

## Law Commission Report – Proportionate Dispute Resolution

### Housing Tribunals

On the 13<sup>th</sup> May 2008, the Law Commission<sup>1</sup> issued its final report on the above topic. The following are its principal conclusions (the full report can be obtained from [www.lawcom.gov.uk/docs/LC309.pdf](http://www.lawcom.gov.uk/docs/LC309.pdf) ) .

- The transfer of jurisdiction to specialist tribunals to remain a long term goal with any progress towards it being measured and tested.
- In the interim, certain reforms should be implemented:
  - Bringing into operation the Renting Homes Report regarding the clarification of the obligations of Landlord and Tenant, for example by using only two types of Occupation Contract.
  - Introduction of a structured discretion in Possession cases.
  - Making a procedure around Section 21 Housing Act 1980 Notices simpler.
  - Introducing a new Abandonment procedure.
- Improving training for the Judiciary, certifying certain Judges as expert in Housing matters and reserving Housing cases to them.
- Extending the provision of Duty Solicitors Services at Courts.
- Enabling Courts to sit with expert surveyor assessors.
- Transferring jurisdiction for Housing Disrepair Claims to the Tribunal Service.

The above recommendations do not apply to Scotland.

#### Comment

Not a huge amount of change considering that the issues in the report have been under consideration and consultation since 2004. It seems that the idea of wholesale transfer of Housing jurisdiction to the Tribunal Service has been

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<sup>1</sup> The Law Commission is an independent body that was created the Law Commissions Act 1965 and one of its roles is to keep the law under review and to make recommendations when it thinks this is required in the interests of keeping legislation up-to-date and relevant.

abandoned. However, there seems little point in having expert surveyors sitting with Judges in the County Court if Housing Disrepair Claims are to be transferred to the Tribunal Service. Also bearing in mind the provisions in the Housing and Regeneration Bill in respect of scrapping Tolerated Trespasser Status, perhaps the need for a structured discretion in Possession cases has now faded.

Overall, it appears that a number of the recommendations have been overtaken by other events. However, should any of the suggested interim provisions see the light of legislative day we will of course keep you informed.

I have also reviewed the Governments legislative programme for 2008/2009 and implementation of the renting homes report has not been included in the programme.

I will update you when any new information comes to light but if you have any queries in the meantime, please do not hesitate to contact me

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