



Housing and Planning Act 2016

2016 CHAPTER 22

PART 2

ROGUE LANDLORDS AND PROPERTY AGENTS IN ENGLAND

CHAPTER 4

RENT REPAYMENT ORDERS

Application for rent repayment order

41 Application for rent repayment order

- (1) A tenant or a local housing authority may apply to the First-tier Tribunal for a rent repayment order against a person who has committed an offence to which this Chapter applies.
- (2) A tenant may apply for a rent repayment order only if—
 - (a) the offence relates to housing that, at the time of the offence, was let to the tenant, and
 - (b) the offence was committed in the period of 12 months ending with the day on which the application is made.
- (3) A local housing authority may apply for a rent repayment order only if—
 - (a) the offence relates to housing in the authority's area, and
 - (b) the authority has complied with section 42.
- (4) In deciding whether to apply for a rent repayment order a local housing authority must have regard to any guidance given by the Secretary of State.

Commencement Information

- II** S. 41 in force at 6.4.2017 for specified purposes by S.I. 2017/281, reg. 4(a) (with reg. 5)

Status: Point in time view as at 06/04/2018.

Changes to legislation: Housing and Planning Act 2016, Cross Heading: Application for rent repayment order is up to date with all changes known to be in force on or before 07 August 2024. 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)

I2 S. 41 in force at 6.4.2018 in so far as not already in force by S.I. 2018/393, reg. 2(a)

42 Notice of intended proceedings

- (1) Before applying for a rent repayment order a local housing authority must give the landlord a notice of intended proceedings.
- (2) A notice of intended proceedings must—
 - (a) inform the landlord that the authority is proposing to apply for a rent repayment order and explain why,
 - (b) state the amount that the authority seeks to recover, and
 - (c) invite the landlord to make representations within a period specified in the notice of not less than 28 days (“the notice period”).
- (3) The authority must consider any representations made during the notice period.
- (4) The authority must wait until the notice period has ended before applying for a rent repayment order.
- (5) A notice of intended proceedings may not be given after the end of the period of 12 months beginning with the day on which the landlord committed the offence to which it relates.

Commencement Information

I3 S. 42 in force at 6.4.2017 for specified purposes by S.I. 2017/281, reg. 4(a)

I4 S. 42 in force at 6.4.2018 in so far as not already in force by S.I. 2018/393, reg. 2(a)

Status:

Point in time view as at 06/04/2018.

Changes to legislation:

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