



Immigration Act 2014

2014 CHAPTER 22

PART 3

ACCESS TO SERVICES ETC

CHAPTER 1

RESIDENTIAL TENANCIES

Penalty notices

28 Penalty notices: general

- (1) The Secretary of State may give a penalty notice—
 - (a) to a landlord under section 23 without having established whether the landlord is excused from paying the penalty under section 24;
 - (b) to an agent under section 25 without having established whether the agent is excused from paying the penalty under section 26.
- (2) A penalty notice must—
 - (a) be in writing,
 - (b) state why the Secretary of State thinks the recipient is liable to the penalty,
 - (c) state the amount of the penalty,
 - (d) specify a date, at least 28 days after the date specified in the notice as the date on which it is given, before which the penalty must be paid,
 - (e) specify how a penalty must be paid,
 - (f) explain how the recipient may object to the penalty or make an appeal against it, and
 - (g) explain how the Secretary of State may enforce the penalty.
- (3) A separate penalty notice may be given in respect of each adult disqualified by their immigration status in relation to whom there is a contravention of section 22.

Changes to legislation: Immigration Act 2014, Section 28 is up to date with all changes known to be in force on or before 21 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (4) Where a penalty notice is given to two or more persons who jointly constitute the landlord or agent in relation to a residential tenancy agreement, those persons are jointly and severally liable for any sum payable to the Secretary of State as a penalty imposed by the notice.
- (5) A penalty notice may not be given in respect of any adult if—
- (a) the adult has ceased to occupy the premises concerned, and
 - (b) a period of 12 months or more has passed since the time when the adult last occupied the premises,
- but this subsection is not to be taken as affecting the validity of a penalty notice given before the end of that period.
- (6) Subsection (5) does not apply to a penalty notice given after the end of the 12 month period mentioned in that subsection if—
- (a) it is a new penalty notice given by virtue of section 29(6)(b) on the determination of an objection to another penalty notice, and
 - (b) that other penalty notice was given before the end of the period.

Commencement Information

- I1** S. 28 in force at 1.12.2014 for specified purposes by [S.I. 2014/2771](#), **art. 6(1)(i)**
- I2** S. 28 in force at 1.2.2016 for E. in so far as not already in force by [S.I. 2016/11](#), **art. 2(i)**

Changes to legislation:

Immigration Act 2014, Section 28 is up to date with all changes known to be in force on or before 21 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.I. 2014/2771 by [S.I. 2015/371 art. 78](#)
- specified provision(s) savings for earlier commencing SI 2014/2771 by [S.I. 2014/2928 art. 2](#) (Amendment already reflected in Appended Commentary in EXTOES for 2014 SI2771.)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 21(4A) inserted by [S.I. 2019/745 reg. 21\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Reg. 21(2)(3) omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- s. 27(7) inserted by [S.I. 2019/745 reg. 21\(3\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Reg. 21(2)(3) omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- s. 70A(6A) inserted by [S.I. 2019/745 reg. 21\(7\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Reg. 21(7) omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- Sch. 3 para. 8A inserted by [2016 c. 19 Sch. 12 para. 16](#)