



2016 CHAPTER 22

PART 5

Supplementary

Other supplementary provision

Application by person required to take action where consent withheld

81.—(1) This section applies where—

- (a) a person is required, by a notice served under this Act, to take any action in relation to any premises,
- (b) the consent of another person is required for the action to be taken or to enter any premises in order for it to be taken,
- (c) that person has, in response to a written request for consent, unreasonably refused to give it or has failed to respond to the request.

(2) A court of summary jurisdiction may, on the application of the person required to take the action, make an order—

- (a) declaring that the consent has been unreasonably withheld, and
- (b) granting the necessary consent.

Obstructions etc

82.—(1) This section applies where any person (“A”) is required, authorised or entitled to take any action under—

- (a) a temporary exemption notice,
- (b) a rectification notice,

- (c) a Part 4 notice, or
- (d) paragraph 5 of Schedule 3 (power to undertake works).

(2) If—

- (a) A gives notice to any other person (“O”) that A intends to take the action, and
- (b) after receiving that notice, O prevents or obstructs A from taking that action,

A may make an application for an order under subsection (3).

(3) A court of summary jurisdiction may, on the application of A, order O to permit A to do all things which A reasonably requires to do for the purposes of taking the action in question.

(4) Any person who fails to comply with an order under subsection (3) is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) This section does not apply in relation to rights conferred by sections 78 to 80 (powers of entry).

Effect of moving from accommodation for works to be carried out

83.—(1) This section applies where—

- (a) a person (“P”) occupies living accommodation under a tenancy or other occupancy arrangement, and
- (b) P moves from the accommodation for the purpose of enabling any person to carry out any work which is—
 - (i) required under a temporary exemption notice, a rectification notice or a hazard notice, or
 - (ii) specified in a statement of remedial work under section 53.

(2) It does not matter whether P moves voluntarily, or in accordance with any term of the tenancy or other occupancy arrangement, or in accordance with paragraph 6 or 7 of Schedule 3 (requirements or warrants to vacate).

(3) The tenancy or other occupancy arrangement, if P so chooses, is to be taken not to have been terminated, varied or altered by reason of P’s moving.

(4) If P resumes lawful occupation, the same terms apply (except so far as otherwise agreed) in respect of that occupation as applied in respect of the occupation before P moved.

(5) In this section “lawful occupation” means occupation which is not an offence under paragraph 8 of Schedule 3.