
STATUTORY INSTRUMENTS

2018 No. 719

The Housing Administration (England and Wales) Rules 2018

PART 4

COURT PROCEDURE AND PRACTICE

CHAPTER 7

Appeals in housing administration

Application of Chapter

4.40. CPR Part 52(1) applies to appeals under this Chapter as varied by any applicable Practice Direction.

Appeals and reviews of housing administration orders

4.41.—(1) Every court which has jurisdiction in relation to housing administration proceedings may review, rescind or vary any order made by it in the exercise of that jurisdiction.

(2) Appeals made in the exercise of that jurisdiction lie as follows—

- (a) where the decision appealed against is made by a district judge sitting in a county court hearing centre,
 - (i) to a High Court Judge sitting in a district registry; or
 - (ii) to an Insolvency and Companies Court Judge;
- (b) to a High Court Judge where the decision appealed against is made by—
 - (i) a Circuit Judge sitting in the County Court;
 - (ii) a Master;
 - (iii) an Insolvency and Companies Court Judge, if that decision is made at first instance; or
 - (iv) a district judge sitting in a district registry;
- (c) to the Civil Division of the Court of Appeal where the decision appealed against is made by an Insolvency and Companies Court Judge, if that decision is an appeal from a decision made by a District Judge; and
- (d) to the Civil Division of the Court of Appeal where the decision is made by a High Court Judge.

(3) For the purposes of paragraph (2)(a), Schedule 10 of the Insolvency (England and Wales) Rules 2016 applies to identify the court in which an appeal is to be heard.

(1) Part 52 is amended by S.I.s [1987/2024](#), [2998/3132](#), [2000/221](#), [2000/2092](#), [2003/2113](#), [2003/3361](#), [2004/2072/2005/2483](#), [2005/3515](#), [2006/1689/2006/3435](#), [2007/2204](#), [2009/2092/2009/3390](#), [2010/1953](#), [2012/2208](#), [2013/262](#), [2013/1412](#), [2013/1974](#), [2014/407](#), [2104/879](#), [2014/2044](#), [2014/3299](#), paragraph 1(2) of Schedule 11 to the Constitutional Reform Act 2005 (c. 4), and sections 59 and 60 of the Access to Justice Act 1999 (c. 22).

(4) Any application for the rescission of a winding-up order must be made within five business days after the date on which the order was made.

(5) In this rule—

“Circuit Judge sitting in the county court” means a judge sitting pursuant to section 5(1)(a) of the County Courts Act 1984(2);

“Civil Division of the Court of Appeal” means the division of the Court of Appeal established by section 3(1) of the Senior Courts Act 1981(3);

“county court” means the court established by section A1 of the County Courts Act 1984(4);

“district judge” means a person appointed a district judge under section 6(1) of the County Courts Act 1984(5);

“district judge sitting in a district registry” means a district judge sitting in an assigned district registry as a district judge of the High Court under section 100 of the Senior Courts Act 1981(6);

“High Court Judge” means a judge listed in section 4(1) of the Senior Courts Act 1981(7);

“Insolvency and Companies Court Judge” means a person appointed to the office of Insolvency and Companies Court Judge under section 89(1) of the Senior Courts Act 1981(8);

“Master” means a person appointed to the office of Master, Chancery Division under section 89(1) of the Senior Courts Act 1981,

and for the purposes of each definition a person appointed to act as a deputy for any person holding that office is included.

Procedure on appeal

4.42.—(1) An appeal against a decision at first instance may be brought only with the permission of the court which made the decision or of the court which has jurisdiction to hear the appeal.

(2) An appellant must file an appellant’s notice within 21 days after the date of the decision of the court that the appellant wishes to appeal.

(2) 1984 c. 28. Section 5 was amended by paragraph 4 of Schedule 9 to the Crime and Courts Act 2013 (c. 22).

(3) 1981 c. 54. Section 3 has been amended but no amendments are relevant to this instrument.

(4) Section A1 was inserted by section 17(1) of the Crime and Courts Act 2013.

(5) Section 6 was substituted by paragraph 1 of Schedule 3 to the Constitutional Reform Act 2005 (c. 4) and was amended by paragraph 5 of Schedule 9 to the Crime and Courts Act 2013.

(6) Section 100 was substituted by paragraph 2 of Schedule 3 to the Constitutional Reform Act 2005. There are other amendments but those are not relevant to this instrument.

(7) Section 4 was amended by section 72 of the Courts and Legal Services Act 1990 (c. 41), section 69 of the Access to Justice Act 1999 (c. 22), paragraphs 114 and 114 of Schedule 15 to the Constitutional Reform Act 2005, and paragraphs 12 and 13 of Schedule 13 to the Crime and Courts Act 2013. There are other amendments but those are not relevant to this instrument.

(8) The definition was inserted in section 89(1) by paragraph 3(a) of Schedule 1 to S.I. 2018/130. Other amendments have been made to section 89(1), but those are not relevant to this instrument.