



Mobile Homes (Wales) Act 2013

2013 anaw 6

PART 2

LICENSING OF MOBILE HOME SITES ETC.

Breach of condition

21 Power to take emergency action

- (1) A local authority which has issued a site licence may take action in relation to any of the land comprising the site if it appears to the local authority that—
 - (a) the owner of the land is failing or has failed to comply with a condition of the site licence, and
 - (b) as a result of that failure there is an imminent risk of serious harm to the health or safety of any person who is or may be on the land.
- (2) The action a local authority may take under this section (referred to in this section as “emergency action”) is such action as appears to the local authority to be necessary to remove the imminent risk of serious harm mentioned in subsection (1)(b).
- (3) Where a local authority proposes to take emergency action, the local authority must serve on the owner of the land a notice which—
 - (a) identifies the land to which it relates,
 - (b) states that the local authority intends to enter the land,
 - (c) describes the emergency action the local authority intends to take on the land,
 - (d) if the person whom the local authority proposes to authorise to take the action on its behalf is not an officer of the local authority, states the name of that person, and
 - (e) specifies the powers under this section and section 32 as the powers under which the local authority intends to enter the land.
- (4) A notice under subsection (3) may state that, if entry to the land were to be refused, the local authority would propose to apply for a warrant under section 32(3).

Status: This is the original version (as it was originally enacted).

- (5) A notice under subsection (3) must be served sufficiently in advance of when the local authority intends to enter the land as to give the owner of the land reasonable notice of the intended entry.
- (6) In a case where the local authority authorises a person other than an officer of the local authority to take the emergency action on its behalf, the reference in section 32(1) to an authorised officer of the local authority includes that person.
- (7) Section 32, in its application to a case within this section, has effect as if—
- (a) the words “at all reasonable hours” in subsection (1), and
 - (b) subsection (2),
- were omitted.
- (8) Within the period of 7 days beginning with the date when the local authority starts taking the emergency action, the local authority must serve on the owner of the land a notice which—
- (a) describes the imminent risk of serious harm to the health or safety of persons who are or may be on the land,
 - (b) describes the emergency action which has been, and any emergency action which is to be, taken by the local authority on the land,
 - (c) sets out when the local authority started taking the emergency action and when the local authority expects it to be completed,
 - (d) if the person whom the local authority has authorised to take the action on its behalf is not an officer of the local authority, states the name of that person, and
 - (e) explains the right of appeal conferred by subsection (9).
- (9) The owner of land in respect of which a local authority has taken or is taking emergency action may appeal to a residential property tribunal against the taking of the action by the local authority (see section 23).
- (10) An appeal may be brought—
- (a) on the grounds that that there was no imminent risk of serious harm as mentioned in subsection (1)(b) (or, where the action is still being taken, that there is no such risk), or
 - (b) on the grounds that the action the authority has taken was not necessary to remove the imminent risk of serious harm mentioned in subsection (1)(b) (or, where the action is still being taken, that it is not necessary to remove the risk).
- (11) The ways in which a notice under this section may be served include by fixing it in a prominent place at or near the main entrance to the land.