

## SCHEDULES

### SCHEDULE 1

Section 2.

Tenant to be given notice regarding certain past matters

*Tenancies granted on or after 30 June 2011 but  
before the coming into operation of section 1*

- 1.—(1) This paragraph applies where—
- (a) a private tenancy of a dwelling-house was granted on or after 30 June 2011 but before the commencement date; and
  - (b) the dwelling-house is let under that tenancy on the commencement date.
- (2) The landlord under the tenancy must, within 28 days after the commencement date, give to the tenant a notice—
- (a) in the prescribed form, and
  - (b) containing the prescribed particulars and other prescribed information relating to the tenancy.
- (3) Where a landlord has, between the granting of the tenancy and the commencement date, given the tenant a notice that substantially meets the requirements of sub-paragraph (2), the landlord is to be regarded as having complied with that sub-paragraph.
- (4) A tenant must not be required to make a payment in respect of any notice under sub-paragraph (2).
- (5) A landlord who fails to comply with sub-paragraph (2) is guilty of an offence.

*Variation of certain terms on or after 30 June 2011  
but before the coming into operation of section 1*

- 2.—(1) This paragraph applies where—
- (a) on or after 30 June 2011 but before the commencement date, a prescribed term of a private tenancy of a dwelling-house was varied; and
  - (b) the dwelling-house is let under that tenancy on the commencement date; and it applies regardless of the date on which the tenancy was granted.
- (2) In sub-paragraph (1) “varied” includes varied by omission.

(3) The landlord under the tenancy must, within 28 days after the commencement date, give to the tenant a notice—

- (a) in the prescribed form, and
- (b) containing the prescribed particulars and other prescribed information relating to the tenancy.

(4) Where a landlord has, between the varying of the prescribed term and the commencement date, given the tenant a notice that substantially meets the requirements of sub-paragraph (3), the landlord is to be regarded as having complied with that sub-paragraph.

(5) A tenant must not be required to make a payment in respect of any notice under sub-paragraph (3).

(6) A landlord who fails to comply with sub-paragraph (3) is guilty of an offence.

*Continued failure by landlord to provide notice under  
paragraph 1 or 2 after conviction or fixed penalty*

**3.—**(1) If a landlord is convicted of an offence under paragraph 1(5) or 2(6), and the failure continues for more than 14 days after the conviction, the landlord is deemed to have committed a further offence under that sub-paragraph in respect of that failure.

(2) Sub-paragraph (3) applies where—

- (a) a landlord fails to comply with paragraph 1(2) or 2(3),
- (b) the landlord is given a fixed penalty notice under paragraph 6 in respect of an offence under paragraph 1(5) or 2(6) on the grounds of that failure, and
- (c) the landlord pays the fixed penalty stated in the notice.

(3) If the failure to comply with paragraph 1(2) or 2(3) continues for more than 14 days after the landlord pays the fixed penalty, the landlord is guilty of an offence.

*Punishment and prosecution of offences under this Schedule*

**4.** A person who is guilty of an offence under paragraph 1(5), 2(6) or 3(3) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

**5.** Proceedings for an offence under paragraph 1(5), 2(6) or 3(3) may be instituted by the appropriate district council.

*Fixed penalty notices*

**6.—**(1) This paragraph applies where on any occasion an authorised officer of a district council has reason to believe that a person (“P”) has committed—

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

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- (a) an offence under paragraph 1(5) or 2(6), except one deemed to have been committed by virtue of paragraph 3(1), or
  - (b) an offence under paragraph 3(3).
- (2) The authorised officer may give P a notice in the prescribed form offering P the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty.
- (3) A fixed penalty payable under this paragraph is payable to the district council whose officer gave the notice.
- (4) Where P is given a notice under this paragraph in respect of an offence—
- (a) no proceedings may be instituted for that offence before the expiration of the period of 14 days, or such other period as may be specified in the notice, following the date of the notice; and
  - (b) P may not be convicted of that offence if P pays the fixed penalty before the expiration of that period.
- (5) A notice under this paragraph must give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information of the offence.
- (6) A notice under this paragraph must also state—
- (a) the period during which, by virtue of sub-paragraph (4), proceedings will not be taken for the offence;
  - (b) the amount of the fixed penalty; and
  - (c) the person to whom and the address at which the fixed penalty may be paid.
- (7) The fixed penalty payable to a district council under this paragraph in respect of an offence under paragraph 1(5), 2(6) or 3(3) is an amount determined by the council, being an amount not exceeding one-fifth of the maximum fine payable on summary conviction of that offence.
- (8) In any proceedings a certificate which—
- (a) purports to be signed on behalf of the clerk of the council, 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 district council may use amounts paid to it in pursuance of notices under this paragraph only for the purposes of its functions under this paragraph or the 2006 Order, or such other of its functions as may be prescribed.
- (10) In this paragraph “authorised officer”, in relation to a district council, means an officer of the council who is authorised in writing by the council for the purposes of this paragraph.

*Supplementary and interpretation*

7. Regulations under paragraph 1, 2 or 6 are subject to negative resolution.
8. In paragraphs 1 and 2 “the commencement date” means the date on which section 1 comes into operation.
9. Any expression that is used in both this Schedule and the 2006 Order has the same meaning in this Schedule as in that Order.