the right-to-rent scheme to result in increased discrimination on other equality grounds.⁹⁴

Amendment 148 was subsequently withdrawn.

The Baroness raised a further amendment 159, which would require that the scheme was not rolled out nationally until an evaluation "of a representative sample of landlords, agents and tenants of the impact both on the lettings market and on the wider local community, as well as on whether the aims of the legislation were achieved"⁹⁵ was completed. The Baroness suggested a period of five years to carry out this evaluation, though accepted that this may be "contentious."

The Minister said that the amendment would be at variance with the Government's concern that the scheme should be rolled out with the "minimum of delay."

Baroness Lister of Burtersett spoke in support of amendment 151, which would require that prior to commencing the scheme, the Government should lay down a report on the impacts of the restrictions on illegal migrants accessing the private rented sector in relation to discrimination, and the ability of lawful residents in the UK to access rented accommodation without a passport or driving licence. Baroness Lister made specific reference to potential difficulties for women fleeing domestic violence, while Baroness Sheehan applied the same thinking to homeless people who may not have immediate access to documentation.

The Minister, in his response, said "the [existing Home Office] evaluation ... found no evidence that people who lacked a passport or driver's

⁹⁴ [HL Deb 20 January 2016 c881](#)

⁹⁵ [HL Deb 20 January 2016 c871](#)

licence suffered additional barriers.”⁹⁶ The amendment was subsequently not moved.

Amendment 148A was brought by Lord Howard of Rising, along with amendment 150A. 148A related to section 33A of the Bill, which would make it a criminal offence by the landlord if any illegal immigrant resided in their property; whether or not the individual(s) were the person(s) to whom the premises were let. The amendment looked to restrict the criminal offence only to those tenants to whom the landlord let the property. Lord Howard commented:

Is the landlord supposed to keep a permanent watch? What about the case where a house with a number of bedrooms has a drive and trees and is thus concealed from view? [...] It will be totally impractical for any landlord to monitor the ongoing use of the property and whether the person renting it has illegal immigrants to stay.⁹⁷

Amendment 150A looked to avoid the Right to Rent from applying retrospectively, in line with Home Office guidance.

The Minister responded that the measures under section 33A were aimed at rogue landlords and not cases where a “genuine mistake” had occurred:

In fact, if we look at the Bill in its present form, new Section 33A(3) says that the condition for an offence to be committed,

“is that the landlord knows or has reasonable cause to believe that the premises are occupied by an adult who is disqualified as a result of their immigration status”.

That threshold of proof, “knows or has reasonable cause to believe”, is very high.⁹⁸

Addressing further concerns around the importance of protecting good landlords while targeting rogues, the Minister agreed to a later meeting to discuss perceived gaps. Amendment 148A was subsequently withdrawn and 150A was not moved.

Earl Cathcart brought an amendment 150, which would entail that a landlord had not committed an offence so long as they were “proceeding diligently” to evict an adult who is disqualified due to their immigration status from occupying the property. The Earl noted that simply having committed a criminal offence, even in the absence of a prosecution, could cause extensive difficulties with mortgage lenders and insurers for landlords; and claimed that the Bill should take into account landlords who:

Have done everything possible to verify the status of the tenant and are in the process of evicting a tenant whom they have been

⁹⁶ [HL Deb 20 January 2016 c881](#)

⁹⁷ [HL Deb 20 February 2016 c888](#)

⁹⁸ [HL Deb 20 February 2016 c892](#)

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notified does not have the right to rent within the 28-day windows that the Bill permits.⁹⁹

The Minister responded that it would be difficult to be certain what constituted “proceeding diligently” in any particular case, and that the amendment might provide a way to avoid prosecution for rogue landlords. Amendment 150 was subsequently not moved.

Baroness Hamwee spoke on amendment 152, which looked to remove section 33D on eviction from the Bill. She referred to a claim from the charity Crisis, saying that there are a number of situations where a claim for asylum fails but the person is unable to return to their home country because there is no stable state or clear directive. She said that the Home Office should clarify the eviction process for such people at the least. The amendment was not moved.

Amendment 149, brought by Lord Kennedy of Southwark, looked to exempt landlords from prosecution within the 28 day period specified in section 33D(4) (the period of notice to be given in evicting tenants under the section, following written notice that the tenants are disqualified from occupying as a result of their immigration status from the Secretary of State).

The Minister responded that, while the desire to protect responsible landlords was understandable, “it would not be right to afford a grace period of 28 days to the worst offenders, such as the one that would result from Amendment 149.”¹⁰⁰ The amendment was subsequently not moved.

Amendments 154 to 157 sought to provide that the grounds for evicting an illegal migrant were discretionary rather than mandatory. The Minister said:

It is not necessary or helpful for a court to enter into its own additional assessment of the reasonableness of making a possession order, which would be the effect of the amendments in making this a discretionary ground.¹⁰¹

The amendments were therefore rejected.

Amendment 157A related to the extension to Wales, Scotland and Northern Ireland; and looked to insist that extension could only be made with the prior consent of the National Assembly for Wales, the Scottish Parliament or the Northern Ireland Assembly (in their respective territories). The amendment was not moved.

Baroness Hamwee brought a further amendment 158 aimed at removing the provision for regulations under clause 16 (extension to Wales, Scotland and Northern Ireland) to confer functions on any person. The Minister refuted the proposal, saying:

⁹⁹ [HL Deb 20 February 2016 c890](#)

¹⁰⁰ [HL Deb 20 January 2016 c893](#)

¹⁰¹ [HL Deb 20 January 2016 c894](#)

It may be necessary to confer functions on a person—for example, the Secretary of State for the Home Department or an immigration officer—under those regulations. The provision in the Bill is helpful as it makes it clear what can be done under these regulations. Removing the provision would serve no useful purpose and would lead to an unhelpful lack of clarity.¹⁰²

Baroness Hamwee withdrew amendment 158.

Government amendments – Lords

Lord Bates's own amendment 153 sought to prescribe the form of the notice a landlord must serve in relation to an eviction under Section 33D of the Bill.

He defended it by saying that it would provide "clarity and consistency to landlords, tenants and High Court enforcement officers".¹⁰³ No significant objections were raised and the amendment was agreed.

¹⁰² [HL Deb 20 January 2016 c896](#)

¹⁰³ [HL Deb 20 January 2016 c892](#)

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