



Public Health Act 1936

1936 CHAPTER 49

PART XII

GENERAL.

Provisions as to recovery of expenses, doc.

291 Certain expenses recoverable from owners to be a charge on the premises: power to order payment by instalments.

- (1) Where a local authority have incurred expenses for the repayment of which the owner of the premises in respect of which the expenses were incurred is liable, either under this Act or under any enactment repealed thereby, or by agreement with the authority, those expenses, together with interest from the date of service of a demand for the expenses, may be recovered by the authority from the person who is the owner of the premises at the date when the works are completed, or, if he has ceased to be the owner of the premises before the date when a demand for the expenses is served, either from him or from the person who is the owner at the date when the demand is served, and, as from the date of the completion of the works, the expenses and interest accrued due thereon shall, until recovered, be a charge on the premises and on all estates and interests therein.
- (2) A local authority may by order declare any expenses recoverable by them under this section to be payable with interest by instalments within a period not exceeding thirty years, until the whole amount is paid; and any such instalments and interest, or any part thereof, may be recovered from the owner or occupier for the time being of the premises in respect of which the expenses were incurred, and, if recovered from the occupier, may be deducted by him from the rent of the premises:

Provided that an occupier shall not be required to pay at any one time any sum in excess of the amount which was due from him on account of rent at, or has become due from him on account of rent since, the date on which he received a demand from the local authority together with a notice requiring him not to pay rent to his landlord without deducting the sum so demanded.

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An order may be made under this subsection at any time with respect to any unpaid balance of expenses and accrued interest so, however, that the period for repayment shall not in any case extend beyond thirty years from the service of the first demand for the expenses.

- (3) The rate of interest chargeable under subsection (1) or subsection (2) of this section shall be such rate as the authority may determine :

Provided that the Minister may from time to time by order fix a maximum rate of interest for the purposes of this section generally, or different maximum rates for different purposes and in different cases.

- (4) A local authority shall, for the purpose of enforcing a charge under this section, have all the same powers and remedies under the Law of Property Act, 1925, and otherwise as if they were mortgagees by deed having powers of sale and lease, of accepting surrenders of leases and of appointing a receiver.

292 Power to make a charge in respect of establishment expenses.

Where under this Act a local authority are empowered to execute works and to recover from any person the expenses incurred by them in so doing, they may include in, and recover as part of, the expenses such additional sum, not exceeding five per cent. of the cost of the works, as they think fit in respect of their establishment charges.

293 Recovery of expenses, and &c.

- (1) Any sum which a council are entitled to recover under this Act, and with respect to the recovery of which provision is not made by any other section of this Act, may be recovered either summarily as a civil debt, or as a simple contract debt in any court of competent jurisdiction.
- (2) The time within which summary proceedings may be taken for the recovery of any such sums shall, except where otherwise expressly provided by this Act, be reckoned from the date of the service of a demand therefor.

294 Limitation of liability of certain owners.

Where a council claim to recover any expenses under this Act from a person as being the owner of the premises in respect of which the expenses were incurred and that person proves that he—

- (a) is receiving the rent of those premises merely as agent or trustee for some other person; and
- (b) has not, and since the date of the service on him of a demand for payment has not had, in his hands on behalf of that other person sufficient money to discharge the whole demand of the authority,

his liability shall be limited to the total amount of the money which he has or has had in his hands as aforesaid, but a council who are, or would be, debarred by the foregoing provisions from recovering the whole of any such expenses from an agent or trustee may recover the whole or any unpaid balance thereof from the person on whose behalf the agent or trustee receives the rent.

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295 Power of local authority to grant charging orders.

- (1) Where a local authority have under this Act required any person to execute works and those works have been completed, the person executing the works, or any person who has advanced money to enable them to be executed, may apply to the authority for a charging order and the authority, on being satisfied as to the due execution of the works and as to the amount of the expenditure thereon and, in the case of an advance, as to the sum advanced, may make an order accordingly charging on the premises on which the works were executed, and on all estates and interests therein, an annuity to repay the sum expended or advanced, as the case may be.
- (2) Subject as hereinafter provided, the annuity charged shall be such sum as the authority may determine in respect of every hundred pounds of the said amount and so in proportion in respect of any fraction of that amount, and shall commence from the date of the order and be payable by equal half-yearly payments for a term of thirty years to the person named in the order, his executors, administrators or assigns :

Provided that the Minister may from time to time by order fix the maximum sum to be so charged in respect of a hundred pounds.