

Annex A

Existing Offences/infractions list

The descriptions are not intended to be comprehensive. For further information on banning orders and banning order offences please see the guidance [here](#). For more detailed explanations please see the relevant legislation. For all offences and infractions within the list, a link is required between the offences and the tenant/housing, where the offence is not obviously housing-related.

Reason for Inclusion	Description	Legislation
Currently entries can only be made for convictions for banning order offences, 2 or more civil penalties or where a banning order has been imposed. Banning order offences are listed below.		
Violence for securing entry	Landlord or agent using or threatening violence for the purpose of securing entry into any premises. Regardless of if the violence was directed towards a person or the property and regardless of if the violence was for the purpose of acquiring possession of the premises.	Criminal Law Act 1977
Gas safety offences	Failing to carry out an annual gas safety check and providing a tenant with a copy of the certificate.	Health and Safety at Work Act 1974 (Contravening regulation 36 of Gas Safety (installation and use) regulations 1998)
Landlords and agents not complying with right to rent	Landlord or agent authorises a person who does not have the “right to rent” to occupy a property under a residential tenancy agreement.	Immigration Act 2014
Specified violent and sexual offences	This can include: <ul style="list-style-type: none"> • Manslaughter; • Kidnapping; • false imprisonment; • threats to kill; • Rape; • Keeping a brothel used for prostitution; • Trafficking for sexual exploitation; <p>A full list of offences can be found at the following link https://www.legislation.gov.uk/ukpga/2003/44/schedule/15</p>	Criminal Justice Act 2003 [Part 12, chapter 5 and schedule 15 parts 1 Specified Violent Offences and part 2 specified sexual offences]
Occupiers permitting certain activities to take place there	A landlord or agent knowingly permits the: <ul style="list-style-type: none"> • production or attempted production of a controlled drug; 	Misuse of drugs Act 1971

	<ul style="list-style-type: none"> • Supplying of a controlled drug to another; • Preparation or taking of a controlled drug. 	
Concealing criminal property	A landlord or agent conceals or transfers criminal property. This includes concealing or disguising its nature, source, location, disposition, movement or ownership.	Proceeds of Crime Act 2002
Offence of harassment; offence of stalking	A landlord or agent is found guilty of harassment or stalking.	Protection from Harassment Act 1997
Breach of criminal behaviour order; failure to comply with a community protection notice.	A landlord or agent is in breach of a criminal behaviour order if: <ul style="list-style-type: none"> • they do anything prohibited by a criminal behaviour order; • or fails to do anything that is required by the criminal behaviour order. 	Anti-social Behaviour Crime & Policing Act 2014
Destroying or damaging property	A landlord or agent without lawful excuse destroys or damages or makes a threat to damage a property belonging to another or by being reckless destroys or damages a property	Criminal Damage Act 1971 s1, s2, s4
Theft; burglary; blackmail; handling stolen goods.	A landlord or agent who has been convicted of theft; burglary; blackmail or handling stolen goods.	Theft Act 1968
Unlawful eviction and harassment of the occupier	A landlord or agent illegally evicts or harasses a tenant during the course of their tenancy.	Protection from Eviction Act 1977
Fire safety offences, Enforcement notices; Prohibition notices	A landlord or agent fails to comply with fire safety duties. <ul style="list-style-type: none"> • And enforcement notice may be served by enforcing authority specifying the provisions that have not been complied with and remediation required. • A prohibition notice may be served by an enforcement authority to prohibit or restrict the use of the premises as it is considered there will be serious risk to individuals that utilize the premises. 	Regulatory Reform (Fire Safety) Order 2005
Fraud	A person who has committed an act of fraud which includes: false representation, failure to disclose information and an abuse of position.	Fraud Act 2006
Fraud & Participating in fraudulent business carried on by sole trader	A landlord or agent who knowingly takes part in business that is intent to defraud creditors or for any other fraudulent purpose	Fraud Act 2006
Failing to comply with improvement notice	A landlord or agent fails to comply with an improvement notice that has been issued but an LHA.	Housing Act 2004 (S.30)
Owner or individual responsible for a premises served a prohibition order by a local authority	A local authority serves a prohibition order to a premises preventing the premises to be occupied as it is considered the premises has serious defects which are considered a health and safety concern to current/future occupiers.	Housing Act 2004

Permitting the number of occupants in an HMO to be above the authorized number.	A landlord or agent knowingly allows a property to be occupied above the number of persons or households as specified in the licence.	Housing Act 2004
Offences in relation to licensing of houses under this Part 3 Failure to apply for licence in a designated selective licensed area and the non-compliance with requirements set out within this area.	A landlord or agent fails to comply with any of the conditions of the licence.	Housing Act 2004