

Right to Rent

Guidance Notes and Frequently Asked Questions

Guidance Notes

1. Documentation acceptable under this scheme as dictated by the Home Office and the legislation.

The following certified copies of documents are required:

- a. Passports & Visas / Permissions documents
- b. Any page which displays:
 - i. Expiry
 - ii. Nationality
 - iii. Date of Birth
 - iv. Holders signature
 - v. Leave / Expiry Dates
 - vi. Biometric details
 - vii. Photograph
 - viii. And any page that details the holder has any entitlement to enter / remain in the UK.
 - ix. Any reasons for different names displaying on these documents such as marriage / deed poll change etc. documentary evidence must also be copied, certified and retained.

2. A family member who are in themselves a Foreign National from outside of the UK / EU / EEA will need to provide documentary evidence from the Home Office which evidences their right to reside under these circumstances.

3. All occupants - regardless of nationality or occupancy status will be subject to Right to Rent checks. If the application form for referencing states they are a British National then Agent / Landlord MUST satisfy themselves of this and take appropriate ID to corroborate this for e.g. a Birth Certificate and one other form of ID which must be photographic.

(Please refer to https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/370484/document_guidance_for_landlords.pdf for full guidance).

4. The indemnification will be void if these checks have not been carried out prior to the tenancy commencing.

5. If the applicant states they are a National from within the European and Economic Area (EU and EEA – including Swiss Nationals), then they must provide a Passport or Travel Identification document.

(Please refer to https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/370484/document_guidance_for_landlords.pdf for full guidance).

6. Any Foreign National outside of point 3 and 4 above will have to provide Passports, Residency Permits, Visas and or any other documentation which has been issued to them from the Home Office which stipulates their terms for clearance to reside in the UK.

(Please refer to https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/370484/document_guidance_for_landlords.pdf for full guidance).

7. As at Provision and Use of Services point 4k in the Terms and Conditions for this Service, if you have not supplied the appropriate documentation at this point, there is no provision to prompt you for these and the Right to Rent check will not be completed.

8. If you choose to opt in to this service, we will assume that you require us to continue the service at the point of the tenancy renewing or going periodic, if the Visa expires during the next term, subject to the agreed fee. If you do not require us to provide the renewal service you will need to opt out. There will be a provision electronically for you to opt in or out via your secure log in to the Admin system. This will track the instructions for audit / dispute purposes.

9. If you opt out, the Indemnification will cease and we will not perform the Right to Rent checks or send any further reminders.

10. If you opt out, we can send reminders to you the Agent / Landlord within the first period of the tenancy for which we have referenced, but will not incur any action from Us. This is purely an automated reminder service for you to manage your own Right to Rent checks.

Frequently Asked Questions

1. Q: The Tenancy commenced prior to the Right to Rent becoming law in my area, do I still need to carry out the Right to Rent checks?

A: *The current guidance stipulates there are no requirements for Tenancy Agreements which began prior to Right to Rent legislation in your area. However if they renew their agreement for a further fixed term, this is classed as a new agreement and will be subject to such checks.*

2. Q: I am an on-line agent or a company providing such services to Agents, am I responsible for Right to Rent checks being carried out as per the legislation?

A: *Yes, you would either need to ensure that you have the correct stipulations in your contracts with your clients that the ID / Right to Rent checks are carried out as per the legislation and guidance or you must carry these out yourself.*

3. Q: What if my Tenant is not in the UK yet?

A: *You must not allow any Occupant to enter a property until you have properly ID'd and taken certified copies of the originals and have seen these documents whilst the holder is present.*

4. Q: Can I commence the Tenancy Application process prior to the Tenant arriving in the UK?

A: *Yes, as long as you comply with point 3 and 5.*

5. Q: I normally reference prospective tenants 60 days in advance, does the Right to Rent checks allow this?

A: *Right to Rent checks under the legislation "may only be undertaken and recorded up to 28 days before the Tenancy Agreement comes into effect".*

6. Q: My Tenants mother visits from overseas for periods of time, are they subject to Right to Rent checks?

A: *No, as long as they are not paying rent or living in their property as their main or only home.*

7. Q: My tenants have a family member who appears to be a minor (i.e. under 18 years old), are they subject to the Right to Rent checks?

A: *If you are unsure and have not been supplied with evidence of their age, you must ask for proof to satisfy yourself they are not subject to the Right to Rent checks. You are obliged to retain a copy of such proof.*

8. Q: My Tenant claims to be British, do I need to subject them to the Right to Rent checks?

A: Yes, you must satisfy yourself that they are the Nationality they state and view originals and take certified copies of the appropriate documentation as outlined in this guidance and below:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/370484/document_guidance_for_landlords.pdf

9. Q: How long am I obliged under the legislation, to retain copies of the required documentation per occupant.

A: Under the legislation there is a requirement for you to retain the records for a period of 12 months following the end of the Tenancy.

10. Q: Where can I find full details of the Right to Rent checks requirements?

A: Please see: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/370484/document_guidance_for_landlords.pdf

Or

<https://www.gov.uk/check-uk-visa>

[PLEASE NOTE - If any of the above links do not work, please copy and paste directly into a search engine.]