



# Housing Act 1969

## 1969 CHAPTER 33

### PART III

#### RENT OF DWELLINGS IN GOOD REPAIR AND PROVIDED WITH STANDARD AMENITIES

##### *Conversion of controlled tenancies*

#### **49 Appeal in certain cases against issue or refusal of qualification certificate**

- (1) Within twenty-eight days of the service on him under section 45(2) of this Act of a notice of refusal or such longer period as the county court may allow the applicant for a qualification certificate may appeal to the county court on the ground that the certificate ought to be issued; and on such an appeal the court may confirm the refusal or order the local authority to issue the certificate.
- (2) Within twenty-eight days of the service on him under section 45(2) of this Act of a copy of a qualification certificate or such longer period as the county court may allow the tenant may appeal to the county court on either or both of the following grounds, that is to say—
  - (a) that the certificate ought not to have been issued;
  - (b) that the certificate is invalid by reason of a failure to comply with any requirement of this Part of this Act or of some informality, defect, or error;and on any such appeal the court may confirm or quash the certificate, but if the appeal is on the ground mentioned in paragraph (b) of this subsection the court shall confirm the certificate unless satisfied that the interests of the appellant have been substantially prejudiced by the facts relied on by him.
- (3) The following provisions shall apply on an appeal under this section, that is to say—
  - (a) the court shall have regard to the state of the dwelling at the time of the hearing as well as at the time of the issue or refusal of the certificate; and
  - (b) the court shall make no order for costs unless it appears to the court, having regard to the conduct of the parties and all other circumstances, that it would be equitable to do so.

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item of legislation is currently only available in its original format.*

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- (4) Any certificate issued in pursuance of an order made under subsection (1) of this section shall be deemed to be issued on the date of the order.
- (5) Where a qualification certificate with respect to any dwelling is quashed by an order under this section after a rent for the dwelling has been registered in pursuance of this Part of this Act the registration shall be deemed never to have had effect and the rent officer shall delete it on being informed of the order.