



Housing (Wales) Act 2014

2014 anaw 7

PART 1

REGULATION OF PRIVATE RENTED HOUSING

Enforcement

29 Fixed penalty notices

- (1) Where on any occasion a person authorised in writing for the purpose of this section by a licensing authority has reason to believe that a person has committed an offence under this Part (other than an offence under section 13(3) or section 38(4)), the authorised person may, by notice, offer the person the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty to the authority.
- (2) Where a person is given a notice under this section in respect of an offence—
 - (a) no proceedings may be issued for that offence before the expiration of the period of 21 days following the date of the notice;
 - (b) the person may not be convicted of the offence if the person pays the fixed penalty before the end of that period.
- (3) A notice under this section must—
 - (a) give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information of the offence,
 - (b) state the period during which proceedings will not be taken for the offence,
 - (c) state the amount of the fixed penalty, and
 - (d) state the person to whom and the address at which the fixed penalty may be paid.
- (4) The fixed penalty payable to a licensing authority under this section is £150 unless the offence is an offence attracting an unlimited fine; in which case, the fixed penalty payable is £250.
- (5) The Welsh Ministers may amend subsection (4) by order.

Status: This is the original version (as it was originally enacted).

- (6) Payment of a fixed penalty may be made by pre-paying and posting a letter containing the amount of the penalty (in cash or otherwise) to the person mentioned in subsection (3)(d) at the address so mentioned; but this does not prevent payment by another method.
- (7) Where a letter is posted in accordance with subsection (6) payment is to be regarded as having been made at the time at which the letter would be delivered in the ordinary course of post.
- (8) In any proceedings a certificate—
- (a) which purports to be signed on behalf of a person authorised for this purpose by the licensing authority, and
 - (b) states that payment of a fixed penalty was or was not received by a date specified in the certificate,
- is evidence of the facts stated.
- (9) A licensing authority may use its fixed penalty receipts only for the purposes of its functions relating to the enforcement of this Part.
- (10) In this section, “licensing authority” means—
- (a) in the case of an offence under section 4(2), 6(4), 7(5), 9(2) or 11(3), the licensing authority for the area in which the dwelling to which the offence relates is located;
 - (b) in the case of an offence under section 16(3) or 23(3), the licensing authority to which the information to which the offence relates was provided;
 - (c) in the case of an offence under section 38(1), the licensing authority which authorised the person who gave the relevant notice;
 - (d) in the case of an offence under section 39(1) or (2), the licensing authority to which the information was supplied.
- (11) A local housing authority that is not the licensing authority for its area may, with the consent of the licensing authority for the area, exercise the functions of the licensing authority under this section concurrently with the licensing authority; but only in respect of the offences mentioned in subsection (10)(a).
- (12) And where a local housing authority exercises functions under this section by virtue of subsection (11), the references in subsections (1), (4), (8), (9) and (10)(a) to “licensing authority” are to be read as if they were references to the local housing authority.