

Status: Point in time view as at 01/06/2009.

Changes to legislation: Housing Act 2004, Paragraph 33 is up to date with all changes known to be in force on or before 10 June 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)

SCHEDULES

SCHEDULE 7

FURTHER PROVISIONS REGARDING EMPTY DWELLING MANAGEMENT ORDERS

PART 4

APPEALS

“The operative time” for the purposes of paragraphs 6, 7, 15 and 16

- 33 (1) This paragraph defines “the operative time” for the purposes of—
- (a) paragraph 6(2) or 7(3) (variation or revocation of interim EDMO), or
 - (b) paragraph 15(2) or 16(3) (variation or revocation of final EDMO).
- (2) If no appeal is made under paragraph 30 before the end of the period of 28 days mentioned in paragraph 31(2), “the operative time” is the end of that period.
- (3) If an appeal is made under paragraph 30 before the end of that period, and a decision is given on the appeal which confirms the variation or revocation, “the operative time” is as follows—
- (a) if the period within which an appeal to the [F1Upper Tribunal] may be brought expires without such an appeal having been brought, “the operative time” is the end of that period;
 - (b) if an appeal to the [F1Upper Tribunal] is brought, “the operative time” is the time when a decision is given on the appeal which confirms the variation or revocation.
- (4) For the purposes of sub-paragraph (3)—
- (a) the withdrawal of an appeal has the same effect as a decision which confirms the variation or revocation appealed against; and
 - (b) references to a decision which confirms a variation are to a decision which confirms it with or without variation.

Textual Amendments

- F1** Words in Sch. 7 para. 33(3)(a)(b) substituted (1.6.2009) by Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 5(1)(2), Sch. 1 para. 283 (with Sch. 5)

Commencement Information

- II** Sch. 7 para. 33 wholly in force at 16.6.2006; Sch. 7 para. 33 not in force at Royal Assent see s. 270(4) (5); Sch. 7 para. 33 in force for E. at 6.4.2006 by S.I. 2006/1060, art. 2(1)(a) (with Sch.); Sch. 7 para. 33 in force for W. at 16.6.2006 by S.I. 2006/1535, art. 2(a) (with Sch.)

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