

Property: What is a "Good Reason" for an extension of time to Appeal under s204 Housing Act 1996

Adam Swirsky

S. 204(2A) of the Housing Act 1996 gives the court a discretion to extend the time for an applicant to appeal against a s. 202 review where there is a "good reason" for the applicant to be unable to bring the appeal in time and (in an appropriate case) for any delay in applying for permission. Historically, applications to extend time have been treated relatively harshly. In particular, a number of cases have suggested that the fact that a party is not professionally represented could play only a very limited part in the assessment of whether or not there was a "good reason" for a departure from the normal time limit (eg. **R (Hysaj) v Secretary of State for the Home Department [2015] 1 WLR 2472**).

The matter came before the Court of Appeal for consideration in **Tower Hamlets London Borough Council v Al Ahmed [2020] EWCA Civ 51**. In that case the applicant lodged his appeal out of time and asked for an extension of time. The reason he gave for the delay was that his lack of legal representation amounted to a "good reason". In the county court permission to extend time was granted but, on appeal to the High Court, that decision was reversed, the Judge rejecting the suggestion that the lack of professional representation coupled with reliance on advice from Crisis amounted to a "good reason".

On a second appeal to the Court of Appeal, the court pointed out that the requirement of a "good reason" provides a straightforward statutory test to which no gloss is or should be applied, whether a reason or conjunction of reasons amounts to a good reason is a question of fact and value judgment and that the question whether a reason, or combination of reasons, is to be categorised as "good" can be considered at large and without any preconceptions as to what may qualify and what may not qualify as a contributor to the ultimate decision as to whether a reason is good (paragraph 24). The court also rejected the contention that an application under s. 204(2A) should be considered by analogy to the well-known test in **Denton v TH White Ltd [2014] 1 WLR 3926** or to other decisions dealing with the requirements of the CPR, pointing out that an application made under s. 204 is materially different from the procedural cases where it has been held to be reasonable, as a general rule, to expect litigants in person to comply with relevant rules of court.