



Tenant Fees Act 2019

2019 CHAPTER 4

Enforcement

8 Financial penalties

- (1) Where an enforcement authority is satisfied beyond reasonable doubt that a person has breached section 1 or 2 or Schedule 2, the authority may impose a financial penalty on the person in respect of the breach.
- (2) The financial penalty—
 - (a) may be of such amount as the authority determines, but
 - (b) subject to subsection (3), must not exceed £5,000.
- (3) If the enforcement authority is satisfied beyond reasonable doubt that the person has committed an offence under section 12, the financial penalty—
 - (a) may exceed £5,000, but
 - (b) must not exceed £30,000.
- (4) An enforcement authority may not impose a financial penalty under this section on a person in respect of any conduct amounting to an offence under section 12 if—
 - (a) the person has been convicted of an offence under that section in respect of the conduct,
 - (b) criminal proceedings for an offence under that section in respect of the conduct have been instituted against the person and the proceedings have not been concluded, or
 - (c) criminal proceedings for an offence under that section in respect of the conduct have been concluded and the person has not been convicted of the offence.
- (5) An enforcement authority may not impose a financial penalty under this section on a person for a breach of paragraph 3 of Schedule 2 in relation to a holding deposit if—
 - (a) the person failed to return the deposit in accordance with that Schedule because the person believed that the landlord was prohibited by section 22 of the Immigration Act 2014 from granting a tenancy of the housing to the tenant, and

Status: This is the original version (as it was originally enacted).

- (b) the person's belief was based on incorrect information provided by the Secretary of State.
- (6) Only one financial penalty under this section may be imposed in respect of the same breach.
- (7) An enforcement authority may impose a financial penalty under this section in respect of a breach which occurs outside that authority's area (as well as in respect of a breach which occurs within that area).
- (8) Schedule 3 makes further provision about financial penalties under this section and other payments required to be made under this Act.