

Changes to legislation: Housing and Planning Act 2016, SCHEDULE 1 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

SCHEDULES

SCHEDULE 1

Section 23

FINANCIAL PENALTY FOR BREACH OF BANNING ORDER

Notice of intent

- 1 Before imposing a financial penalty on a person under section 23 a local housing authority must give the person notice of its proposal to do so (a “notice of intent”).

Commencement Information

II Sch. 1 para. 1 in force at 6.4.2018 by S.I. 2018/393, reg. 2(b)

- 2 (1) The notice of intent must be given before the end of the period of 6 months beginning with the first day on which the authority has sufficient evidence of the conduct to which the financial penalty relates.
- (2) But if the person is continuing to engage in the conduct on that day, and the conduct continues beyond the end of that day, the notice of intent may be given—
- (a) at any time when the conduct is continuing, or
 - (b) within the period of 6 months beginning with the last day on which the conduct occurs.

Commencement Information

I2 Sch. 1 para. 2 in force at 6.4.2018 by S.I. 2018/393, reg. 2(b)

- 3 The notice of intent must set out—
- (a) the amount of the proposed financial penalty,
 - (b) the reasons for proposing to impose the financial penalty, and
 - (c) information about the right to make representations under paragraph 4.

Commencement Information

I3 Sch. 1 para. 3 in force at 6.4.2018 by S.I. 2018/393, reg. 2(b)

Right to make representations

- 4 (1) A person who is given a notice of intent may make written representations to the local housing authority about the proposal to impose a financial penalty.
- (2) Any representations must be made within the period of 28 days beginning with the day after that on which the notice was given (“the period for representations”).

Changes to legislation: Housing and Planning Act 2016, SCHEDULE 1 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

I4 [Sch. 1 para. 4](#) in force at 6.4.2018 by [S.I. 2018/393](#), [reg. 2\(b\)](#)

Final notice

- 5 After the end of the period for representations the local housing authority must—
- (a) decide whether to impose a financial penalty on the person, and
 - (b) if it decides to impose a financial penalty, decide the amount of the penalty.

Commencement Information

I5 [Sch. 1 para. 5](#) in force at 6.4.2018 by [S.I. 2018/393](#), [reg. 2\(b\)](#)

- 6 If the authority decides to impose a financial penalty on the person, it must give the person a notice (a “final notice”) imposing that penalty.

Commencement Information

I6 [Sch. 1 para. 6](#) in force at 6.4.2018 by [S.I. 2018/393](#), [reg. 2\(b\)](#)

- 7 The final notice must require the penalty to be paid within the period of 28 days beginning with the day after that on which the notice was given.

Commencement Information

I7 [Sch. 1 para. 7](#) in force at 6.4.2018 by [S.I. 2018/393](#), [reg. 2\(b\)](#)

- 8 The final notice must set out—
- (a) the amount of the financial penalty,
 - (b) the reasons for imposing the penalty,
 - (c) information about how to pay the penalty,
 - (d) the period for payment of the penalty,
 - (e) information about rights of appeal, and
 - (f) the consequences of failure to comply with the notice.

Commencement Information

I8 [Sch. 1 para. 8](#) in force at 6.4.2018 by [S.I. 2018/393](#), [reg. 2\(b\)](#)

Withdrawal or amendment of notice

- 9 (1) A local housing authority may at any time—
- (a) withdraw a notice of intent or final notice, or
 - (b) reduce the amount specified in a notice of intent or final notice.
- (2) The power in sub-paragraph (1) is to be exercised by giving notice in writing to the person to whom the notice was given.

Changes to legislation: *Housing and Planning Act 2016, SCHEDULE 1 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

I9 Sch. 1 para. 9 in force at 6.4.2018 by S.I. 2018/393, reg. 2(b)

Appeals

- 10 (1) A person to whom a final notice is given may appeal to the First-tier Tribunal against—
- (a) the decision to impose the penalty, or
 - (b) the amount of the penalty.
- (2) An appeal under this paragraph must be brought within the period of 28 days beginning with the day after that on which the final notice was sent.
- (3) If a person appeals under this paragraph, the final notice is suspended until the appeal is finally determined or withdrawn.
- (4) An appeal under this paragraph—
- (a) is to be a re-hearing of the local housing authority's decision, but
 - (b) may be determined having regard to matters of which the authority was unaware.
- (5) On an appeal under this paragraph the First-tier Tribunal may confirm, vary or cancel the final notice.
- (6) The final notice may not be varied under sub-paragraph (5) so as to make it impose a financial penalty of more than the local housing authority could have imposed.

Commencement Information

I10 Sch. 1 para. 10 in force at 6.4.2018 by S.I. 2018/393, reg. 2(b)

Recovery of financial penalty

- 11 (1) This paragraph applies if a person fails to pay the whole or any part of a financial penalty which, in accordance with this Schedule, the person is liable to pay.
- (2) The local housing authority which imposed the financial penalty may recover the penalty or part on the order of the county court as if it were payable under an order of that court.
- (3) In proceedings before the county court for the recovery of a financial penalty or part of a financial penalty, a certificate which is—
- (a) signed by the chief finance officer of the local housing authority which imposed the penalty, and
 - (b) states that the amount due has not been received by a date specified in the certificate,
- is conclusive evidence of that fact.
- (4) A certificate to that effect and purporting to be so signed is to be treated as being so signed unless the contrary is proved.

Changes to legislation: Housing and Planning Act 2016, SCHEDULE 1 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](#)

(5) In this paragraph “chief finance officer” has the same meaning as in section 5 of the Local Government and Housing Act 1989.

Commencement Information

I11 [Sch. 1 para. 11](#) in force at 6.4.2018 by [S.I. 2018/393](#), **reg. 2(b)**

Changes to legislation:

Housing and Planning Act 2016, SCHEDULE 1 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\(8\)\(a\)\(ii\)](#)