
STATUTORY INSTRUMENTS

2018 No. 223

The Homelessness (Review Procedure etc.) Regulations 2018

PART 3

Review of local housing authority decisions under section 202

Initial procedure where the original decision was made under the Decisions on Referrals Order

6.—(1) Where the original decision under section 198(5) (whether the conditions are met for the referral of the case) was made under the Homelessness (Decisions on Referrals) Order 1998(1) (“the Decisions on Referrals Order”), a review of that decision must, subject to paragraph (2), be carried out by a person appointed by the notifying authority and the notified authority.

(2) If a person is not appointed in accordance with paragraph (1) within five working days beginning with the day on which the request for a review is made, the review must be carried out by a person—

- (a) from the panel constituted in accordance with paragraph 3 of the Schedule to the Decisions on Referrals Order (“the panel”), and
- (b) appointed in accordance with paragraph (3) below.

(3) The notifying authority must within five working days beginning with the end of the period specified in paragraph (2) request the chairman of the Local Government Association or their nominee (“the proper officer”) to appoint a person from the panel and the proper officer must do so within seven days of the request.

(4) The notifying authority and the notified authority must within five working days of the appointment of the person from the panel (“the appointed person”) provide the appointed person with the reasons for the original decision and the information and evidence on which that decision was based.

(5) The appointed person must—

- (a) send to the notifying authority and the notified authority any representations made under regulation 5, and
- (b) invite those authorities to respond to those representations.

(6) The appointed person must not be the same person as the person who made the original decision.

(7) For the purposes of this regulation “working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday, or a day which is a bank holiday under the Banking and Financial Dealings Act 1971(2) in England and Wales.