



# Tenant Fees Act 2019

## 2019 CHAPTER 4

### *Enforcement*

#### **12 Offences**

- (1) A person commits an offence if—
  - (a) the person breaches section 1 or 2,
  - (b) a relevant penalty has been imposed on the person in respect of a different breach of the same section and the final notice imposing the penalty has not been withdrawn, or the person has been convicted of an offence in respect of such a breach, and
  - (c) the breach mentioned in paragraph (a) occurs within the period of five years beginning with the day on which the relevant penalty was imposed or the person was convicted.
- (2) For the purposes of subsection (1)(c) a relevant penalty is imposed on the date specified in the final notice in respect of that penalty as the date on which it is served.
- (3) A person guilty of an offence under this section is liable on summary conviction to a fine.
- (4) A person may not be convicted of an offence under this section in respect of the breach mentioned in subsection (1)(a) if a financial penalty has been imposed under section 8 in respect of that breach.
- (5) In this section “relevant penalty” means a financial penalty which is imposed under section 8 where—
  - (a) the period for bringing an appeal against the penalty under paragraph 6 of Schedule 3 has expired without an appeal being brought,
  - (b) an appeal against the financial penalty under that paragraph has been withdrawn or abandoned, or
  - (c) the final notice imposing the penalty has been confirmed or varied on appeal.
- (6) In section 14 of the Housing and Planning Act 2016, after subsection (4) insert—

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*Status: This is the original version (as it was originally enacted).*

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“(5) An offence under section 12 of the Tenant Fees Act 2019 is also a banning order offence for the purposes of this Part.”