



2011 CHAPTER 23

PART 7

STATUTORY NUISANCES

Expenses recoverable from owner to be a charge on premises

68.—(1) Where any expenses are recoverable under section 67(6) from a person who is the owner of the premises there mentioned and the district council serves a notice on that person under this section—

- (a) the expenses shall carry interest, at such reasonable rate as the district council may determine, from the date of service of the notice until the whole amount is paid, and
- (b) subject to the following provisions of this section, the expenses and accrued interest shall be a charge on the premises.

(2) A notice served under this section shall—

- (a) specify the amount of the expenses that the district council claims is recoverable,
- (b) state the effect of subsection (1) and the rate of interest determined by the district council under that subsection, and
- (c) state the effect of subsections (4) to (6).

(3) On the date on which a district council serves a notice on a person under this section the council shall also serve a copy of the notice on every other person who, to the knowledge of the council, has an interest in the premises capable of being affected by the charge.

Changes to legislation: There are currently no known outstanding effects for the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011, Section 68. (See end of Document for details)

(4) Subject to any order under subsection (7)(b) or (c), the amount of any expenses specified in a notice under this section and the accrued interest shall be a charge on the premises—

- (a) as from the end of the period of 21 days beginning with the date of service of the notice, or
- (b) where an appeal is brought under subsection (6), as from the final determination of the appeal,

until the expenses and interest are recovered.

(5) For the purposes of subsection (4), the withdrawal of an appeal has the same effect as a final determination of the appeal.

(6) A person served with a notice or copy of a notice under this section may appeal against the notice to the county court within the period of 21 days beginning with the date of service.

(7) On such an appeal the court may—

- (a) confirm the notice without modification,
- (b) order that the notice is to have effect with the substitution of a different amount for the amount originally specified in it, or
- (c) order that the notice is to be of no effect.

(8) In paragraph 1 of Schedule 11 to the Land Registration Act (Northern Ireland) 1970 (c. 18) after sub-paragraph (c) insert—

“(ca) section 68 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011; or”.

(9) In this section “premises” does not include a vessel.

Commencement Information

II S. 68 in operation at 1.4.2012 by S.R. 2012/13, art. 2(2), Sch. 2

Changes to legislation:

There are currently no known outstanding effects for the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011, Section 68.