
Changes to legislation: Housing Act 2004, Cross Heading: Powers of... tribunal on appeal under paragraph 24 is up to date with all changes known to be in force on or before 12 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 6

MANAGEMENT ORDERS: PROCEDURE AND APPEALS

PART 3

APPEALS AGAINST DECISIONS RELATING TO MANAGEMENT ORDERS

Powers of^{F1}... tribunal on appeal under paragraph 24

Textual Amendments

F1 Words in Sch. 6 para. 26 heading omitted (1.7.2013) by virtue of [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 185\(c\)](#) (with Sch. 3)

- 26 (1) This paragraph applies to an appeal to [^{F2}the appropriate tribunal] under paragraph 24 in respect of an interim or final management order.
- (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 confirm or vary the order or revoke it —
- (a) (in the case of an interim management order) as from a date specified in the tribunal's order, or
 - (b) (in the case of a final management order) as from the date of the tribunal's order.
- (4) If —
- (a) the tribunal revokes an interim or final management order,
 - (b) it appears to the tribunal that, on the revocation of the order, the house will be required to be licensed under Part 2 or 3 of this Act, and
 - (c) the tribunal does not give a direction under sub-paragraph (5) or (6),
- the tribunal must direct the local housing authority to grant such a licence to such person and on such terms as the tribunal may direct.
- [^{F3}4A] An interim management order may not be revoked under this paragraph if—
- (a) the immediate landlord is subject to a banning order under section 16 of the Housing and Planning Act 2016,
 - (b) there is in force an agreement which, under section 108, has effect as a lease or licence granted by the authority, and

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- (c) revoking the interim management order specified in the order would cause the immediate landlord to breach the banning order because of the effect of section 130(2)(b).
- (4B) In a case where sub-paragraph (4A) would otherwise prevent the tribunal from revoking the order with effect from a particular date, the tribunal may require the local housing authority to exercise any power it has to bring an agreement mentioned in that sub-paragraph to an end.]
- (5) If the tribunal revokes a final management order, the tribunal may direct the local housing authority to make an interim management order in respect of the house or part of it on such terms as the tribunal may direct.
- This applies despite section 102(9).
- (6) If the tribunal revokes a final management order, the tribunal may direct the local housing authority to serve a temporary exemption notice under section 62 or 86 in respect of the house that comes into force on such date as the tribunal directs.
- (7) The revocation of an interim management order by the tribunal does not affect the validity of anything previously done in pursuance of the order.

Textual Amendments

- F2** Words in Sch. 6 para. 26(1) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 185(a)** (with Sch. 3)
- F3** Sch. 6 para. 26(4A)(4B) inserted (6.4.2018) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), **Sch. 3 para. 12(3)**; S.I. 2018/393, reg. 2(b)
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Commencement Information

- I1** Sch. 6 wholly in force at 16.6.2006; Sch. 6 not in force at Royal Assent see s. 270(4)(5); Sch. 6 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), **art. 2(1)(a)** (with Sch.); Sch. 6 in force for W. at 16.6.2006 by [S.I. 2006/1535](#), **art. 2(a)** (with Sch.)

Changes to legislation:

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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\(3\)](#)