



Housing Act 2004

2004 CHAPTER 34

PART 1

HOUSING CONDITIONS

CHAPTER 3

EMERGENCY MEASURES

Appeals

45 Appeals relating to emergency measures

- (1) A person on whom a notice under section 41 has been served in connection with the taking of emergency remedial action under section 40 may appeal to [^{F1}the appropriate tribunal] against the decision of the local housing authority to take that action.
- (2) A relevant person may appeal to [^{F2}the appropriate tribunal] against an emergency prohibition order.
- (3) An appeal under subsection (1) or (2) must be made within the period of 28 days beginning with—
 - (a) the date specified in the notice under section 41 as the date when the emergency remedial action was (or was to be) started, or
 - (b) the date specified in the emergency prohibition order as the date on which the order was made,as the case may be.
- (4) [^{F3}The appropriate tribunal] may allow an appeal to be made to it after the end of that period if it is satisfied that there is a good reason for the failure to appeal before the end of that period (and for any delay since then in applying for permission to appeal out of time).

Changes to legislation: *Housing Act 2004, Cross Heading: Appeals is up to date with all changes known to be in force on or before 24 July 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*

- (5) An appeal under subsection (1) or (2)—
- (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.
- (6) The tribunal may—
- (a) in the case of an appeal under subsection (1), confirm, reverse or vary the decision of the authority;
 - (b) in the case of an appeal under subsection (2), confirm or vary the emergency prohibition order or make an order revoking it as from a date specified in that order.
- (7) Paragraph 16 of Schedule 2 applies for the purpose of identifying who is a relevant person for the purposes of subsection (2) in relation to an emergency prohibition order as it applies for the purpose of identifying who is a relevant person for the purposes of Part 3 of that Schedule in relation to a prohibition order.

Textual Amendments

- F1** Words in s. 45(1) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 152\(a\)](#) (with Sch. 3)
- F2** Words in s. 45(2) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 152\(a\)](#) (with Sch. 3)
- F3** Words in s. 45(4) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 152\(b\)](#) (with Sch. 3)

Commencement Information

- I1** S. 45 wholly in force at 16.6.2006; s. 45 not in force at Royal Assent see s. 270(4)(5); s. 45 in force for E. at 6.4.2006 by [S. I. 2006/1060](#), [art. 2\(1\)\(a\)](#) (with Sch.); s. 45 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\(3\)](#)