
Changes to legislation: *Housing Act 2004, Paragraph 3 is up to date with all changes known to be in force on or before 27 September 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 13

RESIDENTIAL PROPERTY TRIBUNALS: PROCEDURE

Transfers

- 3 (1) This paragraph applies where, in any proceedings before a court, there falls for determination a question which a tribunal would have jurisdiction to determine on an application or appeal to the tribunal.
- (2) The court—
- (a) may by order transfer to the tribunal so much of the proceedings as relate to the determination of that question, and
 - (b) may then dispose of all or any remaining proceedings, or adjourn the disposal of all or any remaining proceedings pending the determination of that question by the tribunal, as it thinks fit.
- (3) When the tribunal has determined the question, the court may give effect to the determination in an order of the court.
- (4) Rules of court may prescribe the procedure to be followed in a court in connection with or in consequence of a transfer under this paragraph.
- (5) Procedure regulations may prescribe the procedure to be followed in a tribunal consequent on a transfer under this paragraph.
- (6) Nothing in this Act [^{F1}, the Caravan Sites and Control of Development Act 1960][^{F2}, the Mobile Homes Act 1983 or the Mobile Homes (Wales) Act 2013] affects any power of a court to make an order that could be made by a tribunal (such as an order quashing a licence granted or order made by a local housing authority) in a case where—
- (a) the court has not made a transfer under this paragraph, and
 - (b) the order is made by the court in connection with disposing of any proceedings before it.

Textual Amendments

- F1** Words in Sch. 13 para. 3(6) inserted (1.4.2014) by [Mobile Homes Act 2013 \(c. 14\), ss. 7\(3\)\(a\), 15\(1\)](#)
- F2** Words in Sch. 13 para. 3(6) substituted (5.11.2013) by [Mobile Homes \(Wales\) Act 2013 \(anaw 6\), s. 64\(1\), Sch. 4 para. 9\(3\)\(a\)](#) (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

- I1** Sch. 13 para. 3 wholly in force at 16.6.2006; Sch. 13 para. 3 in force for certain purposes at Royal Assent see s. 270(2)(b); Sch. 13 para. 3 in force for E. at 4.7.2005 by [S.I. 2005/1729](#), [art. 2\(b\)](#) (subject to [art. 3](#)); Sch. 13 para. 3 in force for W. at 16.6.2006 by [S.I. 2006/1535](#), [art. 2\(a\)](#) (with [Sch. 1](#))

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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\(3\)](#)