



2016 CHAPTER 22

PART 3

Enforcement of licensing requirements

Rectification of breaches of conditions

Failure to comply with rectification notice

37.—(1) If the owner of an HMO fails to take any action specified in a rectification notice by the date specified in relation to that action, the owner commits an offence.

(2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding £10,000.

(3) In determining the seriousness of an offence under subsection (1), regard is to be had to the following matters (as well as to the seriousness of the failure to take the action specified in the rectification notice)—

- (a) the seriousness of the breach of the condition (if any) which resulted in the issuing of the rectification notice, and
- (b) whether any such breach amounted to an offence under section 31(2) or (3).

(4) Subsection (3) applies—

- (a) to a court for the purposes of sentencing, and
- (b) to a council in determining the amount of a fixed penalty under section 64.