



Housing Act 2004

2004 CHAPTER 34

PART 7

SUPPLEMENTARY AND FINAL PROVISIONS

Residential property tribunals

229 Residential property tribunals

- (1) Any jurisdiction conferred on a residential property tribunal by or under any enactment is exercisable by a rent assessment committee constituted in accordance with Schedule 10 to the Rent Act 1977 (c. 42).
- (2) When so constituted for exercising any such jurisdiction a rent assessment committee is known as a residential property tribunal.
- (3) The [^{F1}National Assembly for Wales] may by order make provision for and in connection with conferring on residential property tribunals, in relation to such matters as are specified in the order, such jurisdiction as is so specified.
- (4) An order under subsection (3) may modify an enactment (including this Act).
- (5) In this section “enactment” includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30)).

Textual Amendments

- F1** Words in s. 229(3) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), [art. 1](#), [Sch. 1 para. 173](#) (with [Sch. 3](#))

Commencement Information

- I1** S. 229 wholly in force at 16.6.2006; s. 229 in force for certain purposes at Royal Assent see s. 270(2) (b); s. 229 in force for E. at 4.7.2005 by [S.I. 2005/1729](#), [art. 2\(b\)](#) (subject to [art. 3](#)); s. 229 in force for W. at 16.6.2006 by [S.I. 2006/1535](#), [art. 2\(a\)](#) (with [Sch.](#))

Changes to legislation: Housing Act 2004, Cross Heading: Residential property tribunals is up to date with all changes known to be in force on or before 03 July 2023. 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) View outstanding changes

230 Powers and procedure of residential property tribunals

- (1) A residential property tribunal exercising any jurisdiction [^{F2}in respect of premises situated in Wales] by virtue of any enactment has, in addition to any specific powers exercisable by it in exercising that jurisdiction, the general power mentioned in subsection (2).
 - (2) The tribunal's general power is a power by order to give such directions as the tribunal considers necessary or desirable for securing the just, expeditious and economical disposal of the proceedings or any issue raised in or in connection with them.
 - (3) In deciding whether to give directions under its general power a tribunal must have regard to—
 - (a) the matters falling to be determined in the proceedings,
 - (b) any other circumstances appearing to the tribunal to be relevant, and
 - (c) the provisions of the enactment by virtue of which it is exercising jurisdiction and of any other enactment appearing to it to be relevant.
 - (4) A tribunal may give directions under its general power whether or not they were originally sought by a party to the proceedings.
 - (5) When exercising jurisdiction under this Act, the directions which may be given by a tribunal under its general power include (where appropriate)—
 - (a) directions requiring a licence to be granted under Part 2 or 3 of this Act;
 - (b) directions requiring any licence so granted to contain such terms as are specified in the directions;
 - (c) directions requiring any order made under Part 4 of this Act to contain such terms as are so specified;
 - (d) directions that any building or part of a building so specified is to be treated as if an HMO declaration had been served in respect of it on such date as is so specified (without there being any right to appeal against it under section 255(9));
 - (e) directions requiring the payment of money by one party to the proceedings to another by way of compensation, damages or otherwise.
- [^{F3}(5ZA) When exercising jurisdiction under the Caravan Sites and Control of Development Act 1960, the directions which may be given by a tribunal under its general power include (where appropriate) directions requiring the payment of money by one party to the proceedings to another by way of compensation, damages or otherwise.]
- [^{F4}(5A) When exercising jurisdiction under the Mobile Homes Act 1983 [^{F5}or Part 4 of the Mobile Homes (Wales) Act 2013], the directions which may be given by a tribunal under its general power include (where appropriate)—
- (a) directions requiring the payment of money by one party to the proceedings to another by way of compensation, damages or otherwise;
 - (b) directions requiring the arrears of pitch fees or the recovery of overpayments of pitch fees to be paid in such manner and by such date as may be specified in the directions;
 - (c) directions requiring cleaning, repairs, restoration, re-positioning or other works to be carried out in connection with a mobile home, pitch or the protected site in such manner as may be specified in the directions;

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- (d) directions requiring the establishment, provision or maintenance of any service or amenity in connection with a mobile home, pitch or protected site in such manner as may be specified in the directions.

(5B) In subsection (5A)—

“mobile home” and “protected site” have the same meaning as in the Mobile Homes 1983 (see section 5 of that Act [^{F6} or the Mobile Homes (Wales) Act 2013 (see sections 2 and 60 of that Act)]);

“pitch” has the meaning given by paragraph 1(4) of Chapter 1 of Part 1 of Schedule 1 to [^{F7} the Mobile Homes Act 1983 or section 55 of the Mobile Homes (Wales) Act 2013] ;

“pitch fee” has the meaning given in paragraph 29 of Chapter 2, paragraph 13 of Chapter 3, or paragraph 27 of Chapter 4, of Part 1 of Schedule 1 to [^{F8} the Mobile Homes Act 1983 (as the case may be) or section 60 of the Mobile Homes (Wales) Act 2013] .]

- (6) Nothing in any enactment conferring specific powers on a residential property tribunal is to be regarded as affecting the operation of the preceding provisions of this section.
- (7) Schedule 13 (residential property tribunals: procedure) has effect.
- (8) Section 229(5) applies also for the purposes of this section and Schedule 13.

Textual Amendments

- F2** Words in s. 230(1) inserted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 174](#) (with Sch. 3)
- F3** S. 230(5ZA) inserted (1.4.2014) by [Mobile Homes Act 2013 \(c. 14\)](#), [ss. 7\(2\)](#), 15(1)
- F4** S. 230(5A)(5B) inserted (30.4.2011) by [The Mobile Homes Act 1983 \(Jurisdiction of Residential Property Tribunals\) \(England\) Order 2011 \(S.I. 2011/1005\)](#), arts. 1(1), [4\(2\)](#) and said subsections inserted (21.3.2012) by [The Mobile Homes Act 1983 \(Jurisdiction of Residential Property Tribunals\) \(Wales\) Order 2012 \(S.I. 2012/899\)](#), arts. 1(1), [4\(2\)](#) (with art. 5)
- F5** Words in s. 230(5A) inserted (5.11.2013) by [Mobile Homes \(Wales\) Act 2013 \(anaw 6\)](#), s. 64(1), [Sch. 4 para. 9\(2\)\(b\)](#) (with Sch. 5 para. 7) (this amendment is to be treated as not having effect until 1.10.2014 by virtue of [S.I. 2014/11](#), art. 3(2))
- F6** Words in s. 230(5B) inserted (5.11.2013) by [Mobile Homes \(Wales\) Act 2013 \(anaw 6\)](#), s. 64(1), [Sch. 4 para. 9\(2\)\(c\)\(i\)](#) (with Sch. 5 para. 7) (this amendment is to be treated as not having effect until 1.10.2014 by virtue of [S.I. 2014/11](#), art. 3(2))
- F7** Words in s. 230(5B) substituted (5.11.2013) by [Mobile Homes \(Wales\) Act 2013 \(anaw 6\)](#), s. 64(1), [Sch. 4 para. 9\(2\)\(c\)\(ii\)](#) (with Sch. 5 para. 7) (this amendment is to be treated as not having effect until 1.10.2014 by virtue of [S.I. 2014/11](#), art. 3(2))
- F8** Words in s. 230(5B) substituted (5.11.2013) by [Mobile Homes \(Wales\) Act 2013 \(anaw 6\)](#), s. 64(1), [Sch. 4 para. 9\(2\)\(c\)\(iii\)](#) (with Sch. 5 para. 7) (this amendment is to be treated as not having effect until 1.10.2014 by virtue of [S.I. 2014/11](#), art. 3(2))

Commencement Information

- I2** S. 230 wholly in force at 16.6.2006; s. 230 not in force at Royal Assent see s. 270(4)(5); s. 230 in force for E. at 4.7.2005 by [S.I. 2005/1729](#), [art. 2\(a\)](#) (subject to [art. 3](#)); s. 230 in force for W. at 16.6.2006 by [S.I. 2006/1535](#), [art. 2\(a\)](#) (with Sch.)

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231 Appeals from residential property tribunals

- (1) A party to proceedings before a residential property tribunal may appeal to the [F9Upper Tribunal] from a decision of the residential property tribunal.
- [F10(2) But the appeal may only be made with the permission of the residential property tribunal or the Upper Tribunal.]
- (3) On the appeal—
- (a) the [F11Upper Tribunal] may exercise any power which was available to the residential property tribunal, and
 - (b) a decision of the [F11Upper Tribunal] may be enforced in the same way as a decision of the residential property tribunal.
- [F12(4) Section 65A of the Rent Act 1977 (right of appeal from a rent assessment committee in Wales) does not apply to a decision of a residential property tribunal.]
- (5) F13

Textual Amendments

- F9** Words in s. 231(1) 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. 276(a)** (with Sch. 5)
- F10** S. 231(2) 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. 276(b)** (with Sch. 5)
- F11** Words in s. 231(3) 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. 276(a)** (with Sch. 5)
- F12** S. 231(4) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 175** (with Sch. 3)
- F13** S. 231(5) omitted (1.6.2009) by virtue of [Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 5(1)(2), **Sch. 1 para. 276(c)** (with Sch. 5)

Modifications etc. (not altering text)

- C1** S. 231 excluded by [Housing Act 1985 \(c. 68\)](#), Sch. 5 para. 11(5B) (as inserted (4.7.2005 (E.) and prosp. (W.)) by [Housing Act 2004 \(c. 34\)](#), **ss. 181(3)**, 270(4)(5)(c)); [S.I. 2005/1729](#), **art. 2(a)** (subject to art. 3)

Commencement Information

- I3** S. 231 wholly in force at 16.6.2006; s. 231 not in force at Royal Assent see s. 270(4)(5); s. 231 in force for E. at 4.7.2005 by [S.I. 2005/1729](#), **art. 2(a)** (subject to art. 3); s. 231 in force for W. at 16.6.2006 by [S.I. 2006/1535](#), **art. 2(a)** (with Sch.)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act savings and transitional provisions for amendments by S.I. 2022/1166 by [S.I. 2022/1172 Regulations](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 66(1A) inserted by [2016 c. 22 s. 125\(3\)\(a\)](#)
- s. 66(3A)(3B) inserted by [2016 c. 22 s. 125\(3\)\(c\)](#)
- s. 89(1A) inserted by [2016 c. 22 s. 125\(6\)\(a\)](#)
- s. 89(3A)(3B) inserted by [2016 c. 22 s. 125\(6\)\(c\)](#)
- s. 139(7A)(7B) inserted by [2016 c. 22 s. 127\(3\)](#)