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DRAFT STATUTORY INSTRUMENTS

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**2017 No.**

**The Housing and Planning Act 2016  
(Banning Order Offences) Regulations 2017**

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Housing and Planning Act 2016 (Banning Order Offences) Regulations 2017.

(2) These Regulations come into force on 6th April 2018.

(3) These Regulations apply only in relation to offences committed after these Regulations come into force.

**Interpretation**

2. In these Regulations—

“associated person” has the meaning given by section 178 of the Housing Act 1996(1); and

“tenant”, in relation to housing, includes a person who has a licence to occupy housing.

**Banning order offences**

3. The following offences are banning order offences(2)—

(a) an offence listed in any of items 1 to 5 of the Schedule, unless the sentence imposed on the person convicted of the offence (“the offender”) is an absolute discharge or a conditional discharge;

(b) an offence listed in item 6 of the Schedule;

(c) an offence listed in any of items 7 to 14 of the Schedule if—

(i) the offence was committed against or in collusion with a tenant occupying any housing (or another person occupying that housing with the tenant) or the offence was committed at or in relation to that housing;

(ii) at the time the offence was committed, the offender was the residential landlord or property agent of that housing or an officer of a body corporate who was the residential landlord or property agent of that housing; and

(iii) the offender was sentenced for the offence in the Crown Court.

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(1) 1996 c. 52; section 178 was amended by the Civil Partnership Act 2004 (c. 33), Schedule 8, paragraph 61(2), (3), (4), (5), (6) and (7) and the Adoption and Children Act 2002 (c. 38) Schedule 3, paragraphs 90, 91 and 92.

(2) Under section 15(1) of the Housing and Planning Act 2016, a local housing authority in England may apply to the First-tier Tribunal for a banning order against a person who has been convicted of a banning order offence.

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**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Housing and Planning Act 2016 (Banning Order Offences) Regulations 2018 No. 216

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Signed by authority of the Secretary of State for Communities and Local Government

Date

*Name*  
*Title*  
Department for Communities and Local  
Government