

## SCHEDULES

### SCHEDULE 3

Further provision about notices that specify works

#### Part 2

Failure to carry out works required by rectification notice or hazard notice

##### *Warrants requiring occupant to vacate land or premises*

7.—(1) Where an occupant has not complied with a requirement under paragraph 6(1), the council may apply to a court of summary jurisdiction for a warrant requiring the occupant—

- (a) to move from the land or premises in question by such date as the court may determine, and
- (b) not to return until the work is completed.

(2) The court may issue a warrant under sub-paragraph (1) only if satisfied that the occupant is likely to be endangered by the carrying out of the work concerned.

(3) No application under this paragraph may be made before the date specified in the notice served under paragraph 6(2).

(4) On such an application, the court may require the service of a further notice on the occupant.

(5) Where a further notice has been required to be served under sub-paragraph (4), the date determined under sub-paragraph (1)(a) must not be less than 14 days after service of that notice.

(6) A warrant may be made subject to such other conditions (including conditions with respect to payment of rent) as the court considers just and equitable.

(7) No warrant may require a person (“A”) to move from any living accommodation which is that person’s only or main residence (“A’s home”) unless the court is satisfied that suitable alternative living accommodation on reasonable terms will be available to A.

(8) In sub-paragraph (7) “suitable alternative living accommodation” means accommodation which is suitable for occupation by—

- (a) A, and

- (b) any other person who would, but for the location of that other person's place of work or of any educational institution which the person attends, reside only or mainly at A's home.
- (9) The decision of a court on an application under this paragraph is to be final.
- (10) Refusal by the court to issue a warrant sought under this paragraph does not affect the validity of the requirement to carry out works in relation to which the warrant was sought.