



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

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

Changes to legislation: Housing and Planning Act 2016, Section 23 is up to date with all changes known to be in force on or before 28 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

- (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.
- (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

- I1** [S. 23\(1\)-\(7\)\(9\)\(10\)](#) in force at 6.4.2018 by [S.I. 2018/393](#), [reg. 2\(a\)](#)
- I2** [S. 23\(8\)](#) in force at 3.11.2017 by [S.I. 2017/1052](#), [reg. 2\(b\)](#)

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