



Housing (Wales) Act 2014

2014 anaw 7

PART 2

HOMELESSNESS

CHAPTER 2

HELP FOR PEOPLE WHO ARE HOMELESS OR THREATENED WITH HOMELESSNESS

Right to review and appeal

89 Appeals against refusal to accommodate pending appeal

- (1) This section applies where an applicant has the right to appeal to the county court under section 88.
- (2) An applicant may appeal to the county court against a decision of the authority—
 - (a) not to exercise their power under section 88(5) (“the section 88(5) power”) in the applicant’s case,
 - (b) to exercise that power for a limited period ending before the final determination by the county court of the applicant’s appeal under section 88(1) (“the main appeal”), or
 - (c) to cease exercising that power before the final determination.
- (3) An appeal under this section may not be brought after the final determination by the county court of the main appeal.
- (4) On an appeal under this section the court—
 - (a) may order the authority to secure that suitable accommodation is available for the applicant’s occupation until the determination of the appeal (or such earlier time as the court may specify), and
 - (b) must confirm or quash the decision appealed against.

Status: This is the original version (as it was originally enacted).

- (5) In considering whether to confirm or quash the decision the court must apply the principles applied by the High Court on an application for judicial review.
- (6) If the court quashes the decision it may order the authority to exercise the section 88(5) power in the applicant's case for such period as may be specified in the order.
- (7) An order under subsection (6)—
 - (a) may only be made if the court is satisfied that failure to exercise the section 88(5) power in accordance with the order would substantially prejudice the applicant's ability to pursue the main appeal;
 - (b) may not specify any period ending after the final determination by the county court of the main appeal.