STATUTORY INSTRUMENTS

2018 No. 216

HOUSING, ENGLAND

The Housing and Planning Act 2016 (Banning Order Offences) Regulations 2018

Made - - - - 22nd February 2018

Coming into force - - 6th April 2018

The Secretary of State, in exercise of the powers conferred by section 14(3) of the Housing and Planning Act 2016(**1**), makes the following Regulations.

In accordance with section 214(2)(b) of the Housing and Planning Act 2016, a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

Citation, commencement and application

1.—(1) These Regulations may be cited as the Housing and Planning Act 2016 (Banning Order Offences) Regulations 2018.

(2) These Regulations come into force on 6th April 2018.

(3) These Regulations apply only in relation to offences committed after these Regulations come into force.

Interpretation

2. In these Regulations—

"associated person" has the meaning given by section 178 of the Housing Act 1996(**2**); and

"tenant", in relation to housing, includes a person who has a licence to occupy housing.

Banning order offences

3. The following offences are banning order offences(**3**)—

(**1**) 2016 c. 22.

(**2**) 1996 c. 52; section 178 was amended by the Civil Partnership Act 2004 (c. 33), Schedule 8, paragraph 61(2), (3), (4), (5), (6) and (7) and the Adoption and Children Act 2002 (c. 38) Schedule 3, paragraphs 90, 91 and 92.

(**3**) Under section 15(1) of the Housing and Planning Act 2016, a local housing authority in England may apply to the First-tier Tribunal for a banning order against a person who has been convicted of a banning order offence.

(a) an offence listed in any of items 1 to 5 of the Schedule, unless the sentence imposed on the person convicted of the offence ("the offender") is an absolute discharge or a conditional discharge;

(b) an offence listed in item 6 of the Schedule;

(c) an offence listed in any of items 7 to 14 of the Schedule if—

(i) the offence was committed against or in collusion with a tenant occupying any housing (or another person occupying that housing with the tenant) or the offence was committed at or in relation to that housing;

(ii) at the time the offence was committed, the offender was the residential landlord or property agent of that housing or an officer of a body corporate who was the residential landlord or property agent of that housing; and

(iii) the offender was sentenced for the offence in the Crown Court.

Signed by authority of the Secretary of State for Housing, Communities and Local Government

Heather Wheeler
Parliamentary Under Secretary of State
Ministry of Housing, Communities and Local Government

22nd February 2018

SCHEDULE

Regulation 3

OFFENCES

Item	*Statute*	*Provision*	*Offence*
1.	Protection from Eviction Act 1977(**4**)	Section 1(2), (3) and (3A)	Unlawful eviction and harassment of occupier
2.	Criminal Law Act 1977(**5**)	Section 6(1)	Violence for securing entry
3.	Housing Act 2004(**6**)	Section 30(1)	Failing to comply with an improvement notice
		Section 32(1)	Failing to comply with a prohibition order
		Section 72(1), (2) and (3)	Offences in relation to licensing of Houses in Multiple Occupation
		Section 95(1) and (2)	Offences in relation to licensing of houses under Part 3
		Section 139(7)	Contravention of an overcrowding notice
		Section 234(3)	Failure to comply with management regulations in respect of Houses in Multiple Occupation
		Section 238(1)	False or misleading information
4.	Regulatory Reform (Fire Safety) Order 2005(**7**)	Article 32(1) and (2)	Fire safety offences
5.	Health and Safety at Work etc. Act 1974(**8**)	Section 33(1)(c) where a person contravenes any requirement specified in regulation 36 of the Gas Safety (Installation and Use) Regulations 1998(**9**)	Gas safety offences - duties on landlords
6.	Immigration Act 2014(**10**)	Section 33A(1) and (10)	Residential tenancies – landlord offences

(**4**) 1977 c. 43; section 1(3) was amended by the Housing Act 1988 (c. 50) ("the 1988 Act"), section 29(1). Section 1(3A) was inserted by section 29(2) of the 1988 Act.
(**5**) 1977 c. 45.
(**6**) 2004 c. 34.
(**7**) S.I. 2005/1541.
(**8**) 1974 c. 37.
(**9**) S.I. 1998/2451.
(**10**) 2014 c. 22; sections 33A and 33B were inserted by the Immigration Act 2016 (c. 19), section 39(2).