



# Housing Act 2004

## 2004 CHAPTER 34

### PART 7

#### SUPPLEMENTARY AND FINAL PROVISIONS

#### *[<sup>F1</sup>First-tier Tribunal and Upper Tribunal*

#### Textual Amendments

**F1** Ss. 231A-231D inserted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 176](#) (with Sch. 3)

#### **231A. Additional Powers of First-tier Tribunal and Upper Tribunal**

- (1) The First-tier Tribunal and Upper Tribunal exercising any jurisdiction conferred by or under [<sup>F2</sup>the Caravan Sites and Control of Development Act 1960,] the Mobile Homes Act 1983, the Housing Act 1985 or this Act has, in addition to any specific powers exercisable by them in exercising that jurisdiction, the general power mentioned in subsection (2).
- (2) The tribunal's general power is a power to give such directions as the tribunal considers necessary or desirable for securing the just, expeditious and economical disposal of the proceedings or any issue in or in connection with them.
- (3) When exercising jurisdiction under this Act, the directions which may be given by the tribunal under its general power include (where appropriate)—
  - (a) directions requiring a licence to be granted under Part 2 or 3 of this Act;
  - (b) directions requiring any licence so granted to contain such terms as are specified in the directions;
  - (c) directions requiring any order made under Part 4 of this Act to contain such terms as are so specified;
  - (d) directions that any building or part of a building so specified is to be treated as if an HMO declaration had been served in respect of it on such date as is so

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specified (and such a direction is to be an excluded decision for the purposes of section 11(1) and 13(1) of the Tribunals, Courts and Enforcement Act 2007);

- (e) directions requiring the payment of money by one party to the proceedings to another by way of compensation, damages or otherwise.

[ When exercising jurisdiction under the Caravan Sites and Control of Development Act 1960, the directions which may be given by a tribunal under its general power include (where appropriate) directions requiring the payment of money by one party to the proceedings to another by way of compensation, damages or otherwise.]

(4) When exercising jurisdiction under the Mobile Homes Act 1983, the directions which may be given by the tribunal under its general power include (where appropriate)—

- (a) directions requiring the payment of money by one party to the proceedings to another by way of compensation, damages or otherwise;
- (b) directions requiring the arrears of pitch fees or the recovery of overpayments of pitch fees to be paid in such manner and by such date as may be specified in the directions;
- (c) directions requiring cleaning, repairs, restoration, re-positioning or other works to be carried out in connection with a mobile home, pitch or protected site in such manner as may be specified in the directions;
- (d) directions requiring the establishment, provision or maintenance of any service or amenity in connection with a mobile home, pitch or protected site in such manner as may be specified in the directions.

(5) In subsection (4)—

“mobile home” and “protected site” have the same meaning as in the Mobile Homes Act 1983 (see section 5 of that Act);

“pitch” has the meaning given by paragraph 1(4) of Chapter 1 of Part 1 of Schedule 1 to that Act;

“pitch fee” has the meaning given in paragraph 29 of Chapter 2, paragraph 13 of Chapter 3, or paragraph 27 of Chapter 4, of Part 1 of Schedule 1 to that Act, as the case may be.

#### Textual Amendments

**F2** Words in s. 231A(1) inserted (18.7.2014) by [The Transfer of Tribunal Functions \(Mobile Homes Act 2013 and Miscellaneous Amendments\) Order 2014 \(S.I. 2014/1900\)](#), art. 1, **Sch. 1 para. 13(a)**

**F3** S. 231A(3A) inserted (18.7.2014) by [The Transfer of Tribunal Functions \(Mobile Homes Act 2013 and Miscellaneous Amendments\) Order 2014 \(S.I. 2014/1900\)](#), art. 1, **Sch. 1 para. 13(b)**

### 231B. Transfer from court to First-tier Tribunal

(1) Where, in any proceedings before a court, there falls for determination a question which the First-tier Tribunal or the Upper Tribunal would have jurisdiction to determine on an appeal or application to the tribunal in connection with the Mobile Homes Act 1983, the Housing Act 1985 or this Act, the court—

- (a) may by order transfer to the First-tier Tribunal so much of the proceedings as relate to the determination of that question;
- (b) may then dispose of all or any remaining proceedings pending the determination of that question by the First-tier Tribunal or the Upper Tribunal, as it thinks fit.

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- (2) Where the First-tier Tribunal or the Upper Tribunal has determined the question, the court may give effect to the determination in an order of the court.
- (3) Rules of court may prescribe the procedure to be followed in a court in connection with or in consequence of a transfer under this section
- (4) Nothing in this Act [<sup>F4</sup>, in the Caravan Sites and Control of Development Act 1960] or in the Mobile Homes Act 1983 affects any power of a court to make an order that could be made by the tribunal (such as an order quashing a licence granted or order made by a local housing authority) in a case where—
  - (a) the court has not made a transfer under this paragraph, and
  - (b) the order is made by the court in connection with disposing of any proceedings before it.

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**Textual Amendments**

- F4** Words in s. 231B(4) inserted (18.7.2014) by [The Transfer of Tribunal Functions \(Mobile Homes Act 2013 and Miscellaneous Amendments\) Order 2014 \(S.I. 2014/1900\)](#), art. 1, **Sch. 1 para. 14**

### **231C. Appeals from the First-tier Tribunal**

- (1) A person aggrieved by a decision of the First-tier Tribunal made under or in connection with—
  - [<sup>F5</sup>(za) the Caravan Sites and Control of Development Act 1960,]
  - (a) the Mobile Homes Act 1983,
  - (b) the Housing Act 1985 (other than one made under paragraph 11 of Schedule 5 to that Act), or
  - (c) this Act,may appeal to the Upper Tribunal.
- (2) An appeal may not be brought under subsection (1) in relation to a decision on a point of law (as to which see instead section 11 of the Tribunals, Courts and Enforcement Act 2007 (right of appeal to Upper Tribunal)).
- (3) An appeal may not be brought under subsection (1) if the decision is set aside under section 9 of the Tribunals, Courts and Enforcement Act 2007 (review of decision of First-tier Tribunal).
- (4) An appeal may be brought under subsection (1) only if, on an application made by the person concerned, the First-tier Tribunal or Upper Tribunal has given its permission for the appeal to be brought.
- (5) In any case where the Upper Tribunal is determining an appeal under subsection (1), section 12(2) to (4) of the Tribunals, Courts and Enforcement Act 2007 (proceedings on appeal to the Upper Tribunal) apply.

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**Textual Amendments**

- F5** S. 231C(1)(za) inserted (18.7.2014) by [The Transfer of Tribunal Functions \(Mobile Homes Act 2013 and Miscellaneous Amendments\) Order 2014 \(S.I. 2014/1900\)](#), art. 1, **Sch. 1 para. 15**

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### **231D. Enforcement**

Any decision of the First-tier Tribunal or Upper Tribunal under or in connection with [<sup>F6</sup>the Caravan Sites and Control of Development Act 1960,] the Mobile Homes Act 1983, the Housing Act 1985 or this Act, other than a decision ordering the payment of a sum (as to which see section 27 (enforcement) of the Tribunals, Courts and Enforcement Act 2007), is to be enforceable with the permission of a county court in the same way as orders of such a court.]

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#### **Textual Amendments**

**F6** Words in s. 231D inserted (18.7.2014) by [The Transfer of Tribunal Functions \(Mobile Homes Act 2013 and Miscellaneous Amendments\) Order 2014 \(S.I. 2014/1900\)](#), art. 1, [Sch. 1 para. 16](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act savings and transitional provisions for amendments by S.I. 2022/1166 by [S.I. 2022/1172 Regulations](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 66(1A) inserted by [2016 c. 22 s. 125\(3\)\(a\)](#)
- s. 66(3A)(3B) inserted by [2016 c. 22 s. 125\(3\)\(c\)](#)
- s. 89(1A) inserted by [2016 c. 22 s. 125\(6\)\(a\)](#)
- s. 89(3A)(3B) inserted by [2016 c. 22 s. 125\(6\)\(c\)](#)
- s. 139(7A)(7B) inserted by [2016 c. 22 s. 127\(3\)](#)