

Enforcement of landlord housing offences



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Financial penalties under the Housing Act 2004

In March 2017, through the Housing and Planning Act 2016 - Schedule 9, the Government introduced amendments to the Housing Act 2004, including the ability to apply a financial penalty as an alternative to prosecution.

Local authorities are now able to impose financial penalties, under Section 249a of the Housing Act 2004, on a person if satisfied beyond reasonable doubt that the person's conduct amounts to a relevant housing offence in respect of premises in England.

These fall into five categories:

- Section 30 (failure to comply with improvement notice)
- Section 72 (licensing of HMOs) (houses in multiple occupation)
- Section 95 (licensing of houses under Part 3)
- Section 139(7) (failure to comply with overcrowding notice)
- Section 234 (management regulations in respect of HMOs)

Generating a financial penalty

The amount of a financial penalty imposed under this section is to be determined by the local housing authority and can be up to £30,000.

A local authority officer will generate a civil penalty, which is recovered as a debt and transferred into a money judgment.

The debtor will be required to satisfy payment of the monetary value of the penalty.

Successfully recovering the debt

As this is a money judgment, we can assist you in recovering these types of debts.

We are already dealing with these types of cases for other local authorities who have obtained their judgments, and we have the procedures in place to transfer these to enforcement, removing the need for your staff to undertake the transfer process.

The enforcement process

Once the local authority has processed this penalty through the County Court and obtained a money judgment, all you need to do is email the judgment to **client@thesheriffsoffice.com** or call us on **0333 001 5100**.

We will then transfer the debt up to the High Court for enforcement and obtain a writ of control.

Once the High Court writ has been issued, we will send the notice of enforcement to the debtor.

For debtors who do not pay or refuse to pay, we will instruct one of our salaried enforcement agents to visit the debtor and enforce the writ for payment in full or to negotiate a payment plan.

Enforcement fees

There is a £66 court fee to transfer the judgment to the High Court. This is recoverable, along with subsequent enforcement fees, from the debtor.

Should enforcement not be successful, there is a compliance fee of £75 plus VAT payable by the claimant.

If you would like to find out more, contact us today

0333 001 5100

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