
Changes to legislation: Housing Act 2004, Cross Heading: Powers of... tribunal on appeal under paragraph 10 is up to date with all changes known to be in force on or before 11 August 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](#)

SCHEDULES

SCHEDULE 1

PROCEDURE AND APPEALS RELATING TO IMPROVEMENT NOTICES

PART 3

APPEALS RELATING TO IMPROVEMENT NOTICES

Powers of^{F1}... tribunal on appeal under paragraph 10

Textual Amendments

- F1** Words in Sch. 1 para. 15 heading omitted (1.7.2013) by virtue of [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 181\(b\)](#) (with Sch. 3)

- 15 (1) This paragraph applies to an appeal to [^{F2}the appropriate tribunal] under paragraph 10.
- (2) The appeal—
- (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.
- (3) The tribunal may by order confirm, quash or vary the improvement notice.
- (4) Paragraphs 16 and 17 make special provision in connection with the grounds of appeal set out in paragraphs 11 and 12.

Textual Amendments

- F2** Words in Sch. 1 para. 15(1) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 181\(a\)](#) (with Sch. 3)

Commencement Information

- I1** Sch. 1 wholly in force at 16.6.2006; Sch. 1 not in force at Royal Assent see s. 270(4)(5); Sch. 1 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(a\)](#) (with Sch.); Sch. 1 in force for W. at 16.6.2006 by [S.I. 2006/1535](#), [art. 2\(a\)](#) (with Sch.)

- 16 (1) This paragraph applies where the grounds of appeal consist of or include that set out in paragraph 11.
- (2) On the hearing of the appeal the tribunal may—
- (a) vary the improvement notice so as to require the action to be taken by any owner mentioned in the notice of appeal in accordance with paragraph 11; or

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- (b) make such order as it considers appropriate with respect to the payment to be made by any such owner to the appellant or, where the action is taken by the local housing authority, to the authority.
- (3) In the exercise of its powers under sub-paragraph (2), the tribunal must take into account, as between the appellant and any such owner—
 - (a) their relative interests in the premises concerned (considering both the nature of the interests and the rights and obligations arising under or by virtue of them);
 - (b) their relative responsibility for the state of the premises which gives rise to the need for the taking of the action concerned; and
 - (c) the relative degree of benefit to be derived from the taking of the action concerned.
- (4) Sub-paragraph (5) applies where, by virtue of the exercise of the tribunal's powers under sub-paragraph (2), a person other than the appellant is required to take the action specified in an improvement notice.
- (5) So long as that other person remains an owner of the premises to which the notice relates, he is to be regarded for the purposes of this Part as the person on whom the notice was served (in place of any other person).

Commencement Information

- I2** Sch. 1 wholly in force at 16.6.2006; Sch. 1 not in force at Royal Assent see s. 270(4)(5); Sch. 1 in force for E. at 6.4.2006 by [S.I. 2006/1060](#) , [art. 2\(1\)\(a\)](#) (with [Sch.](#)); Sch. 1 in force for W. at 16.6.2006 by [S.I. 2006/1535](#) , [art. 2\(a\)](#) (with [Sch.](#))

- 17 (1) This paragraph applies where the grounds of appeal consist of or include that set out in paragraph 12.
- (2) When deciding whether one of the courses of action mentioned in paragraph 12(2) is the best course of action in relation to a particular hazard, the tribunal must have regard to any guidance given to the local housing authority under section 9.
- (3) Sub-paragraph (4) applies where—
- (a) an appeal under paragraph 10 is allowed against an improvement notice in respect of a particular hazard; and
 - (b) the reason, or one of the reasons, for allowing the appeal is that one of the courses of action mentioned in paragraph 12(2) is the best course of action in relation to that hazard.
- (4) The tribunal must, if requested to do so by the appellant or the local housing authority, include in its decision a finding to that effect and identifying the course of action concerned.

Commencement Information

- I3** Sch. 1 wholly in force at 16.6.2006; Sch. 1 not in force at Royal Assent see s. 270(4)(5); Sch. 1 in force for E. at 6.4.2006 by [S.I. 2006/1060](#) , [art. 2\(1\)\(a\)](#) (with [Sch.](#)); Sch. 1 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\(3\)](#)