

SCHEDULE

Procedure for and appeals against financial penalties

Proceeds of financial penalties

7.—(1) Where a local authority imposes a financial penalty under these Regulations, it may apply the proceeds to meet the costs and expenses (whether administrative or legal) incurred in, or associated with, carrying out any of its enforcement functions in relation to the private rented sector.

(2) Any part of any financial penalty recovered which is not to be applied in accordance with paragraph (1) must be paid into the Consolidated Fund.

(3) In sub-paragraph (1)—

“enforcement function” means, in relation to a local authority—

(a) any of its functions—

- (i) under these Regulations;
- (ii) under Parts 1 to 4 of the Housing Act 2004⁽¹⁾; or
- (iii) under Part 2 of the Housing and Planning Act 2016; or

(b) where paragraph (a) does not apply, any of its functions—

- (i) connected with an investigation of, or proceedings relating to, a contravention of the law relating to housing or landlord and tenant; or
- (ii) connected with the promotion of compliance with the law relating to housing or landlord and tenant; and

“private rented sector” means—

- (a) residential premises in England that are let, or intended to be let, under a tenancy;
- (b) the activities of a landlord under a tenancy of residential premises in England;
- (c) the activities of a person carrying on English letting agency work in relation to such premises; or
- (d) the activities of a person carrying on English property management work in relation to such premises,

and for the purpose of this definition “residential premises” has the meaning given by section 1 of the Housing Act 2004 except that it does not include social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008⁽²⁾.

(1) 2004 c. 34.

(2) 2008 c. 17.