

SCHEDULES

SCHEDULE 5

Part 4 notices: further provision

Part 1

Service and date of effect of notices

Service of notices

- 1.—(1) If a council issues a Part 4 notice, the council must serve the notice on—
 - (a) any person appearing to the council to be the owner of the HMO, and
 - (b) any person appearing to the council to be a managing agent of the HMO.
- (2) The council must—
 - (a) in the case of an emergency hazard notice, serve the notice on the occupants of the HMO, and
 - (b) in any other case, send a copy of the notice to the occupants of the HMO.
- (3) The council may send a copy of the notice to—
 - (a) anyone else with a relevant interest in the HMO (see sub-paragraph (5)),
 - (b) the statutory authorities, and
 - (c) such other persons as the council considers appropriate.
- (4) An emergency hazard notice must be served under sub-paragraph (1) and (2) (a) on the day on which it is issued or, if that is not possible, as soon as possible thereafter.
- (5) In sub-paragraph (3)(a), a “relevant interest” is—
 - (a) a freehold or leasehold estate;
 - (b) a mortgage, charge or lien.

Operation of notices

- 2.—(1) A Part 4 notice becomes operative at the end of the period of 28 days beginning with the date of service of the notice; but this is subject to subparagraphs (2) and (3).

- (2) A notice (other than an emergency hazard notice) becomes operative—
- (a) if the notice is suspended under paragraph 4, on the date when the suspension ends;
 - (b) if an appeal is made against the notice in accordance with section 67(4), on the date when the appeal is finally determined;
 - (c) if the notice is suspended and such an appeal is made against it, on the later of those two dates.
- (3) An emergency hazard notice becomes operative on the day on which it is served under paragraph 1(2)(a).
- 3.** If no appeal is made against a Part 4 notice, the notice is final and conclusive as to any matters which could have been raised on such an appeal.