



Housing and Planning Act 2016

2016 CHAPTER 22

PART 2

ROGUE LANDLORDS AND PROPERTY AGENTS IN ENGLAND

CHAPTER 2

BANNING ORDERS

Consequences of banning order, including consequences of breach

21 Offence of breach of banning order

- (1) A person who breaches a banning order commits an offence.
- (2) A person guilty of an offence under subsection (1) is liable on summary conviction to imprisonment for a period not exceeding 51 weeks or to a fine or to both.
- (3) If a financial penalty under section 23 has been imposed in respect of the breach, the person may not be convicted of an offence under this section.
- (4) Where a person is convicted under subsection (1) of breaching a banning order and the breach continues after conviction, the person commits a further offence and is liable on summary conviction to a fine not exceeding one-tenth of level 2 on the standard scale for each day or part of a day on which the breach continues.
- (5) In proceedings for an offence under subsection (4) it is a defence to show that the person had a reasonable excuse for the continued breach.
- (6) In relation to an offence committed before section 281(5) of the Criminal Justice Act 2003 comes into force, the reference in subsection (2) to 51 weeks is to be read as a reference to 6 months.

Changes to legislation: Housing and Planning Act 2016, Cross Heading: Consequences of banning order, including consequences of breach is up to date with all changes known to be in force on or before 19 August 2023. 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

Commencement Information

II [S. 21](#) in force at 6.4.2018 by [S.I. 2018/393](#), [reg. 2\(a\)](#)

22 Offences by bodies corporate

- (1) Where an offence under section 21 committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, an officer of a body corporate, the officer as well as the body corporate commits the offence and is liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with the member's functions of management as if the member were an officer of the body corporate.

Commencement Information

I2 [S. 22](#) in force at 6.4.2018 by [S.I. 2018/393](#), [reg. 2\(a\)](#)

23 Financial penalty for breach of banning order

- (1) The responsible local housing authority may impose a financial penalty on a person if satisfied, beyond reasonable doubt, that the person's conduct amounts to an offence under section 21(1).
- (2) In this section “responsible local housing authority” means the local housing authority for the area in which the housing to which the conduct relates is situated.
- (3) Only one financial penalty under this section may be imposed in respect of the same conduct unless subsection (4) allows another penalty to be imposed.
- (4) If a breach continues for more than 6 months, a financial penalty may be imposed for each additional 6 month period for the whole or part of which the breach continues.
- (5) The amount of a financial penalty imposed under this section is to be determined by the authority imposing it, but must not be more than £30,000.
- (6) The responsible local housing authority may not impose a financial penalty in respect of any conduct amounting to an offence under section 21(1) if—
 - (a) the person has been convicted of an offence under that section in respect of the conduct, or
 - (b) criminal proceedings for the offence have been instituted against the person in respect of the conduct and the proceedings have not been concluded.
- (7) Schedule 1 deals with—
 - (a) the procedure for imposing financial penalties,
 - (b) appeals against financial penalties, and
 - (c) enforcement of financial penalties.
- (8) The Secretary of State may by regulations make provision about how local housing authorities are to deal with financial penalties recovered.

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(9) The Secretary of State may by regulations amend the amount specified in subsection (5) to reflect changes in the value of money.

(10) A local housing authority must have regard to any guidance given by the Secretary of State about the exercise of its functions under this section or Schedule 1.

Commencement Information

- I3** [S. 23\(1\)-\(7\)\(9\)\(10\)](#) in force at 6.4.2018 by [S.I. 2018/393](#), [reg. 2\(a\)](#)
I4 [S. 23\(8\)](#) in force at 3.11.2017 by [S.I. 2017/1052](#), [reg. 2\(b\)](#)

24 Saving for illegal contracts

A breach of a banning order does not affect the validity or enforceability of any provision of a tenancy or other contract entered into by a person despite any rule of law relating to the validity or enforceability of contracts in circumstances involving illegality.

Commencement Information

- I5** [S. 24](#) in force at 6.4.2018 by [S.I. 2018/393](#), [reg. 2\(a\)](#)

25 Banned person may not hold HMO licence etc

Schedule 2 changes the rules about granting and revoking licences under Parts 2 and 3 of the Housing Act 2004 where a banning order has been made.

Commencement Information

- I6** [S. 25](#) in force at 6.4.2018 by [S.I. 2018/393](#), [reg. 2\(a\)](#)

26 Management orders following banning order

Schedule 3 amends the Housing Act 2004 to allow interim and final management orders to be made in cases where a banning order has been made.

Commencement Information

- I7** [S. 26](#) in force at 3.11.2017 for specified purposes by [S.I. 2017/1052](#), [reg. 2\(d\)\(e\)](#)
I8 [S. 26](#) in force at 6.4.2018 in so far as not already in force by [S.I. 2018/393](#), [reg. 2\(a\)](#)

Changes to legislation:

Housing and Planning Act 2016, Cross Heading: Consequences of banning order, including consequences of breach is up to date with all changes known to be in force on or before 19 August 2023. 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.

[View outstanding changes](#)

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. 172(1)(a) words renumbered as s. 172(1)(a) by [2017 c. 20 s. 26\(8\)\(a\)\(i\)](#)
- s. 172(1)(b) inserted by [2017 c. 20 s. 26\(8\)\(a\)\(ii\)](#)