

MOBILE HOMES ACT 2013

EXPLANATORY NOTES

COMMENTARY

Licensing

Section 6: Sections 4 and 5: appeals, operative periods, recovery of expenses

25. This section inserts sections 9G, 9H and 9I into the CSCDA 1960. Section 9G deals with appeals brought under section 9A, 9E or 9F. Subsection (1) provides that an appeal brought under these sections must be made before the end of the period of 21 days, starting from the date the relevant document (defined in subsection (2)) was served. Subsection (3) provides that a residential property tribunal may allow an appeal to be made after the end of the appeal period, if satisfied that there is a good reason for the delay. An appeal brought under these sections is to be by way of a rehearing but may be determined having regard to matters of which the local authority who made the decision were unaware. Subsection (5) sets out the order-making powers of the tribunal.
26. Section 9H deals with when a compliance notice or expenses demand becomes operative. Subsection (2) provides that where no appeal is brought within the appeal period against a compliance notice, both the notice and any accompanying demand under section 9C become operative at the end of that period. (An occupier commits an offence under new section 9B if he fails to take the steps specified in a compliance notice which has become operative.) Subsection (3) similarly provides that a demand under section 9F becomes operative, in a case where there is no appeal made against it, at the end of the appeal period. Subsections (4) to (6) deal with cases where an appeal is brought, and set out the point at which a compliance notice (and any accompanying section 9C demand) or a demand under section 9F become operative where a decision on the appeal is given which confirms the notice or section 9F demand.
27. Section 9I deals with the recovery of expenses demanded under section 9C or 9F. Subsection (1) provides that from the time when a demand under section 9C or 9F becomes operative, the relevant expenses set out in the demand carry interest at a rate fixed by the local authority, until all sums due under the demand are recovered. The expenses and any interest are recoverable as a debt. Subsection (2) provides that from the time the demand becomes operative, the expenses and interest are a charge on the land to which the compliance notice relates, until they are recovered. Subsection (3) sets out that the charge takes effect at that time as a legal charge which is a local land charge. Subsection (4) sets out that the local authority can rely on certain powers and remedies set out in the Law of Property Act 1925. Subsection (5) sets out when the power of appointing a receiver is exercisable.