



Homelessness Act 2002

2002 CHAPTER 7

Other functions relating to homelessness

11 Section 204(4): appeals

After section 204 of the 1996 Act (appeal to county court on point of law) there is inserted—

“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
 - (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.

Status: This is the original version (as it was originally enacted).

- (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.”