



# Housing Act 1996

## 1996 CHAPTER 52

### PART VII

#### HOMELESSNESS

##### *Right to request review of decision*

#### **202 Right to request review of decision.**

- (1) An applicant has the right to request a review of—
  - (a) any decision of a local housing authority as to his eligibility for assistance,
  - (b) any decision of a local housing authority as to what duty (if any) is owed to him under sections 190 to 193 and 195 to 197 (duties to persons found to be homeless or threatened with homelessness),
  - (c) any decision of a local housing authority to notify another authority under section 198(1) (referral of cases),
  - (d) any decision under section 198(5) whether the conditions are met for the referral of his case,
  - (e) any decision under section 200(3) or (4) (decision as to duty owed to applicant whose case is considered for referral or referred), or
  - (f) any decision of a local housing authority as to the suitability of accommodation offered to him in discharge of their duty under any of the provisions mentioned in paragraph (b) or (e).
- (2) There is no right to request a review of the decision reached on an earlier review.
- (3) A request for review must be made before the end of the period of 21 days beginning with the day on which he is notified of the authority's decision or such longer period as the authority may in writing allow.
- (4) On a request being duly made to them, the authority or authorities concerned shall review their decision.

*Status: Point in time view as at 01/09/1997. This version of this cross heading contains provisions that are not valid for this point in time.*

*Changes to legislation: Housing Act 1996, Cross Heading: Right to request review of decision is up to date with all changes known to be in force on or before 15 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

**Modifications etc. (not altering text)**

**C1** Ss. 183-218 modified (3.4.1997) by S.I. 1997/797, **art. 2(1)**

**203 Procedure on a review.**

- (1) The Secretary of State may make provision by regulations as to the procedure to be followed in connection with a review under section 202.

Nothing in the following provisions affects the generality of this power.

- (2) Provision may be made by regulations—
- (a) requiring the decision on review to be made by a person of appropriate seniority who was not involved in the original decision, and
  - (b) as to the circumstances in which the applicant is entitled to an oral hearing, and whether and by whom he may be represented at such a hearing.
- (3) The authority, or as the case may be either of the authorities, concerned shall notify the applicant of the decision on the review.
- (4) If the decision is—
- (a) to confirm the original decision on any issue against the interests of the applicant, or
  - (b) to confirm a previous decision—
    - (i) to notify another authority under section 198 (referral of cases), or
    - (ii) that the conditions are met for the referral of his case,
 they shall also notify him of the reasons for the decision.
- (5) In any case they shall inform the applicant of his right to appeal to a county court on a point of law, and of the period within which such an appeal must be made (see section 204).
- (6) Notice of the decision shall not be treated as given unless and until subsection (5), and where applicable subsection (4), is complied with.
- (7) Provision may be made by regulations as to the period within which the review must be carried out and notice given of the decision.
- (8) Notice required to be given to a person under this section shall be given in writing and, if not received by him, shall be treated as having been given if it is made available at the authority's office for a reasonable period for collection by him or on his behalf.

**Modifications etc. (not altering text)**

**C2** Ss. 183-218 modified (3.4.1997) by S.I. 1997/797, **art. 2(1)**

**Commencement Information**

**II** S. 203 wholly in force 20.1.1997: s. 203 not in force at Royal Assent, see s. 232(1)-(3); s. 203(1)(2)(7) in force at 1.10.1996 by S.I. 1996/2402, **art. 3** (with transitional provisions and savings in the **Sch.**); s. 203 in force at 20.1.1997 to the extent it is not already in force by S.I. 1996/2959, **art. 2**

*Status: Point in time view as at 01/09/1997. This version of this cross heading contains provisions that are not valid for this point in time.*

*Changes to legislation: Housing Act 1996, Cross Heading: Right to request review of decision is up to date with all changes known to be in force on or before 15 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## **204 Right of appeal to county court on point of law.**

- (1) If an applicant who has requested a review under section 202—
  - (a) is dissatisfied with the decision on the review, or
  - (b) is not notified of the decision on the review within the time prescribed under section 203,he may appeal to the county court on any point of law arising from the decision or, as the case may be, the original decision.
- (2) An appeal must be brought within 21 days of his being notified of the decision or, as the case may be, of the date on which he should have been notified of a decision on review.
- (3) On appeal the court may make such order confirming, quashing or varying the decision as it thinks fit.
- (4) Where the authority were under a duty under section 188, 190 or 200 to secure that accommodation is available for the applicant's occupation, they may continue to secure that accommodation is so available—
  - (a) during the period for appealing under this section against the authority's decision, and
  - (b) if an appeal is brought, until the appeal (and any further appeal) is finally determined.

### **Modifications etc. (not altering text)**

**C3** Ss. 183-218 modified (3.4.1997) by S.I. 1997/797, art. 2(1)

VALID FROM 30/09/2002

### **[<sup>F1</sup>204A Section 204(4): appeals**

- (1) This section applies where an applicant has the right to appeal to the county court against a local housing authority's decision on a review.
- (2) If the applicant is dissatisfied with a decision by the authority—
  - (a) not to exercise their power under section 204(4) (“the section 204(4) power”) in his case;
  - (b) to exercise that power for a limited period ending before the final determination by the county court of his appeal under section 204(1) (“the main appeal”); or
  - (c) to cease exercising that power before that time,he may appeal to the county court against the decision.
- (3) An appeal under this section may not be brought after the final determination by the county court of the main appeal.
- (4) On an appeal under this section the court—
  - (a) may order the authority to secure that accommodation is available for the applicant's occupation until the determination of the appeal (or such earlier time as the court may specify); and

*Status: Point in time view as at 01/09/1997. This version of this cross heading contains provisions that are not valid for this point in time.*

*Changes to legislation: Housing Act 1996, Cross Heading: Right to request review of decision is up to date with all changes known to be in force on or before 15 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (b) shall confirm or quash the decision appealed against, and in considering whether to confirm or quash the decision the court shall apply the principles applied by the High Court on an application for judicial review.
- (5) If the court quashes the decision it may order the authority to exercise the section 204(4) power in the applicant’s case for such period as may be specified in the order.
- (6) An order under subsection (5)—
- (a) may only be made if the court is satisfied that failure to exercise the section 204(4) power in accordance with the order would substantially prejudice the applicant’s ability to pursue the main appeal;
  - (b) may not specify any period ending after the final determination by the county court of the main appeal.]

#### Textual Amendments

- F1** S. 204A inserted (30.9.2002) by 2002 c. 7, s. 11 (with s. 20(4)); S.I. 2002/1736, art. 2(1), **Sch. Pt. 1**; S.I. 2002/2324, **art. 3** (subject to transitional provisions in art. 4)

**Status:**

Point in time view as at 01/09/1997. This version of this cross heading contains provisions that are not valid for this point in time.

**Changes to legislation:**

Housing Act 1996, Cross Heading: Right to request review of decision is up to date with all changes known to be in force on or before 15 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.