



# Mobile Homes Act 2013

## 2013 CHAPTER 14

### *Licensing*

#### **6 Sections 4 and 5: appeals, operative periods, recovery of expenses**

- (1) After section 9F of the Caravan Sites and Control of Development Act 1960 (inserted by section 5) insert—

#### **“9G Appeals under section 9A, 9E or 9F**

- (1) An appeal under section 9A, 9E or 9F must be made before the end of the period of 21 days beginning with the date on which the relevant document was served (referred to in this section and section 9H as “the appeal period”).
- (2) In subsection (1), “relevant document” means—
- in the case of an appeal under section 9A, the compliance notice;
  - in the case of an appeal under section 9E, the notice under subsection (8) of that section;
  - in the case of an appeal under section 9F, the demand under that section.
- (3) A residential property tribunal may allow an appeal under section 9A, 9E or 9F to be made to it after the end of the appeal period if it is satisfied that there is a good reason for the failure to appeal before the end of that period (and for any delay since then in applying for permission to appeal out of time).
- (4) An appeal under section 9A, 9E or 9F—
- is to be by way of a rehearing, but
  - may be determined having regard to matters of which the local authority who made the decision were unaware.
- (5) The tribunal may by order—
- on an appeal under section 9A, confirm, vary or quash the compliance notice;

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*Status: This is the original version (as it was originally enacted).*

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- (b) on an appeal under section 9E, confirm, vary or reverse the decision of the local authority;
- (c) on an appeal under section 9F, confirm, vary or quash the demand.

#### **9H When compliance notice or expenses demand becomes operative**

- (1) The time when a compliance notice under section 9A or a demand under section 9C or 9F becomes operative (if at all) is to be determined in accordance with this section.
- (2) Where no appeal under section 9A is brought within the appeal period against the compliance notice, the notice and any demand under section 9C which was served with it become operative at the end of that period.
- (3) Where no appeal under section 9F is brought within the appeal period, the demand under that section becomes operative at the end of that period.
- (4) Where an appeal under section 9A is brought, and a decision on the appeal confirms the compliance notice, the notice and any demand under section 9C which was served with it become operative—
  - (a) where the period within which an appeal to the Upper Tribunal may be brought expires without such an appeal having been brought, at the end of that period;
  - (b) where an appeal to the Upper Tribunal is brought and a decision on the appeal is given which confirms the notice, at the time of the decision.
- (5) Where an appeal under section 9F is brought, and a decision on the appeal confirms the demand under that section, the demand becomes operative—
  - (a) where the period within which an appeal to the Upper Tribunal may be brought expires without such an appeal having been brought, at the end of that period;
  - (b) where an appeal to the Upper Tribunal is brought and a decision on the appeal is given which confirms the demand, at the time of the decision.
- (6) For the purposes of subsections (4) and (5)—
  - (a) the withdrawal of an appeal against a notice or demand has the same effect as a decision confirming the notice or demand;
  - (b) references to a decision which confirms the notice or demand are to a decision which confirms the notice or demand with or without variation.

#### **9I Recovery of expenses demanded under section 9C or 9F**

- (1) As from the time when a demand under section 9C or 9F becomes operative, the relevant expenses set out in the demand carry interest at such rate as the local authority may fix until recovery of all sums due under the demand; and the expenses and any interest are recoverable by them as a debt.
- (2) As from that time, the expenses and any interest are, until recovery, a charge on the land to which the compliance notice or emergency action in question relates.

- (3) The charge takes effect at that time as a legal charge which is a local land charge.
- (4) For the purpose of enforcing the charge the local authority have 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.
- (5) The power of appointing a receiver is exercisable at any time after the end of the period of one month beginning with the date on which the charge takes effect.
- (6) In this section, “relevant expenses”—
  - (a) in the case of a demand under section 9C, has the meaning given by subsection (3) of that section;
  - (b) in the case of a demand under section 9F, has the meaning given by subsection (6) of that section.”