



Housing Act 2004

2004 CHAPTER 34

PART 7

SUPPLEMENTARY AND FINAL PROVISIONS

Residential property tribunals

230 Powers and procedure of residential property tribunals

- (1) A residential property tribunal exercising any jurisdiction [^{F1}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;

Changes to legislation: Housing Act 2004, Section 230 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

- (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.

[^{F2}(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.]

[^{F3}(5A) When exercising jurisdiction under the Mobile Homes Act 1983 [^{F4}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;
- (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 [^{F5}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 [^{F6}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 [^{F7}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

- F1** 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)
- F2** S. 230(5ZA) inserted (1.4.2014) by [Mobile Homes Act 2013 \(c. 14\)](#), [ss. 7\(2\)](#), 15(1)

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- F3** 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)
- F4** 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))
- F5** 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))
- F6** 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))
- 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)(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

- I1** 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.](#))

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\(3\)](#)