

Changes to legislation: Housing Act 2004, Cross Heading: Powers of... tribunal on appeal under paragraph 7 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 2

PROCEDURE AND APPEALS RELATING TO PROHIBITION ORDERS

PART 3

APPEALS RELATING TO PROHIBITION ORDERS

Modifications etc. (not altering text)

- C1** Sch. 2 Pt. 3 applied by [Housing Act 1985 \(c. 68\)](#), s. 300(5)(b) (as substituted (6.4.2006 (E.) and 16.6.2006 (W.)) by [Housing Act 2004 \(c. 34\)](#), ss. 265(1), 270(4)(5)(f), [Sch. 15 para. 20](#)); S.I. 2006/1060, [art. 2\(1\)\(d\)](#) (with [Sch.](#)); S.I. 2006/1535, [art. 2\(b\)](#) (with [Sch.](#))

Powers of^{F1}... tribunal on appeal under paragraph 7

Textual Amendments

- F1** Words in Sch. 2 para. 11 heading omitted (1.7.2013) by virtue of [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 182\(e\)](#) (with [Sch. 3](#))

- 11 (1) This paragraph applies to an appeal to [^{F2}the appropriate tribunal] under paragraph 7.
- (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 prohibition order.
- (4) Paragraph 12 makes special provision in connection with the ground of appeal set out in paragraph 8.

Textual Amendments

- F2** Words in Sch. 2 para. 11(1) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 182\(a\)](#) (with [Sch. 3](#))

Commencement Information

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

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- 12 (1) This paragraph applies where the grounds of appeal consist of or include that set out in paragraph 8.
- (2) When deciding whether one of the courses of action mentioned in paragraph 8(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 7 is allowed against a prohibition order made 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 8(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

- I2** Sch. 2 wholly in force at 16.6.2006; Sch. 2 not in force at Royal Assent see s. 270(4)(5); Sch. 2 in force for E. at 6.4.2006 by [S.I. 2006/1060](#) , [art. 2\(1\)\(a\)](#) (with [Sch.](#)); Sch. 2 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\(3\)](#)