

### HOUSING DISPUTES – CROWN COURT JURISDICTIONS

- 1.1 This paper attempts to map jurisdictions conferred by primary legislation on the Crown Court in housing disputes. Provisions in the Housing Act 2004 which have not yet come into force are shown in italic text.
- 1.2 This document does not represent the Law Commission’s official view of the matters discussed, nor is it an authoritative statement of the law.
- 1.3 It was completed on 25 November 2005.

Act	Legislative Provision	Matter	Provision saying it is Crown Court which has jurisdiction	Other bodies with jurisdiction
Leasehold Reform Act 1967	section 16(8)(a)	offence to include or cause to be included in an instrument a statement to the effect that the tenancy is being or has previously been extended under Part 1 of the 1967 Act, knowing the statement to be untrue	section 16(8) prescribes penalty on conviction on indictment	magistrates’ court – section 16(8) prescribes penalty on summary conviction
Leasehold Reform Act 1967	section 16(8)(b)	offence to execute, or with intent to deceive to make use of any instrument, knowing that it contains a statement to the effect that the tenancy is being or has previously been extended under Part 1 of the 1967 Act and that the statement is untrue	section 16(8) prescribes penalty on conviction on indictment	magistrates’ court – section 16(8) prescribes penalty on summary conviction
Leasehold Reform Act 1967	section 23(7)(a)	offence to include or cause to be included in an instrument statement to the	section 23(7) prescribes penalty on conviction on	magistrates’ court – section 23(7) prescribes penalty on

		effect that by virtue of section 23(4), the tenancy is being or has previously been extended in satisfaction of the right to an extended lease under section 14 of the 1967 Act, knowing the statement to be untrue	indictment	summary conviction
Leasehold Reform Act 1967	section 23(7)(b)	offence to execute, or with intent to deceive make use of any instrument, knowing that it contains a statement to the effect that the tenancy is being or has previously been extended in satisfaction of the right to an extended lease under section 14 of the 1967 Act and that the statement is untrue	section 23(7) prescribes penalty on conviction on indictment	magistrates' court – section 23(7) prescribes penalty on summary conviction
Caravan Sites Act 1968	section 3(1)(a)	offence, during the subsistence of a residential contract, to unlawfully deprive occupier of his occupation on any protected site of any caravan which the occupier is entitled by the contract to station and occupy, or to occupy, as his	section 3(3)(b) prescribes penalty on conviction on indictment	magistrates' court – section 3(3)(a) prescribes penalty on summary conviction

			residence thereon		
Caravan Act 1968	Sites	section 3(1)(b)	offence, after the expiration or determination of a residential contract, to enforce, otherwise than by court proceedings, any right to exclude the occupier from the protected site, or from any such caravan or to remove or exclude any such caravan from the site	section 3(3)(b) prescribes penalty on conviction on indictment	magistrates' court – section 3(3)(a) prescribes penalty on summary conviction
Caravan Act 1968	Sites	section 3(1)(c)	offence, during the subsistence or after the expiration or determination of a residential contract, to do acts likely to interfere with the peace or comfort of the occupiers or persons residing with him, with intent to cause the occupier to abandon the occupation of the caravan or remove it from the site, or to refrain from exercising any right or pursuing any remedy in respect thereof	section 3(3)(b) prescribes penalty on conviction on indictment	magistrates' court – section 3(3)(a) prescribes penalty on summary conviction
Caravan Act 1968	Sites	section 3(1)(c)	offence, during the subsistence or after the expiration or	section 3(3)(b) prescribes penalty on conviction on	magistrates' court – section 3(3)(a) prescribes

			determination of a residential contract, to persistently withdraw or withhold services or facilities reasonably required for the occupation of the caravan as a residence on the site, with intent to cause the occupier to abandon the occupation of the caravan or remove it from the site, or to refrain from exercising any right or pursuing any remedy in respect thereof	indictment	penalty on summary conviction
Caravan Sites Act 1968	section 3(1A)(a)	offence for owner of protected site or his agent, whether during the subsistence of or after the expiration or determination of a residential contract, to do acts likely to interfere with the peace or comfort of the occupier or persons residing with him, and he knows or has reasonable cause to believe that that conduct is likely to cause the occupier to abandon the occupation of the caravan or remove it from	section 3(3)(b) prescribes penalty on conviction on indictment	magistrates' court – section 3(3)(a) prescribes penalty on summary conviction	

			the site or to refrain from exercising any right or pursuing any remedy in respect thereof		
Caravan Sites Act 1968	section 3(1A)(b)	offence for owner of protected site or his agent, whether during the subsistence of or after the expiration or determination of a residential contract, to persistently withdraw or withhold services or facilities reasonably required for the occupation of the caravan as a residence on the site, and he knows or has reasonable cause to believe that that conduct is likely to cause the occupier to abandon the occupation of the caravan or remove it from the site or to refrain from exercising any right or pursuing any remedy in respect thereof	section 3(3)(b) prescribes penalty on conviction on indictment	magistrates' court – section 3(3)(a) prescribes penalty on summary conviction	
Caravan Sites Act 1968	section 14(1)	where offence under Caravan Sites Act 1968 committed by body corporate is proved to have been committed with consent or			

		<p>connivance of director, manager, secretary or similar officer, or person purporting to act in such a capacity, or to be attributable to neglect by such officer or person, he as well as the body corporate is guilty of an offence</p>		
<p>Local Government (Miscellaneous Provisions) Act 1976</p>	<p>section 15(8)</p>	<p>offence to disclose trade secret or information as to any manufacturing process gained by person complying with section 15 (which relates to local authority powers to survey in connection with compulsory purchase or acquisition)</p> <p>NOT REALLY HOUSING DISPUTE</p>	<p>section 15(8) prescribes penalty on conviction on indictment</p>	<p>magistrates' court – section 15(8) prescribes penalty on summary conviction</p>
<p>Protection from Eviction Act 1977</p>	<p>section 1(2)</p>	<p>offence to unlawfully deprive residential occupier of the occupation of his premises or any part thereof, unless he believed with reasonable cause that the residential occupier had ceased to reside</p>	<p>section 1(4)(b) prescribes penalty on conviction on indictment</p>	<p>magistrates' court – section 1(4)(a) prescribes penalty on summary conviction</p>

		there		
Protection from Eviction Act 1977	section 1(3)	offence to do acts likely to interfere with peace or comfort of the residential occupier or members of his household, with intent to cause the residential occupier to give up the occupation of the premises or any part thereof, or to refrain from exercising any right or pursuing any remedy in respect of the premises or part thereof	section 1(4)(b) prescribes penalty on conviction on indictment	magistrates' court – section 1(4)(a) prescribes penalty on summary conviction
Protection from Eviction Act 1977	section 1(3)	offence to persistently withdraw or withhold services reasonably required for the occupation of the premises as a residence, with intent to cause the residential occupier to give up the occupation of the premises or any part thereof, or to refrain from exercising any right or pursuing any remedy in respect of the premises or part thereof	section 1(4)(b) prescribes penalty on conviction on indictment	magistrates' court – section 1(4)(a) prescribes penalty on summary conviction
Protection from Eviction Act 1977	section 1(3A)(a)	offence for landlord or his agent to do acts likely to interfere with peace or	section 1(4)(b) prescribes penalty on conviction on indictment	magistrates' court – section 1(4)(a) prescribes penalty on

		<p>comfort of residential occupier or members of his household, with knowledge or reasonable cause to believe it is likely to cause the residential occupier to give up the occupation of the whole or any part of the premises or refrain from exercising any right or pursuing any remedy in respect of the whole or any part of the premises, unless landlord proves had reasonable grounds to do acts in question</p>	<p>indictment</p>	<p>summary conviction</p>
<p>Protection from Eviction Act 1977</p>	<p>section 1(3A)(b)</p>	<p>offence for landlord or his agent to persistently withdraw or withhold services reasonably required for the occupation of the premises as a residence, with knowledge or reasonable cause to believe it is likely to cause the residential occupier to give up the occupation of the whole or any part of the premises or refrain from exercising any right or pursuing</p>	<p>section 1(4)(b) prescribes penalty on conviction on indictment</p>	<p>magistrates' court – section 1(4)(a) prescribes penalty on summary conviction</p>

		any remedy in respect of the whole or any part of the premises, unless landlord/agent proves had reasonable grounds to withdraw or withhold the services		
Protection from Eviction Act 1977	section 1(7)	where offence under section 1 committed by body corporate is proved to have been committed with consent or connivance of director, manager, secretary or similar officer, or person purporting to act in such a capacity, he as well as the body corporate is guilty of an offence	section 1(4)(b) prescribes penalty on conviction on indictment	magistrates' court – section 1(4)(a) prescribes penalty on summary conviction
Local Government Planning and Land Act 1980	section 167(11)	offence to disclose trade secret or information as to any manufacturing process gained by person complying with section 167 (survey by urban development corporation in connection with compulsory purchase or acquisition)  NOT REALLY HOUSING	section 167(11) prescribes penalty on conviction on indictment	magistrates' court – section 167(11) prescribes penalty on summary conviction

			DISPUTE		
Building Act 1984	section 41	appeal against magistrates' court order decision or determination under Part 1 or Part 4 as it applies to Part 1 of the Building Act 1984 (if no other provision provides for an appeal) but not in cases where parties might have required arbitration instead of magistrates' court determination	section 41 names Crown Court		
Building Act 1984	section 55(3)	appeal against magistrates' court determination, confirmation, direction or other decision under section 55	section 55(2) names Crown Court		
Building Act 1984	section 57(1)(a)	offence to give notice purporting to comply with requirements of Part 1 of Act, section 16(9) (or, when section 8(4) of the Sustainable and Secure Buildings Act 2004 comes into force, building regulations falling within paragraphs 4A(1)(a) or (b) of Schedule 1 to the Act), which contains a statement which person making it knows to be false or misleading in a	section 57(2)(b) prescribes penalty on conviction on indictment	magistrates' court – section 57(2)(a) prescribes penalty on summary conviction	

		material particular		
Building Act 1984	section 57(1)(b)	offence to recklessly give a notice or certificate that purports to comply with requirements of Part 1 of Act, section 16(9) or (when section 8(4) of the Sustainable and Secure Buildings Act 2004 comes into force, building regulations falling within paragraphs 4A(1)(a) or (b) of Schedule 1 to the Act), which contains a statement which is false or misleading in a material particular	section 57(2)(b) prescribes penalty on conviction on indictment	magistrates' court – section 57(2)(a) prescribes penalty on summary conviction
Building Act 1984	section 86	appeal against magistrates' court order decision or determination under Part 3 or Part 4 as it applies to Part 3 of the Building Act 1984 (if no other provision provides for an appeal), but not in cases where parties might have required arbitration instead of magistrates' court determination	section 86 names Crown Court	
Environmental Protection Act	paragraph 1(3) of	appeal to Crown Court against any magistrates' court	paragraph 1(3) names Crown	

1990	Schedule 3	decision on an appeal against an abatement notice under section 80(3)	Court	
Social Security Administration Act 1992	section 111A(1)	<p>offence to dishonestly make a false statement or representation or to produce or furnish or cause or allow to be produced or furnished any document or information which is false in a material particular with a view to obtaining any benefit or other payment or advantage under the relevant social security legislation</p> <p>(The SSCBA 1992, which provides for housing benefit, counts as relevant benefit legislation – see section 121DA of the SSAA)</p>	section 111A(3)(b) prescribes penalty on conviction on indictment	magistrates' court - section 111A(3)(a) prescribes penalty on summary conviction
Social Security Administration Act 1992	section 111A(1A)	<p>offence to dishonestly fail to give prompt notification of change of circumstances which he knows affects his entitlement to any benefit, payment or advantage under any provision of the relevant social</p>	section 111A(3)(b) prescribes penalty on conviction on indictment	magistrates' court - section 111A(3)(a) prescribes penalty on summary conviction

		security legislation		
Social Security Administration Act 1992	section 111A(1B)	offence to dishonestly cause or allow another person, entitled to a benefit, payment or advantage under any provision of the relevant social security legislation, to fail to give prompt notification of change of circumstances which he knows affects that other person's entitlement	section 111A(3)(b) prescribes penalty on conviction on indictment	magistrates' court - section 111A(3)(a) prescribes penalty on summary conviction
Social Security Administration Act 1992	section 111A(1D)	offence for recipient to dishonestly fail to give prompt notification of change of circumstances (being, in the case of a landlord receiving housing benefit, a change in the claimant's occupation of, or liability to make payments in respect of a dwelling) which he knows (or if he is landlord of person entitled to housing benefit, could reasonably be expected to know) affects entitlement of claimant to a benefit payment or advantage under a provision	section 111A(3)(b) prescribes penalty on conviction on indictment	magistrates' court - section 111A(3)(a) prescribes penalty on summary conviction

		of the relevant social security legislation, where entitlement is one in respect of which he has a right to receive payments to which claimant has or would have an entitlement		
Social Security Administration Act 1992	section 111A(1E)	offence for person other than recipient to dishonestly cause or allow the recipient to fail to give prompt notification of change of circumstances (being, in the case of a landlord receiving housing benefit, a change in the claimant's occupation of, or liability to make payments in respect of a dwelling) which he knows (or, where recipient is landlord receiving housing benefit, the person other than the recipient could reasonably be expected to know) affects entitlement of claimant to a benefit, payment or advantage under a provision of the relevant social security legislation, where entitlement is one in respect of	section 111A(3)(b) prescribes penalty on conviction on indictment	magistrates' court - section 111A(3)(a) prescribes penalty on summary conviction

		which recipient has a right to receive payments to which claimant has or would have an entitlement		
Social Security Administration Act 1992	section 115	where offence under Social Security Administration act 1992 committed by body corporate is proved to have been committed with consent or connivance of director, manager, secretary or similar officer, or person purporting to act in such a capacity (or member where members manage affairs of body corporate), he as well as the body corporate is guilty of an offence		
Leasehold Reform, Housing and Urban Development Act 1993	section 163(5)	offence to disclose trade secret or information as to any manufacturing process gained by person complying with section 163  NOT REALLY HOUSING DISPUTE	section 163(7) prescribes penalty on conviction on indictment	magistrates' court – section 163(7) prescribes penalty on summary conviction
Criminal Justice and Public Order	section 75(1)	offence to make a statement which he knows to be	section 75(3)(a) prescribes penalty on	magistrates' court section 75(3)(b)

Act 1994		false or misleading in a material particular, or recklessly make statement which is false or misleading an a material particular, for purpose of obtaining an interim possession order (made under court rules for bringing summary possession proceedings of premises occupied by trespassers)	conviction on indictment	prescribes penalty on summary conviction
Criminal Justice and Public Order Act 1994	section 75(2)	offence to make a statement which he knows to be false or misleading in a material particular, or recklessly make statement which is false or misleading an a material particular, for purpose of resisting an interim possession order (made under court rules for bringing summary possession proceedings of premises occupied by trespassers)	section 75(3)(a) prescribes penalty on conviction on indictment	magistrates' court section 75(3)(b) prescribes penalty on summary conviction
<i>Family Law Act 1996</i>	<i>section 42A</i>	<i>offence to do anything prohibited by non-</i>	<i>section 42A(5)(a) prescribes penalty on</i>	<i>magistrates' court - section 42A(5)(b)</i>

Proportionate Housing Dispute Resolution – Background Research Papers

			<i>molestation order (when section 1 of the Domestic Violence, Crime and Victims Act 2004 comes into force)</i>	<i>conviction on indictment</i>	<i>prescribes penalty on summary conviction</i>
Housing Act 1996	section 31(2)	offence intentionally to alter, suppress or destroy document required to be produced under section 30 notice (requiring provision of information to Housing Corporation or Secretary of State)	section 31(2)(b) prescribes penalty on conviction on indictment	magistrates' court - section 31(2)(a) prescribes penalty on summary conviction	
Housing Act 1996	section 223	where offence under Housing Act 1996 committed by body corporate is proved to have been committed with consent or connivance of director, manager, secretary or similar officer, or person purporting to act in such a capacity (or member where members manage affairs of body corporate), he as well as the body corporate is guilty of an offence			
Housing Act 1996	paragraph 20A(5) of Schedule 1	offence (under section 31) to fail to comply with notice given	paragraph 20A(6)(b) prescribes penalty on	magistrates' court - paragraph 20A(6)(a)	

Proportionate Housing Dispute Resolution – Background Research Papers

			under paragraph 20A by persons conducting an inquiry into an RSL	conviction on indictment	prescribes penalty on summary conviction
Housing Act 1996	paragraph 20A(7) of Schedule 1	offence to knowingly or recklessly provide information which is false in a material particular, in purported compliance with a notice given under paragraph 20A	paragraph 20A(6)(b) prescribes penalty on conviction on indictment	magistrates' court - paragraph 20A(6)(a) prescribes penalty on summary conviction	
Housing Act 1996	paragraph 21(4) of Schedule 1	offence to fail to comply with notice to produce documents given by person appointed by Housing Corporation to conduct an inquiry into affairs of RSL	paragraph 21(4)(b) prescribes penalty on conviction on indictment	magistrates' court - paragraph 21(4)(a) prescribes penalty on summary conviction	
Housing Act 1996	paragraph 21(5) of Schedule 1	offence to knowingly or recklessly provide information which is false in a material particular, in purported compliance with a notice given under paragraph 21	paragraph 21(4)(b) prescribes penalty on conviction on indictment	magistrates' court - paragraph 21(4)(a) prescribes penalty on summary conviction	
Housing Act 1996	paragraph 26 of Schedule 1	offence to act as officer of RSL while disqualified	paragraph 26(1)(b) prescribes penalty on conviction on indictment	magistrates' court - paragraph 26(1)(a) prescribes penalty on summary conviction	

Proportionate Housing Dispute Resolution – Background Research Papers

					conviction
Crime and Disorder Act 1998	section 1(10)	offence to do anything prohibited by ASBO	section 1(10)(b) prescribes penalty on conviction on indictment	section 1(10)(a) prescribes penalty on summary conviction	
Crime and Disorder Act 1998	section 1C	court may make order prohibiting person from doing specified acts when person convicted of relevant offence	section 1C(1) refers to court by which person convicted, and section 1C(10) refers to Crown Court	magistrates' court – see section 1CA(6)	
Crime and Disorder Act 1998	section 1CA	variation or discharge of order prohibiting specified acts made under section 1C on conviction for relevant offence	section 1CA(1) refers to court which made order (ie on conviction) section 1C(10) refers to Crown Court	section 1CA(6) refers to magistrates court	
Crime and Disorder Act 1998	section 1D	court can make interim ASBO or section 1B or 1C order	applies where prosecution request or court is minded to make section 1C order (made on conviction) section 1C(10) refers to Crown Court	county court – see section 1D(1)(b)  magistrates' court – see section 1D(1)(a)	
Crime and Disorder Act 1998	section 4	appeals against making by magistrates of ASBO, individual support order, interim ASBO	section 4 names Crown Court		
Immigration and Asylum Act 1999	section 106	offence, with a view to obtaining any benefit or other payment or advantage under Part 6 (support for asylum seekers, which may include	section 106(2)(b) prescribes penalty on conviction on indictment	magistrates' court - section 106(2)(a) prescribes penalty on summary conviction	

		accommodation) for himself or any other person to dishonestly make a false statement or representation, to produce or give or cause to be produced or given document or information which is false, to fail to notify a change of circumstances where required, or to cause another person to fail to notify a change of circumstances where required		
Land Registration Act 2002	section 123	offence, in the course of proceedings relating to registration under the Act to suppress information with the intention of concealing a person's right or claim or substantiating a false claim	section 123(2)(a) prescribes penalty on conviction on indictment	magistrates' court - section 123(2)(b) prescribes penalty on summary conviction
Land Registration Act 2002	section 124(1)	offence to dishonestly induce another to change the register of title or cautions register or to authorise the making of such a change	section 124(3)(a) prescribes penalty on conviction on indictment	magistrates' court - section 124(3)(b) prescribes penalty on summary conviction
Land Registration Act 2002	section 124(2)	offence to intentionally or recklessly make an unauthorised change in the	section 124(3)(a) prescribes penalty on conviction on	magistrates' court - section 124(3)(b) prescribes penalty on

Proportionate Housing Dispute Resolution – Background Research Papers

		register of title or cautions register	indictment	summary conviction
<i>Housing Act 2004</i>	<i>section 236(4)</i>	<i>offence to intentionally alter, suppress or destroy any document required to be produced by a notice under section 235</i>	<i>section 236(5)(b) prescribes penalty on conviction on indictment</i>	<i>magistrates' court - section 236(5)(a) prescribes penalty on summary conviction</i>