



# 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.

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**Changes to legislation:** Housing and Planning Act 2016, Section 21 is up to date with all changes known to be in force on or before 04 September 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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#### Commencement Information

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

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