

### **Section 34 of the Housing (Miscellaneous Provisions) Act 1992 - Penalties**

Section 34 of the Housing (Miscellaneous Provisions) Act 1992 as amended by the Housing (Miscellaneous Provisions) Act 2009 which states: -

34. (1) *Any person who—*

*(a) by act or omission, obstructs an authorised person in the lawful exercise of the powers conferred by, or contravenes a provision of, or a regulation made under, section 17, 18 or 20, or*

*(b) fails to comply with an improvement notice, or*

*(c) re-lets a house in breach of a prohibition notice, shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding \5,000 or imprisonment for a term not exceeding 6 months or both and if the obstruction, contravention, failure to comply or re-letting is continued after conviction the person shall be guilty of a further offence on every day on which the obstruction, contravention, failure to comply or re-letting continues and for each such offence shall be liable, on summary conviction, to a fine not exceeding \400.”.*

*(2) Notwithstanding section 10(4) of the Petty Sessions (Ireland) Act, 1851, proceedings for an offence under this section may be instituted at any time within two years after the date of the offence.*

*(3) Where a person is convicted of an offence under this Act, the court shall, unless it is satisfied that there are special and substantial reasons for not doing so, order the person to pay to the housing authority, the costs and expenses, measured by the court, incurred by the housing authority in relation to the investigation, detection and prosecution of the offence.*