

# The Landlords Checking Scheme

## What is the Landlords Checking Scheme?

Under the scheme, landlords should check a prospective tenant's right to rent before allowing them to occupy a property, in order to avoid liability for a civil penalty. Landlords need to comply with the anti-discrimination code, so ALL prospective occupiers need to satisfy the Right to Rent test in the same way.

## What will the checks involve?

In most cases the checks will be simple and straightforward, landlords or their agents will need to:

- Check evidence of a person's identity and citizenship e.g. a passport or other documentation for UK and European Economic Area (EEA) citizens or the biometric residence permit for non-EEA citizens
- Retain a copy of these documents as evidence that they have conducted the checks

## Who is affected by right to rent checks?

- Landlords and occupants of private rental residential properties in Birmingham, Walsall, Dudley and Wolverhampton
- New tenancies only starting after 1<sup>st</sup> December 2014. Existing tenancies are not affected as long as there is no break in the contract
- All adults (aged 18 and over) living at the property whether or not they are named on the tenancy
- Children are exempt but landlords will need to satisfy themselves that the person is under 18

## Who is responsible for conducting the checks?

- The person who is responsible for letting the accommodation is responsible for conducting the check. This could be a landlord or agent or individual renting out their spare room.
- Landlords can ask an agent to perform the document checks on their behalf but they will need to have evidence of this arrangement, in a contract or written document.
- If individuals sublet the accommodation, then they will be responsible for the right to rent checks and liable for any civil penalty

## Are there any exemptions?

- Children (under the age of 18 years)
- House Guests such as friends or family members provided that they are not paying rent
- Accommodation involving local authorities
- Student accommodation including; halls of residence, residency agreements in private residential properties where the student has been nominated to occupy the property by a Higher Education Institution
- Long leases granting occupation of 7 years or more

## What are the penalties for breaching the scheme?

Penalty amount	Level 1 (first breach – minimum)	Level 2 (second breach – maximum)
Lodgers in a private household	£80	£500
Tenants in rented accommodation	£1000	£3000

## Where can landlord/agents/tenants get more information?

- On [Gov.uk](https://www.gov.uk) (search for 'right to rent') there is also a fact sheet and infographic to download
- You can also use the right to rent aid on [Gov.uk](https://www.gov.uk) to find out if your property is affected and how to conduct the checks
- There is also a landlords helpline for landlords and those with questions (telephone:0300 069 9799)

## What should landlords do if a potential occupant states that the Home Office has their documents?

Landlords can submit a request for a right to rent check to the Home Office using the on-line form, and will receive a response within 2 working days confirming whether or not a prospective tenant has the right to rent, regardless of the documentation they hold. Once a landlord has submitted a request for a check on-line, they will automatically receive an email confirming details of their request. This can then be used as proof that they requested a check.

## Where can I find a list of acceptable documents for right to rent checks?

At [Gov.uk](https://www.gov.uk)

### Lists of acceptable documents for right to rent checks

The documents that are considered acceptable for demonstrating right to rent in the UK are set out in two lists – **List A** and **List B**. These are shown in the tables below.

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

**List B** contains the range of documents which may be accepted to establish an excuse against a penalty in relation to a person who has a time-limited right to be in the UK. Landlords who check a document in this list will establish a **time-limited statutory excuse**. If presented with a document from List B, landlords should carry out follow-up checks as set out below in order to maintain their statutory excuse.

## List A – Acceptable documents establishing a continuous statutory excuse

Group 1 – Acceptable single documents	
1	A passport (current or expired) showing that the holder is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK
2	A passport or national identity card (current or expired) showing that the holder is a national of the European Economic Area or Switzerland
3	A registration certificate or document (current or expired) certifying or indicating permanent residence issued by the Home Office, to a national of a European Union, European Economic Area or Swiss national
4	A permanent residence card, indefinite leave to remain, indefinite leave to enter or no time limit card issued by the Home Office (current or expired), to a non-EEA national who is a family member of an EEA or Swiss national
5	A biometric immigration document issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK. The document must be valid (not expired) at the time the right to rent check is made
6	A passport or other travel document (current or expired) endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK
7	A current immigration status document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person is permitted to stay indefinitely in the UK or has no time limit on their stay in the UK. The document must be valid (not expired) at the time the right to rent check is made
8	A certificate of registration or naturalisation as a British citizen

Group 2 – Acceptable document combinations	
1	<p>Any <b>two</b> of the following documents when produced in any combination</p> <ul style="list-style-type: none"> <li>a) A full birth or adoption certificate issued in the UK, the Channel Islands, the Isle of Man or Ireland, which indicates the name(s) of at least one of the holder's parents or adoptive parents</li> <li>b) A letter issued within the last 3 months confirming the holder's name, issued by a UK government department or local authority and signed by a named official (giving their name and professional address), or signed by a British passport holder (giving their name, address and passport number), or issued by a person who employs the holder (giving their name and company address) confirming the holder's status as an employee</li> <li>c) A letter from the UK police force confirming the holder is a victim of crime and personal documents have been stolen, stating the crime reference number, issued within the last 3 months</li> <li>d) Evidence (identity card, document of confirmation issued by one of HM forces, confirmation letter issued by the Secretary of State) of the holder's previous or current service in any of HM's UK armed forces</li> <li>e) A letter from HM prison service, the Scottish Prison Service or the Northern Ireland Prison Service confirming the holder's name, date of birth, and that they have been released from custody of that service in the past 3 months; or a letter from an officer of the National Offender Management Service in England and Wales, an officer of a local authority in Scotland or an officer of the Probation Board for Northern Ireland confirming that the holder is the subject of an order requiring supervision by that officer</li> <li>f) Letter from the UK further or higher education institution confirming the holder's acceptance on a course of studies</li> <li>g) A current full or provisional driving licence (both the photocard and paper counterpart must be shown)</li> <li>h) A current UK firearm or shotgun certificate</li> <li>i) Disclosure and Barring Service issued within the last 3 months</li> <li>j) Benefits and paperwork issued by HMRC, Local Authority or a Job Centre Plus, on behalf of the Department for Work and Pensions or the Northern Ireland Department for Social Development, within 3 months prior to commencement of tenancy</li> </ul>

## List B – Acceptable documents establishing a time-limited statutory excuse

All documents in List B must be valid (not expired) at the time of the right to rent check. 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:

- a) One year, beginning with the date on which the checks were last made or
- b) The period of the person's leave to be in the UK or
- c) The period for which the person's evidence of their right to be in the UK is valid.

At this point, landlords will need to conduct follow-up checks.

<b>List B</b>	
<b>Documents where a time-limited statutory excuse is established</b>	
1	A valid passport or other travel document endorsed to show that the holder is allowed to stay in the UK for a time-limited period
2	A current biometric immigration document issued by the Home Office to the holder, which indicates that the named person is permitted to stay in the UK for a limited period
3	A current residency card (including an accession residence card or a derivative residence card) issued by the Home Office to a non-EEA national who is either a family member of an EEA or Swiss national or has a derivative right of residence
4	A current immigration status document issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK for a time-limited period
5	In the case that the person has an ongoing application with the Home Office, or their documents are with the Home Office, or they claim to have a discretionary right to rent, an email from the Landlords Checking Service providing a "yes" response to a right to rent request. <b>This will only be sent to the Landlord by the Landlords Checking Service</b>

Photographic examples of acceptable documents can be found at [Gov.uk](https://www.gov.uk)