



# Housing and Planning Act 2016

## 2016 CHAPTER 22

### PART 2

#### ROGUE LANDLORDS AND PROPERTY AGENTS IN ENGLAND

### CHAPTER 3

#### DATABASE OF ROGUE LANDLORDS AND PROPERTY AGENTS

##### *Removal or variation*

#### **36 Removal or variation of entries made under section 30**

- (1) An entry made in the database under section 30 may be removed or varied in accordance with this section.
- (2) If the entry was made on the basis of one or more convictions all of which are overturned on appeal, the responsible local housing authority must remove the entry.
- (3) If the entry was made on the basis of more than one conviction and some of them (but not all) have been overturned on appeal, the responsible local housing authority may—
  - (a) remove the entry, or
  - (b) reduce the period for which the entry must be maintained.
- (4) If the entry was made on the basis of one or more convictions that have become spent, the responsible local housing authority may—
  - (a) remove the entry, or
  - (b) reduce the period for which the entry must be maintained.
- (5) If the entry was made on the basis that the person has received two or more financial penalties and at least one year has elapsed since the entry was made, the responsible local housing authority may—
  - (a) remove the entry, or

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***Changes to legislation:** Housing and Planning Act 2016, Cross Heading: Removal or variation 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*

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- (b) reduce the period for which the entry must be maintained.
- (6) The power in subsection (3), (4) or (5) may even be used—
  - (a) to remove an entry before the end of the two-year period mentioned in section 31(2)(b), or
  - (b) to reduce the period for which an entry must be maintained to less than the two-year period mentioned in section 31(2)(b).
- (7) If a local housing authority removes an entry in the database, or reduces the period for which it must be maintained, it must notify the person to whom the entry relates.
- (8) In this section—
  - “responsible local housing authority” means the local housing authority by which the entry was made;
  - “spent”, in relation to a conviction, means spent for the purposes of the Rehabilitation of Offenders Act 1974.

#### Commencement Information

**II** [S. 36](#) in force at 6.4.2018 by [S.I. 2018/393](#), [reg. 2\(a\)](#)

### 37 Requests for exercise of powers under section 36 and appeals

- (1) A person in respect of whom an entry is made in the database under section 30 may request the responsible local housing authority to use its powers under section 36 to—
  - (a) remove the entry, or
  - (b) reduce the period for which the entry must be maintained.
- (2) The request must be in writing.
- (3) Where a request is made, the local housing authority must—
  - (a) decide whether to comply with the request, and
  - (b) give the person notice of its decision.
- (4) If the local housing authority decides not to comply with the request the notice must include—
  - (a) reasons for that decision, and
  - (b) a summary of the appeal rights conferred by this section.
- (5) Where a person is given notice that the responsible local housing authority has decided not to comply with the request the person may appeal to the First-tier Tribunal against that decision.
- (6) An appeal to the First-tier Tribunal under subsection (5) must be made before the end of the period of 21 days beginning with the day on which the notice was given.
- (7) The First-tier Tribunal may allow an appeal to be made to it after the end of that period if satisfied that there is a good reason for the person's failure to appeal within the period (and for any subsequent delay).
- (8) On an appeal under this section the tribunal may order the local housing authority to—
  - (a) remove the entry, or
  - (b) reduce the period for which the entry must be maintained.

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#### Commencement Information

**I2**    [S. 37](#) 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\(8\)\(a\)\(ii\)](#)