of appeal. Although this practice is principally apparent in the national security context, the interpretation of the statutory appeal framework adopted by the secretary of state applies across the board.

Having summarised the court's construction of the statutory framework, which accorded exactly with that advanced by MK, Pill LJ, with whom the rest of the court agreed, rejected the secretary of state's criticisms, in particular holding that:

While I see the force of the submission that the secretary of state should be permitted to exclude a person whose entry is perceived not to be conducive to the public good for reasons of national security, the statutory wording does not provide a power to exclude in the limited circumstances contemplated. I can find no basis for an underlying understanding that the provisions should be read as the secretary of state requires (para 28).

What about situations where on the basis of the secretary of state's wrong assertion, the appeal right has already been exercised from outside the UK? In such cases, it may be possible to argue that the notice of decision was materially defective (see the Court of Appeal's judgment in *Jeyeanthan* [1999] INLR 241) and should be set aside and reissued with a concomitant right of appeal. The further out of time (three months for judicial review), the more difficult it will be to argue that the proceedings are a nullity. However, as the defectiveness of the decision notice is a matter going to the tribunal's (or the Special Immigration Appeals Commission's) jurisdiction to hear the appeal, being out of time for judicial review may be no barrier to taking the point on appeal, and therefore a way of getting the appellant back to the UK pending the appeal where, importantly, he will not be denied the fundamental right to give evidence in his own cause.

1 The text of this judgment is available in French only.
2 See note 1.

Nicola Braganza, Grace Brown, Rebecca Chapman, Leonie Hirst, Glen Hodgetts, Rita Sethi, Alexis Slatter, Abi Smith, Hugh Southey QC, Amanda Weston and Chris Williams are barristers at Tooks Chambers, London.

Recent developments in housing law

Nic Madge and **Jan Luba QC** continue their monthly series. They would like to hear of any cases in the higher or lower courts relevant to housing. In addition, comments from readers are warmly welcomed.

POLITICS AND LEGISLATION

Housing litigation in the county court

The UK coalition government has published proposals for reform of the handling of cases in the county courts: *Solving disputes in the county courts: creating a simpler, quicker and more proportionate system. A consultation on reforming civil justice in England and Wales* (Ministry of Justice (MoJ), March 2011).[1] In respect of housing litigation, the proposals include retaining the £1,000 small claims limit for housing disrepair (Civil Procedure Rule (CPR) 26.6(1)(b)) and making the provisions of the pre-action protocols in rent arrears and mortgage possession cases mandatory. The deadline for responses is 30 June 2011.

The UK coalition government has concluded its review of Lord Justice Jackson's proposals for the reform of costs in civil cases and has published its response to them: *Reforming civil litigation funding and costs in England and Wales – implementation of Lord Justice Jackson's recommendations: the government response* (MoJ, March 2011).[2] It has decided to abolish the right to recover success fees from defendants where claimants have signed conditional fee agreements (CFAs). Presently CFAs are used to fund many housing disrepair claims for those not entitled to legal aid.

The House of Commons Justice Committee report on the UK coalition government's proposals to reform legal aid identifies a £12m cut in funding for housing cases (almost £1m of which will come from Legal Services Commission funding to Citizens Advice Bureaux): *Government's proposed reform of legal aid. Third report of session 2010–11* (March 2011).[3]

Housing and anti-social behaviour

Between November 2007 and October 2009, the UK coalition government piloted a scheme in eight council areas in England penalising anti-social behaviour by reductions in housing benefit (HB) paid to those responsible for it. Over the course of the pilot, no sanctions were imposed on anyone. Research commissioned on the pilot has not recommended the wider roll-out of a HB sanctions scheme: *An evaluation of the sanction of housing benefit* (Department for Work and Pensions (DWP) research report no 728, March 2011).[4]

The Chartered Institute of Housing, HouseMark and the Social Landlords Crime and Nuisance Group have just concluded a consultation exercise on their proposed new housing management standard for work by social landlords to deal with the problem of anti-social behaviour: *ASB service commitments (working title)* (Draft, March 2011).[5]

New housing code for Wales

The Welsh Assembly Government (WAG) is consulting on a new code of guidance for housing allocation and homelessness to replace the current code which was issued to Welsh local authorities in 2003: *Code of guidance for local authorities on allocation of accommodation and homelessness* (WAG consultation document, March 2011).[6] Responses should be made by 30 June 2011.

Regulating mortgage possession

The European Commission has published a working paper on national measures to avoid foreclosure procedures for mortgage payment default: *National measures and practices to avoid foreclosure procedures for residential mortgage loans* (Commission staff working paper, March 2011).[7] The paper is complementary to the commission's latest work in creating an international framework for mortgage regulation through a Directive of the European Parliament and of the Council on credit agreements relating to residential property.

In England, the formal Homeowners Mortgage Support Scheme ended in April 2011 as planned.

Squatting

The UK coalition government has announced that it will take steps to make squatting a criminal offence: Department for Communities and Local Government (DCLG) news release, 21 March 2011.[8] In the interim, the DCLG has published 'strengthened' and updated guidance for homeowners, indicating what steps they can take if squatters enter their homes: *Advice on dealing with squatters in your home* (DCLG and MoJ, revised edition, March 2011).[9]

Mobile homes

On 16 March 2011, the Caravans Act (Northern Ireland) 2011 received royal assent. The Act affords security of tenure and protection from eviction to those living on official mobile home and Traveller sites and will come into force on 16 September 2011.

HUMAN RIGHTS

Article 8

Environmental pollution

■ Dubetska v Ukraine

App No 30499/03,
10 February 2011

Ms Dubetska owned a house built in 1933 by members of her family. In 1960, the state started operating a coal mine, with a spoil heap located 100 metres from the house. In 1979, the state opened a coal-processing factory nearby. The operation of the factory and the mine had adverse environmental effects. There was continuous infiltration of ground water. This resulted in flooding and pollution of the ground water. There was also excessive dust and soot. Levels of heavy metals in the soil were up to ten times the permissible concentration. Ms Dubetska's house sustained damage as a result of subsidence. Use of local well and stream water for washing and cooking purposes caused itching and intestinal infections. Some of her relatives developed chronic health conditions, including bronchitis, emphysema and carcinoma. Relying on article 8 of the European Convention on Human Rights ('the convention'), Ms Dubetska and her relatives complained that the state authorities had failed to protect their homes, private and family lives from excessive pollution.

The European Court of Human Rights (ECtHR) stated that it is well-established that neither article 8 nor any other provision of the convention guarantees the right to preservation of the natural environment as such. However, an arguable claim under article 8 may arise where an environmental hazard attains a level of severity resulting in significant impairment of an applicant's ability to enjoy his/her home, private or family life. The ECtHR continued:

> *While there is no doubt that industrial pollution may negatively affect public health in general and worsen the quality of an individual's life, it is often impossible to quantify its effects in each individual case. As regards health impairment for instance, it is hard to distinguish the effect of environmental hazards from the influence of other relevant factors, such as age, profession or personal lifestyle. 'Quality of life' in its turn is a subjective characteristic which hardly lends itself to a precise definition* (para 106).

However, in this case, living in an area marked by pollution in clear excess of applicable safety standards exposed the applicants to an elevated risk to health. Ms Dubetska and her relatives had presented a substantial amount of data about excesses of polluting substances. For a period of more than 12 years since the convention came into force in Ukraine, Ms Dubetska and her relatives 'were living permanently in an area which, according to both the legislative framework and empirical studies, was unsafe for residential use on account of air and water pollution and soil subsidence resulting from the operation of two state-owned industrial facilities' (para 118). The state was well aware of the environmental effects. The environmental nuisance had attained the level of severity necessary to bring the complaint within the ambit of article 8.

Although in cases involving environmental issues the state must be allowed a wide margin of appreciation, the ultimate question was whether or not a state has succeeded in striking a fair balance between the competing interests of the individuals affected and the community as a whole. Overall, the onus is on the state to justify a situation in which certain individuals bear a heavy burden on behalf of the rest of the community. The court found that the government had failed to adduce sufficient explanation for its failure either to resettle Ms Dubetska and her relatives or to find some other kind of effective solution for their individual burdens for more than 12 years. There had therefore been a breach of article 8. The ECtHR awarded a total of €65,000 in non-pecuniary damages.

New Travellers

■ Horie v UK

App No 31845/10,
1 February 2011

In 2007, Ms Horie, one of a group of New (also known as New Age) Travellers established an unauthorised camp on woodland known as Hethfelton Wood. The wood was vested in the Secretary of State for the Environment, Food and Rural Affairs and managed by the Forestry Commission. A recorder granted an order for possession, but refused to grant a wider injunction preventing the group from camping in other woods. On appeal, the Court of Appeal granted an injunction restraining each of the defendants 'from entering upon, trespassing upon, living on or occupying' any of the other woods (para 7). The Supreme Court dismissed a further appeal (*Secretary of State for Environment, Food and Rural Affairs v Meier* [2009] UKSC 11; [2009] 1 WLR 2780). Ms Horie complained to the ECtHR that the decision to grant the injunction violated her rights under article 8 of the convention as it impacted on her ability to pursue her way of life as a New Traveller. She argued that article 8 imposed on the state a positive obligation to facilitate the Gypsy way of life (*Chapman v UK* [GC] App No 27238/95 and *Connors v UK* App No 66746/01) and in granting such a wide-ranging injunction the authorities were acting in violation of this obligation. On considering admissibility, the ECtHR observed that Ms Horie was:

> *... a New Traveller and not a Gypsy. Unlike Romani Gypsies, who are widely recognised as an ethnic group, and Irish Travellers, who are a traditionally nomadic people with their own culture and language, New Travellers live a nomadic lifestyle through personal choice and not on account of being born into any ethnic or cultural group* (para 28).

However, the court did not consider it appropriate to reach any conclusions on the extent of contracting states' positive obligations towards New Travellers. First, the ECtHR did not accept that the grant of the injunction demonstrated that there had been an interference with the applicant's ability to maintain her identity as a New Traveller. The only change in Ms Horie's position brought about by the grant of the injunction was that there was a risk she could face imprisonment for contempt of court if she were to camp on the land in question. Second, she had no right under article 8 to establish a camp on the land. Finally, the injunction was not sufficiently wide to interfere with her way of life. Although it covered 13 sites in Dorset, that would only have accounted for a small proportion of land in the county. The ECtHR found that there had been no appearance of a violation of Ms Horie's rights under article 8 and that the complaint was manifestly ill-founded. The court declared the application inadmissible.

Articles 10 and 11

Possession claims

■ Mayor of London v Haw

[2011] EWHC 585 (QB), 17 March 2011

From 2009 and at various times before that, Mr Haw pitched at least one tent on Parliament Square Gardens. He was joined by Ms Tucker and other protesters. In 2010, the Mayor obtained a possession order and injunctions requiring the removal of all tents, but Mr Haw and Ms Tucker appealed successfully against those orders. The case was remitted to the High Court (*Mayor of London v Hall* [2010] EWCA Civ 817; [2011] 1 WLR 504). Meanwhile, Mr Haw asked the Mayor for permission to keep two tents on Parliament Square Gardens indefinitely. The Mayor refused. He stated that the adverse effect on the gardens and the public interest meant that there was a pressing social need to refuse permission, and that doing so did not interfere inappropriately with Mr Haw's and Ms Tucker's article 10 and 11 rights. Mr Haw sought a reconsideration and suggested alternatives.

Wyn Williams J held that it was proportionate to grant a possession order and an injunction. Interference with the article 10 and 11 rights of Mr Haw and Ms Tucker was justified. Their activities, both individually and cumulatively, constituted an interference with the rights of others. There was a pressing social need justifying the making of the orders. Parliament Square Gardens was not a suitable location for camping, which was incompatible with its function, lawful use and character, and inconsistent with the proper management of the area as a whole. Mr Haw and Ms Tucker should not be allowed to occupy the area indefinitely.

Article 1 of Protocol No 1

■ Ferreira v Portugal

App No 41696/07, 21 December 2010[10]

Mr and Mrs Ferreira were owners with a life interest in a flat. In 1980, they rented it out to tenants. In 2002, as they needed the property to house their son and his growing family, the couple applied to the court to have the lease terminated. The District Court applied a law which automatically prevented owners from terminating leases in any circumstances where the tenant had been living in the property for 20 years or more and refused their request. The Court of Appeal and Constitutional Court dismissed their appeals. The couple complained to the ECtHR that there had been a breach of article 1 of Protocol No 1.

By a majority, the court rejected their complaint. Although the law interfered with Mr and Mrs Ferreira's rights, the question was whether or not the interference was justified, having regard to the fact that the article 'shall not … in any way impair the right of a state to enforce such laws as it deems necessary to control the use of property in accordance with the general interest' (para 18). This type of legislation pursues a legitimate goal of social protection for tenants and tends to promote the economic well-being of the country (*Barreto v Portugal* App No 18072/91, para 16). This is an area in which states have a wide margin of appreciation. After referring to a number of cases in which the ECtHR had found that limitations on the rights of property owners in member states had been justified and proportionate, the court indicated that states may afford broader protection to the interests of tenants with longer and more secure contracts. The court could not call into question political choices aimed at providing increased protection to certain categories of tenants. It was a measure which served the general interest and did not appear manifestly unreasonable. Although the Portuguese courts had not been able to weigh up the respective interests of the property owners and the tenant, the absolute character of a law was not, in itself, incompatible with the convention (*Evans v UK* [GC] App No 6339/05, para 89; CEDH 2007-IV and *Salabiaku v France* App No 10519/83, para 28). Such absolute rules promoted juridicial certainty ('la sécurité juridique') and avoided a lack of clarity ('les incohérences') in a sensitive area (para 33). The court noted that such absolute rules are not rare (see, for example, *James v UK* App No 8793/79, para 47). Finally, the ECtHR gave decisive weight to the fact that the restriction in question was already in force when Mr and Mrs Ferreira entered into the lease. They had therefore known already at that time that, under Portuguese law, they could request termination of the lease if they or their children needed housing, but that if the lease were to extend beyond a period of 20 years, they would be debarred from so doing. The restriction on Mr and Mrs Ferreira's rights could not be deemed to be disproportionate or unjustified. It struck a fair balance between the interests of the community and their rights.

SECURE TENANCIES

Death and succession

■ Solihull MBC v Hickin

[2010] UKSC 239, 24 March 2011

Ms Hickin has been given permission to appeal to the Supreme Court against the decision of the Court of Appeal ([2010] EWCA Civ 868; [2010] 1 WLR 2254; September 2010 *Legal Action* 36).

ASSURED TENANCIES

Warrant suspension

■ Toynbee Housing Association v Choudhury

Clerkenwell and Shoreditch County Court, 3 February 2011[11]

Ms Choudhury was an assured tenant of a housing association property on an estate. In June 2008, a postponed possession order was made arising out of her adult son's drugs-related anti-social behaviour on the estate. The order provided that the son should not be at the premises at any time and was of indefinite duration. Between July 2009 and February 2010, the order was breached when her son returned to the premises on numerous occasions. He was ultimately arrested when found there in possession of cannabis. The housing association applied to fix a date for possession. On the tenant's application to suspend the warrant, District Judge Millard found that although the tenant had been away from the premises at the time of the breaches, she had been aware of her son's visits but neither she nor her family had done anything to prevent them. Their account of being afraid of him was rejected. District Judge Millard held that she had no reason to believe that the tenant or her family would obey the order in the future. She dismissed the application, but granted permission to appeal.

On appeal, HHJ Cryan accepted that *Greenwich LBC v Grogan* (2001) 33 HLR 12 was authority for the proposition that, given that the district judge had herself granted permission to appeal, he should reconsider the discretion under Housing Act (HA) 1988 s9(2). After referring to the approach to article 8 proportionality in the judgments of Sedley LJ in *Lambeth LBC v Howard* [2001] EWCA Civ 468; (2001) 33 HLR 58 and *Sheffield City Council v Shaw* [2007] EWCA Civ 42, HHJ Cryan held that, although the tenant had shown a troubling lack of frankness and co-operation with the court and the housing association:

- she had complied with the order for the previous 11 months;
- she probably did now realise that she was looking at the homelessness abyss;
- the adverse impact on the neighbourhood of the breaches had been very limited;
- she was wheelchair bound and had a raft of other medical problems; and
- her household included a seven year old

and a vulnerable 19 year old.

The risk of further breaches was not eliminated completely, but having regard to the overall circumstances it was reduced sufficiently to make the immediate execution of the order disproportionate, provided that a further condition was imposed requiring her to notify the housing association if her son came onto the estate.

APPLICATIONS TO SET ASIDE JUDGMENT

■ Bank of Scotland v Pereira

[2011] EWCA Civ 241,
9 March 2011

The bank took mortgage possession proceedings against a number of defendants. The trial was listed in June 2007. Although Ms Pereira knew about the trial and requested an adjournment, she did not attend. HHJ Milligan made orders for possession, gave a money judgment and ordered (in the light of findings of fraud) that the original sale and transfer of the property to her be rescinded. Those orders were made in her absence. In July 2009, she made an application to set aside parts of the order. HHJ Ellis rejected that application under CPR 39.3. He found that she had failed to act promptly on discovering judgment had been given, and that she did not have a good reason for not having attended the hearing. He also considered that the third requirement (a reasonable prospect of success at a retrial) presented her with difficulties. She appealed.

The Court of Appeal considered the criteria to be applied when hearing applications to set aside judgment under CPR 39.3 and the inter-relationship between CPR 39.3 and appeals under CPR 52. In the light of the documents which Ms Pereira must have received, Judge Ellis was entitled to conclude that she was aware the hearing was taking place. He was also entitled to conclude that Ms Pereira was aware of the order within a week or two of its having been made. If that was so, 'her delay of around two years in making the CPR 39.3 application could not possibly be described as prompt, even on the most generous-minded and indulgent view' (para 51). He was not wrong to disbelieve her evidence without giving her the opportunity to give oral evidence and be cross-examined, which 'would be inconvenient and time-consuming' (para 52). Wherever possible, courts should scrutinise applications under CPR 39.3 and deal with them on the basis of written evidence.

HOMELESSNESS

Applications

***Public Services Ombudsman for Wales* Complaint**

■ Cardiff County Council

2009/00981,
15 March 2011

Miss S applied to the council for homelessness assistance when she and other members of her household were evicted from their accommodation. The council decided that in the light of her mental health problems and her diagnosis of schizophrenia, Miss S lacked the capacity to make a homelessness application (which is not a decision that carries a right to a statutory review or appeal): *R v Tower Hamlets LBC ex p Begum* [1993] AC 509, HL.

On the investigation of a complaint made by Miss S's mother, the Ombudsman was critical of the process by which the council had concluded that Miss S lacked capacity and of the failure to make an immediate referral to social services so that accommodation could be provided for her under the National Assistance Act 1948 s21.

Intentional homelessness

■ Ellis v Angus Council

[2011] CSOH 44,
4 March 2011

The claimant was a young woman with a depressive illness. She was an assured shorthold tenant receiving HB, but failed to pay her benefit over to her landlord. She was evicted for arrears of rent. She applied to the council for homelessness assistance. The council decided that she had become homeless intentionally and that decision was upheld on review. The relevant part of the *Code of guidance on homelessness* for Scottish local housing authorities stated that:

> *Failed tenancies are a common occurrence for young people when they first leave home, especially if they have not had much in the way of support to sustain a tenancy. Local authorities should consider the position sensitively and only make a finding of intentionality where there is compelling evidence that the applicant deliberately refused to accept advice or engage with agencies who could provide support and were aware of the consequences of their actions* (para 7.18 of the code).

The claimant sought a judicial review on the basis that:

■ the council had failed to have regard to the guidance; and

■ the guidance was not mentioned in the relevant decision letters.

Lord Tyre dismissed the claim. He held that:

■ although the council was required to have regard to the code, the guidance it contained was not binding; and

■ it was not necessary for the decision-maker to refer to a provision of the code if s/he did not consider it applicable to the circumstances of the case.

Reviewing decisions

■ Makisi v Birmingham City Council;
■ Yosief v Birmingham City Council;
■ Nagi v Birmingham City Council

[2011] EWCA Civ 355,
31 March 2011

The three appellants each sought reviews of decisions relating to their applications for homelessness assistance (HA 1996 s202). Each claimed that there was a 'deficiency or irregularity' in the council's initial decisions on their applications entitling them to make 'oral representations' in support of their review requests (paras 8 and 9): Allocation of Housing and Homelessness (Review Procedures) Regulations ('the Review Procedures Regs') 1999 SI No 71 reg 8(2)(b).

The council decided that the right to make oral representations could be satisfied by allowing applicants to speak to the reviewing officer by telephone (with an on-line interpreter, if necessary) unless there was a 'genuine practical reason' why any submissions could not be made by telephone (para 16). All three appellants asked for face-to-face oral hearings. Their requests were declined. Their appeals to the county courts were dismissed. They made second appeals.

In the Court of Appeal, all parties accepted that the term 'oral representations' was wide enough to embrace representations made either by telephone calls or face-to-face meetings. The issue was whether the applicants or the council should be able to decide if there should be an oral hearing.

The Court of Appeal held that the applicants had a right to insist on an oral hearing. This did not mean that there was any right to call and examine witnesses, but it did mean that an applicant had a right to insist on a meeting between the reviewing officer, the applicant and any representative of the applicant. In two of the cases, *Makisi* and *Yosief*, it was accepted that Review Procedures Regs reg 8(2)(b) had been triggered and the right to an oral hearing wrongly denied. In Mr Nagi's case, while highly critical of the form and content of the council's initial decision, the Court of Appeal was not prepared to hold that it was deficient or irregular.

Appeals

■ Dharmaraj v Hounslow LBC

[2011] EWCA Civ 312, 24 January 2011

Solicitors applied on the claimant's behalf for a review of a decision that he had become homeless intentionally. With that request, they sent a letter giving the claimant's authority to act on his behalf. The council's reviewing officer confirmed the original decision: HA 1996 s191. The letter stating this was sent by fax to the claimant's solicitors.

The claimant appealed to the county court. He contended that the reviewing officer's decision was a nullity because it had wrongly described the time limit for appeal to the county court contrary to the requirement in HA 1996 s203(5) and 203(6). Accordingly, his case was that the county court had to examine the correctness (or otherwise) of the initial decision. HHJ Mitchell rejected that submission and the claimant appealed.

The Court of Appeal dismissed the appeal. The reviewing officer's letter had expressed the time limit correctly. Time had begun to run on the date of the fax to the solicitor rather than on the later date when it was received by the claimant. This was because a review decision may be notified to either an applicant or to his/her authorised agent, and the date when it is 'notified' for the purpose of the time limit is the date when it is received by either of them. Furthermore, the council's obligation to give notice of the time limit for an appeal in a reviewing officer's decision letter did not require it to reproduce the words of the relevant provisions of the HA 1996 but simply to set out the substance of them.

HOUSING AND CHILDREN

■ R (O) v Hammersmith & Fulham LBC

[2011] EWHC 679 (Admin), 23 March 2011

The claimant was a severely disabled child. His parents concluded reluctantly that they could no longer meet his needs if he continued living at home. They considered that he required full-time residential care at a specialist school. The council took the view that he could continue at home with support and could attend a local specialist facility. The claimant sought a judicial review. Among the issues in the claim was whether or not the claimant was owed a duty under Children Act (CA) 1989 s20(1)(c), which applied where 'the person who has been caring for him [was] prevented (whether or not permanently, and for whatever reason) from providing him with suitable accommodation or care'.

Blair J rejected the parents' assertion that a duty to accommodate arose under section 20(1)(c) as soon as a child's parents concluded that they were prevented from accommodating him. The matter was one for objective assessment by the council. However, the council's decision was flawed on the facts and was set aside on other grounds.

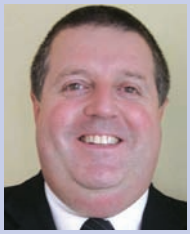
■ R (FN) v Croydon LBC

[2011] EWHC 862 (Admin), 16 March 2011

The claimant was a young unaccompanied asylum-seeker who said that he was aged 13 on arrival. The council agreed to accommodate him under CA 1989 s20, but assessed his age on arrival as 15. The claimant sought a judicial review. On the eve of trial, the parties reached agreement on a date to be treated as his date of birth, about which there was no independent evidence.

Neil Garnham QC, sitting as a deputy High Court judge, considered the circumstances in which a declaration about a date of birth would be made when parties were agreed, particularly given the general application of such a declaration and its impact on third parties such as other public bodies. In this case, a declaration was considered appropriate because, on the best available evidence, it could be said with some confidence that the claimant was probably now 15 and that the agreed date of birth, 1 April 1995, represented a sensible compromise.

1 Available at: www.justice.gov.uk/consultations/docs/solving-disputes-county-courts.pdf.
2 Available at: www.official-documents.gov.uk/document/cm80/8041/8041.pdf.
3 Available at: www.publications.parliament.uk/pa/cm201011/cmselect/cmjust/681/681i.pdf.
4 Available at: http://research.dwp.gov.uk/asd/asd5/rports2011-2012/rrep728.pdf.
5 Available at: www.cih.org/respectstandard/draftrespect230311.pdf.
6 Available at: http://wales.gov.uk/docs/desh/consultation/110331housinghomelessnesscodeen.pdf.
7 Available at: http://ec.europa.eu/internal_market/finservices-retail/docs/credit/mortgage/sec_2011_357_en.pdf.
8 Available at: www.communities.gov.uk/news/corporate/1868842.
9 Available at: www.communities.gov.uk/documents/housing/pdf/1868817.pdf.
10 The text of this judgment is available in French only.
11 Richard Harmer, solicitor, Shelter and Bethan Harris, barrister, London.



Nic Madge is a circuit judge. Jan Luba QC is a barrister at Garden Court Chambers, London. He is also a recorder. The authors are grateful to the colleagues at note 11 for the transcript or notes of the judgment.