



Housing Act 2004

2004 CHAPTER 34

PART 4

ADDITIONAL CONTROL PROVISIONS IN RELATION TO RESIDENTIAL ACCOMMODATION

CHAPTER 3

OVERCROWDING NOTICES

143 Appeals against overcrowding notices

- (1) A person aggrieved by an overcrowding notice may appeal to [^{F1}the appropriate tribunal] within the period of 21 days beginning with the date of service of the notice.
- (2) Such an 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) On an appeal the tribunal may by order confirm, quash or vary the notice.
- (4) If an appeal is brought, the notice does not become operative until—
 - (a) a decision is given on the appeal which confirms the notice and the period within which an appeal to the [^{F2}Upper Tribunal] may be brought expires without any such appeal having been brought; or
 - (b) if an appeal is brought to the [^{F2}Upper Tribunal], a decision is given on the appeal which confirms the notice.
- (5) For the purposes of subsection (4)—
 - (a) the withdrawal of an appeal has the same effect as a decision which confirms the notice appealed against; and
 - (b) references to a decision which confirms the notice are to a decision which confirms it with or without variation.

Changes to legislation: *Housing Act 2004, Section 143 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*

- (6) [^{F3}The appropriate tribunal] may allow an appeal to be made to it after the end of the period mentioned in subsection (1) if it is satisfied that there is 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).

Textual Amendments

- F1** Words in s. 143(1) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 170(a)** (with Sch. 3)
- F2** Words in s. 143(4)(a)(b) substituted (1.6.2009) by [Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 5(1)(2), **Sch. 1 para. 274** (with Sch. 5)
- F3** Words in s. 143(6) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 170(b)** (with Sch. 3)

Commencement Information

- I1** S. 143 wholly in force at 16.6.2006; s. 143 not in force at Royal Assent see s. 270(4)(5); s. 143 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), **art. 2(1)(a)** (with Sch.); s. 143 in force for W. at 16.6.2006 by [S.I. 2006/1535](#), **art. 2(a)** (with Sch.)

Changes to legislation:

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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\(3\)](#)