

CITY OF YORK COUNCIL

Housing Act 2004, Section 168

**BREACH OF DUTY UNDER PART 5 OF THE HOUSING ACT 2004
(HOME INFORMATION PACKS)**

DETAILS

Name

Address

DECLARATION AND CIRCUMSTANCES

I, (Name of enforcement officer) an authorised officer of (name of enforcement authority) believe that you have committed a breach of the following duty/duties under Part 5 of the Housing Act 2004.

- A failure to have a home information pack which complies with requirements of regulations made under section 163 of the Housing Act 2004
- A failure to provide a copy of the home information pack on request
- A failure to comply with the duty to ensure authenticity of documents
- A failure to comply with the “other duties of person acting as an estate agent” in section 159 of the Housing Act 2004
- A failure to comply with the duty to belong to an approved redress scheme

Details of Breach

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WHAT THIS NOTICE REQUIRES YOU TO DO

This notice requires you to carry out one of the following actions within the period of 29 days of the date given below and ending on (insert date).

- A.** - Pay the fixed penalty charge of £200; or
- B.** - Give notice to this authority that you wish the notice to be reviewed (see reverse of this notice)

SIGNATURE OF AUTHORISED OFFICER AND DATE OF THIS NOTICE

Signature of authorised Officer.....Date.....

1. HOW THE PENALTY CHARGE MAY BE PAID

To be paid to: The penalty charge should be paid to (insert name and address of authority).

Address: Payment may be provided in person within the hours of [insert times] Monday to Friday (excluding bank holidays etc) or by post to that office.

Method of payment: Payment may be made by:

- cheque (payable to (insert name of council));
- cash (please do not send cash by post);
- postal order;
- credit card/switch.

Note: Payments in cash should not be sent by post but may be made at [address] within the hours of [insert times] Monday to Friday (excluding bank holidays etc).

2. WHAT YOU SHOULD DO IF YOU WOULD LIKE THE COUNCIL TO REVIEW THIS NOTICE

Please give us notice by writing to [name/department] at [address/email]

Please include an explanation of why the review is being requested. We will withdraw the penalty charge notice if we are satisfied that:

- (a) you did not commit the breach specified in the notice;
- (b) this notice was not issued within six months of the date (or last date) on which the breach occurred or is not valid under Schedule 8 of the Housing Act 2004;
- (c) that in the circumstances of the case it was not appropriate for a penalty charge notice to be given.

3. WHAT YOU SHOULD EXPECT AFTER A REVIEW

We will consider any representations you make and the circumstances of the alleged breach and will decide whether to confirm or withdraw this notice. We will notify you of our decision in writing. If we confirm the penalty charge, you may then appeal to the county court within the period of 28 days from the day after the date of our confirmation. An appeal to the county court must be on one or more of the grounds listed in section 2(a), (b) or (c).

4. IF YOU DO NOT PAY THE PENALTY CHARGE FOLLOWING AN UNSUCCESSFUL REVIEW OR APPEAL

Unless we withdraw this notice, or a court quashes it, or you have already paid the charge required, we can start debt recovery proceedings against you through the County Court.

These proceedings cannot be started any earlier than:

- (a) the end of the period allowed for the payment of the charge; or
- (b) 28 days from the day after we confirm the penalty charge after the review (where requested); or
- (c) where you appeal to the county court following a review, before the end of the period of 28 days from the day on which the appeal is either withdrawn or determined.

Important Note: All breaches of the Home Information Pack duties must be referred to the Office of Fair Trading (OFT) and may result in a banning order under the Estate Agents Act 1979.