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Civil Penalties and the Enforcement

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The RRA moves away from criminal prosecution and towards a civil penalty-led enforcement model.

This is likely to mean quicker action taken and more cases of enforcement than before the RRA

Enforcement of the new measures relates to two categories of misconduct by a landlord. These are:

1. Breaches and
2. Offences – these are more serious than breaches or can be repeated breaches

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/2

Councils will have huge new investigatory powers including:

- The power to enter business premises without a warrant and to
- Require the production or allow the seizure of documents

For the majority, but not all of the breaches and offences where civil penalties can be issued decisions will be based on the balance of probabilities evidence test, meaning is it more likely than not that the breach or offence took place

What are the breaches?

Breaches allow the council to fine landlords, agents, or anyone acting on their behalf up to £7,000. Examples are:

- Claim to let the property on a fixed-term tenancy instead of a rolling tenancy, for example, by adding an end date
- Ending a tenancy verbally
- Fail to give a tenant written notice that a specified ground might be used where this is required by law
- Fail to give a written statement of terms containing the information required by regulations
- Practicing rental discrimination
- Fail to give existing tenants a copy of the Government published 'information sheet' before 1 June 2026.
- Use a possession ground in a section 8 notice when they do not reasonably believe that a possession order will be granted by the court on that ground

What are offences?

Landlords, or those acting on their behalf, can be given a financial penalty of up to £40,000 as an alternative to prosecution if they are found to have:

- Relet or remarketed a property within the 12 month no relet and remarketing 'restricted period' after using statutory grounds for possession 1 or 1A, unless they took all reasonable steps not to or an exception applies
- Knowingly used a ground for possession despite knowing that a court would not order possession on it, or being reckless about that, resulting in the tenant leaving within 4 months without an order for possession being made
- Committed a breach within 5 years of a previous offence
- Committed a breach within 5 years of receiving a financial penalty for a previous breach that has not been withdrawn
- Continued to commit a breach for more than 28 days after receiving a financial penalty for that breach that has not been withdrawn and is not the subject of an ongoing appeal

Issuing a civil penalty process

1. The council need to give the landlord notice that they will be issuing a civil penalty fine.
2. The landlord then has 28 days from the day after the notice is issued to make written representations.
3. After considering these the council must decide whether to issue a 'final notice' requiring the fine to be paid or not.
4. Landlords, agents, or those acting on their behalf, can appeal the final notice to the First-tier Tribunal against either:
 - The decision to issue the fine
 - The amount of the fine
5. They must appeal within 28 days from the day the final notice is issued