STATUTORY INSTRUMENTS

2016 No. 1060

IMMIGRATION

The Immigration (Residential Accommodation) (Termination of Residential Tenancy Agreements) (Guidance etc.) Regulations 2016

Made - - - -	*2nd November 2016*
Laid before Parliament	*4th November 2016*
Coming into force - -	*1st December 2016*

The Secretary of State makes the following regulations in exercise of the powers conferred by sections 33A(8)(b) and 33D(3) of the Immigration Act 2014(**1**).

In accordance with section 33A(8)(a) of that Act, draft guidance for the purposes of section 33A(6) has been laid before Parliament.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Immigration (Residential Accommodation) (Termination of Residential Tenancy Agreements) (Guidance etc.) Regulations 2016 and come into force on 1st December 2016.

(2) In these Regulations, "the Act" means the Immigration Act 2014.

Guidance issued by the Secretary of State

2. The guidance entitled "Guidance: Taking reasonable steps to end a residential tenancy agreement within a reasonable time" and issued by the Secretary of State for the purpose of section 33A(6) of the Act comes into force on 1st December 2016.

Prescribed form of notice where all occupants disqualified

3. The form prescribed for the purposes of section 33D(3) of the Act is set out in the Schedule to these Regulations.

(**1**) 2014 c. 22; sections 33A and 33D were inserted by sections 39(1) and (2) and 40(1) and (2) respectively of the Immigration Act 2016 (c. 19). See section 37(1) of the Immigration Act 2014 for the definition of "prescribed".

Robert Goodwill
Minister of State
Home Office

2nd November 2016

SCHEDULE Regulation 3

Prescribed form of notice for the purposes of section 33D(3) of the Immigration Act 2014

Section 33D(3) of the Immigration Act 2014

Notice[1] of Eviction and End of Tenancy[2]

The effect of this notice is to end the tenancy at the end of the specified date. If you do not give up vacant possession of the residential premises by the end of the specified date the landlord may peaceably re-enter the property to take possession of it.

☐ The landlord does not require a court order to repossess the residential premises providing all occupiers are named in the Landlord Notice(s) served under section 33D(2), as disqualified from renting. These notices should be attached to this notice (see page 3) – tick this box to confirm they are attached.

To: ..... [name(s) of the tenant or tenants][3]

I / we[4], as the landlord of the premises below, have been given notice under section 33D(2) of the Immigration Act 2014 by the Secretary of State for the Home Department, advising me/us[4] that you [and all other occupiers[5] of the premises][4] are disqualified from renting residential premises in England, as a result of your immigration status.

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[1] This notice may only be used to end a tenancy where the landlord has received one or more notices from the Home Office informing the landlord that all of the occupiers are disqualified from renting. If not all the occupiers are disqualified from renting (and therefore named in a notice from the Home Office), though some are, the landlord will need to take other steps to end the tenancy and obtain a possession order from the court. This notice cannot be used to end the tenancy in those circumstances. This notice can be used to end a tenancy entered into either before or after the coming into force of section 40 of the Immigration Act 2016.

[2] This notice may be served by being handed to the tenant or tenants personally or by leaving it at the premises or by sending it to the premises by post (section 33D(5) of the Immigration Act 2014). The landlord should retain proof of service, including the date on which it was served. The notice period cannot expire earlier than at the end of the period of 28 days beginning with the date on which it was served.

[3] This notice may also be used terminate a licence to occupy, where all the occupiers are disqualified from renting because a tenancy includes a licence to occupy for the purpose of the legislation (see section 20(3) of the Immigration Act 2014). Accordingly references to "tenancy" "tenant" or "landlord" also mean "licence", "licensee" and "licensor" as appropriate. If the tenancy or licence is held jointly by two or more persons this notice must be given to all of those persons (see section 33D(3) of the Immigration Act 2014).

[4] Delete as appropriate.

[5] The definition of an occupier is provided in section 33D(8) of the Immigration Act 2014 and means a tenant, a person who, under the residential tenancy agreement, otherwise has the right to occupy the premises and is named in the agreement, and any other person who the landlord knows is occupying the premises.

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A copy of that/ those notice(s) is/ are[4] attached.

I/ we[4], therefore require you to give vacant possession of the residential premises, known as:

[Address].....
.....

no later than the end of ... .[6] [insert date] (the specified date), after which day your tenancy of the residential premises, and right to occupy it, will terminate.

If you fail to give vacant possession by the end of the specified date above, steps can be taken to evict you and all other occupiers from the residential premises without further notice after that date.

This notice is given on..... [Insert date]

To be signed and dated by the landlord or the landlord's agent (someone acting for the landlord). If there are joint landlords, each landlord or the agent must sign unless one signs on behalf of the rest with their agreement.

Signed ..... Date .....

Please specify whether you are the landlord *or the* landlord's agent.....

Your contact email / telephone number.....

Name(s) of the landlord(s) (Block Capitals) .....

Address of the landlord(s)

.....
.....

Name and address of the agent (in addition to landlord's details, if notice served by the agent) (Block Capitals)
.....

.....

[6] This date must not be sooner than the end of a period of 28 days beginning with the date this notice is given (section 33D(4) of the Immigration Act 2014), and time for service of the notice should also be factored in. The tenants must vacate the premises by the end of the specified date.

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