



Housing and Planning Act 2016

2016 CHAPTER 22

PART 2

ROGUE LANDLORDS AND PROPERTY AGENTS IN ENGLAND

CHAPTER 2

BANNING ORDERS

Imposition of banning orders

15 Application and notice of intended proceedings

- (1) A local housing authority in England may apply for a banning order against a person who has been convicted of a banning order offence.
- (2) If a local housing authority in England applies for a banning order against a body corporate that has been convicted of a banning order offence, it must also apply for a banning order against any officer who has been convicted of the same offence in respect of the same conduct.
- (3) Before applying for a banning order under subsection (1), the authority must give the person a notice of intended proceedings—
 - (a) informing the person that the authority is proposing to apply for a banning order and explaining why,
 - (b) stating the length of each proposed ban, and
 - (c) inviting the person to make representations within a period specified in the notice of not less than 28 days (“the notice period”).
- (4) The authority must consider any representations made during the notice period.
- (5) The authority must wait until the notice period has ended before applying for a banning order.

Changes to legislation: Housing and Planning Act 2016, Cross Heading: Imposition of banning orders is up to date with all changes known to be in force on or before 15 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

- (6) A notice of intended proceedings may not be given after the end of the period of 6 months beginning with the day on which the person was convicted of the offence to which the notice relates.

Commencement Information

I1 [S. 15](#) in force at 6.4.2018 by [S.I. 2018/393](#), [reg. 2\(a\)](#)

16 Making a banning order

- (1) The First-tier Tribunal may make a banning order against a person who—
 - (a) has been convicted of a banning order offence, and
 - (b) was a residential landlord or a property agent at the time the offence was committed (but see subsection (3)).
- (2) A banning order may only be made on an application by a local housing authority in England that has complied with section 15.
- (3) Where an application is made under section 15(1) against an officer of a body corporate, the First-tier Tribunal may make a banning order against the officer even if the condition in subsection (1)(b) of this section is not met.
- (4) In deciding whether to make a banning order against a person, and in deciding what order to make, the Tribunal must consider—
 - (a) the seriousness of the offence of which the person has been convicted,
 - (b) any previous convictions that the person has for a banning order offence,
 - (c) whether the person is or has at any time been included in the database of rogue landlords and property agents, and
 - (d) the likely effect of the banning order on the person and anyone else who may be affected by the order.

Commencement Information

I2 [S. 16](#) in force at 6.4.2018 by [S.I. 2018/393](#), [reg. 2\(a\)](#)

17 Duration and effect of banning order

- (1) A banning order must specify the length of each ban imposed by the order.
- (2) A ban must last at least 12 months.
- (3) A banning order may contain exceptions to a ban for some or all of the period to which the ban relates and the exceptions may be subject to conditions.
- (4) A banning order may, for example, contain exceptions—
 - (a) to deal with cases where there are existing tenancies and the landlord does not have the power to bring them to an immediate end, or
 - (b) to allow letting agents to wind down current business.

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Commencement Information

I3 [S. 17](#) in force at 6.4.2018 by [S.I. 2018/393](#), [reg. 2\(a\)](#)

18 Content of banning order: involvement in bodies corporate

- (1) A banning order may include provision banning the person against whom it is made from being involved in any body corporate that carries out an activity that the person is banned by the order from carrying out.
- (2) For this purpose a person is “involved” in a body corporate if the person acts as an officer of the body corporate or directly or indirectly takes part in or is concerned in the management of the body corporate.

Commencement Information

I4 [S. 18](#) in force at 6.4.2018 by [S.I. 2018/393](#), [reg. 2\(a\)](#)

19 Power to require information

- (1) A local housing authority may require a person to provide specified information for the purpose of enabling the authority to decide whether to apply for a banning order against the person.
- (2) It is an offence for the person to fail to comply with a requirement, unless the person has a reasonable excuse for the failure.
- (3) It is an offence for the person to provide information that is false or misleading if the person knows that the information is false or misleading or is reckless as to whether it is false or misleading.
- (4) A person who commits an offence under this section is liable on summary conviction to a fine.

Commencement Information

I5 [S. 19](#) in force at 6.4.2018 by [S.I. 2018/393](#), [reg. 2\(a\)](#)

20 Revocation or variation of banning orders

- (1) A person against whom a banning order is made may apply to the First-tier Tribunal for an order under this section revoking or varying the order.
- (2) If the banning order was made on the basis of one or more convictions all of which are overturned on appeal, the First-tier Tribunal must revoke the banning order.
- (3) If the banning order was made on the basis of more than one conviction and some of them (but not all) have been overturned on appeal, the First-tier Tribunal may—
 - (a) vary the banning order, or
 - (b) revoke the banning order.

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- (4) If the banning order was made on the basis of one or more convictions that have become spent, the First-tier Tribunal may—
- (a) vary the banning order, or
 - (b) revoke the banning order.
- (5) The power to vary a banning order under subsection (3)(a) or (4)(a) may be used to add new exceptions to a ban or to vary—
- (a) the banned activities,
 - (b) the length of a ban, or
 - (c) existing exceptions to a ban.
- (6) In this section “spent”, in relation to a conviction, means spent for the purposes of the Rehabilitation of Offenders Act 1974.

Commencement Information

I6 [S. 20](#) in force at 6.4.2018 by [S.I. 2018/393](#), [reg. 2\(a\)](#)

Changes to legislation:

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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\(8\)\(a\)\(ii\)](#)