



Housing Act 2004

2004 CHAPTER 34

PART 1

HOUSING CONDITIONS

CHAPTER 3

EMERGENCY MEASURES

Appeals

45 Appeals relating to emergency measures

- (1) A person on whom a notice under section 41 has been served in connection with the taking of emergency remedial action under section 40 may appeal to a residential property tribunal against the decision of the local housing authority to take that action.
- (2) A relevant person may appeal to a residential property tribunal against an emergency prohibition order.
- (3) An appeal under subsection (1) or (2) must be made within the period of 28 days beginning with—
 - (a) the date specified in the notice under section 41 as the date when the emergency remedial action was (or was to be) started, or
 - (b) the date specified in the emergency prohibition order as the date on which the order was made,as the case may be.
- (4) A residential property tribunal may allow an appeal to be made to it after the end of that period if it is satisfied that there is a good reason for the failure to appeal before the end of that period (and for any delay since then in applying for permission to appeal out of time).

Status: Point in time view as at 06/04/2006.

Changes to legislation: Housing Act 2004, Cross Heading: Appeals is up to date with all changes known to be in force on or before 03 July 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)

- (5) An appeal under subsection (1) or (2)—
- (a) is to be by way of a re-hearing, but
 - (b) may be determined having regard to matters of which the authority were unaware.
- (6) The tribunal may—
- (a) in the case of an appeal under subsection (1), confirm, reverse or vary the decision of the authority;
 - (b) in the case of an appeal under subsection (2), confirm or vary the emergency prohibition order or make an order revoking it as from a date specified in that order.
- (7) Paragraph 16 of Schedule 2 applies for the purpose of identifying who is a relevant person for the purposes of subsection (2) in relation to an emergency prohibition order as it applies for the purpose of identifying who is a relevant person for the purposes of Part 3 of that Schedule in relation to a prohibition order.

Commencement Information

- II** S. 45 wholly in force at 16.6.2006; s. 45 not in force at Royal Assent see s. 270(4)(5); s. 45 in force for E. at 6.4.2006 by S. I. 2006/1060, art. 2(1)(a) (with Sch.); s. 45 in force for W. at 16.6.2006 by S. I. 2006/1535, art. 2(a) (with Sch.)

Status:

Point in time view as at 06/04/2006.

Changes to legislation:

Housing Act 2004, Cross Heading: Appeals is up to date with all changes known to be in force on or before 03 July 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.