

STATUTORY INSTRUMENTS

2013 No. 1169

**The Tribunal Procedure (First-tier
Tribunal) (Property Chamber) Rules 2013**

PART 5

Special procedures

CHAPTER 3

Residential property cases: urgent cases, interim orders, etc

Urgent IMO authorisation applications

44.—(1) This rule applies when a local housing authority makes an urgent IMO authorisation application.

(2) If it appears to the Tribunal, on the basis of information accompanying the application that the exceptional circumstances mentioned in paragraph (3) exist, it must order that an urgent hearing be held and must follow the procedure set out in rule 46.

(3) The exceptional circumstances are that—

- (a) there is an immediate threat to the health and safety of the occupiers of the house or to persons occupying or having an estate or interest in any premises in the vicinity of the house; and
- (b) by making the IMO as soon as possible (together where applicable with such other measures as the local housing authority intends to take) the local housing authority will be able to take immediate appropriate steps to arrest or significantly reduce the threat.

Urgent sale or gift of a mobile home applications

^{F1}**45.**

Textual Amendments

F1 Rule 45 omitted (1.9.2014) by virtue of [The Tribunal Procedure \(Amendment No. 3\) Rules 2014 \(S.I. 2014/2128\)](#), [rules 1\(a\)](#), [31](#)

Procedure in urgent cases

46.—(1) In cases to which this rule applies, the Tribunal must as soon as practicable notify the parties and each interested person whose name and address have been notified to it—

- (a) that the application is to be dealt with as a matter of urgency;
- (b) why it appears to the Tribunal that the exceptional circumstances exist;
- (c) of any requirement to be satisfied by a party before the hearing; and

(d) the date on which the hearing will be held.

(2) The date of the hearing must be not more than 10 days after the date that notification of the hearing is sent.

(3) At the hearing the Tribunal may, if it is not satisfied that the exceptional circumstances exist, adjourn the hearing and give such directions as it considers appropriate.

Interim orders

47.—(1) This rule applies where an enactment relating to a residential property case allows the Tribunal to make an interim order—

- (a) suspending, in whole or in part, the effect of any decision, notice, order or licence which is the subject matter of proceedings before it; or
- (b) for the time being granting any remedy which it would have had power to grant in its final decision.

(2) The Tribunal must provide notice of the order to each party as soon as reasonably practicable after making an interim order and, except in the case of an order made with the consent of all parties, giving reasons for the order.

(3) A party may request that the interim order be varied or set aside, if the Tribunal has made an interim order without first giving the parties the opportunity to make representations.

(4) Any such request may be made—

- (a) orally at a hearing;
- (b) in writing; or
- (c) by such other means as the Tribunal may permit.

(5) This rule does not apply to an application for an urgent IMO authorisation ^{F2}...

Textual Amendments

F2 Words in rule 47(5) omitted (1.9.2014) by virtue of [The Tribunal Procedure \(Amendment No. 3\) Rules 2014 \(S.I. 2014/2128\)](#), rules 1(a), **32**

Detrimental effect of mobile homes on the amenity of the site applications

48.—(1) This rule applies if a site owner applies for a determination under paragraph 5A(2)(a) of Chapter 2, or paragraph 6(1)(a) of Chapter 4, of Part 1 of Schedule 1 to the 1983 Act that, having regard to its condition, the mobile home is having a detrimental effect on the amenity of the site.

(2) If, at a hearing, it appears to the Tribunal that the mobile home is having a detrimental effect on the amenity of the site, but that if certain repairs to the mobile home were carried out, the mobile home would cease to have such a detrimental effect, it must—

- (a) inform the site owner and the occupier of the repairs which should be carried out;
- (b) invite both the occupier of the mobile home and the site owner to provide information in relation to those repairs as to—
 - (i) the time needed to carry them out; and
 - (ii) the cost of carrying them out; and
- (c) invite the occupier of the mobile home to indicate whether or not the occupier would be willing to carry out those repairs.

(3) The Tribunal, having regard to information given under paragraph (2)(b) and (c) must either—

- (a) make a determination under paragraph 5A(2)(a) of Chapter 2, or paragraph 6(1)(a) of Chapter 4, of Part 1 of Schedule 1 to the 1983 Act; or
 - (b) if paragraph 5A(4) of Chapter 2, or paragraph 6(2) of Chapter 4, of Part 1 of that Schedule applies, make an interim order requiring the occupier of the mobile home to carry out such repairs within such time as the Tribunal considers reasonable.
- (4) Upon making an interim order under paragraph (3)(b), the Tribunal must adjourn the hearing and set a further hearing date for within 7 days from the date by which the specified repairs must be carried out.
- (5) The Tribunal must request each of the site owner and the occupier to state, no later than 4 days before the date of the further hearing, whether (in their opinion) the specified repairs have been completed.
- (6) When setting a further hearing date under paragraph (4), the Tribunal must—
- (a) give the parties not less than 14 days' notice of the hearing date; and
 - (b) invite both the site owner and the occupier to indicate, no later than 4 days before the date of the hearing, whether in their opinion the repairs described in the order have been completed.
- (7) At the further hearing—
- (a) if the Tribunal has received notification from each of the occupier and the site owner that the repairs ordered under paragraph (3)(b) have been completed, it must dismiss the application;
 - (b) if the Tribunal has not received such notification it must request the parties present to make representations as to the extent of repairs left to be carried out and the time needed to carry them out; and
 - (c) having considered any such representations, it must either make a further interim order under paragraph (3)(b) or make a determination under paragraph 5A(2)(a) of Chapter 2, or paragraph 6(1)(a) of Chapter 4, of Part 1 of Schedule 1 to the 1983 Act.
- (8) If, before the date of the further hearing, the Tribunal is satisfied that the repairs have been completed, the Tribunal may dispense with the need for a further hearing and may dismiss the application.

Changes to legislation:

There are currently no known outstanding effects for the The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013, CHAPTER 3.