



# Mobile Homes (Wales) Act 2013

2013 anaw 6

## PART 2

### LICENSING OF MOBILE HOME SITES ETC.

#### *Breach of condition*

#### **22 Action under section 20 or 21: power to demand expenses**

- (1) Where a local authority takes action under section 20 or emergency action under section 21, the local authority may impose a charge on the owner of the land as a means of recovering expenses incurred by the local authority—
  - (a) in deciding whether to take the action,
  - (b) in preparing and serving any notice under section 20 or 21 or a demand under subsection (6), and
  - (c) taking the action.
- (2) The expenses referred to in subsection (1) include (but are not limited to) the costs of obtaining expert advice (including legal advice).
- (3) In the case of emergency action under section 21, no charge may be imposed under subsection (1) until such time (if any) as is determined in accordance with subsection (4).
- (4) For the purposes of subsection (3), the time when a charge in respect of emergency action may be imposed is—
  - (a) if no appeal against the local authority's decision to take the emergency action is brought under section 21(9) within the appeal period under section 23, the end of that period, and
  - (b) if such an appeal is brought and a decision on the appeal confirms the local authority's decision—
    - (i) where the period within which an appeal to the Upper Tribunal may be brought expires without such an appeal having been brought, the end of that period, and

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*Status: This is the original version (as it was originally enacted).*

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- (ii) where an appeal to the Upper Tribunal is brought, when a decision is given on the appeal confirming the local authority's decision.
- (5) For the purposes of subsection (4)—
  - (a) the withdrawal of an appeal against a decision by the local authority has the same effect as a decision on the appeal confirming the local authority's decision, and
  - (b) references to a decision on the appeal confirming the local authority's decision are to a decision which confirms that decision with or without variation.
- (6) The power under subsection (1) is exercisable by serving on the owner of the land a demand for the expenses which—
  - (a) sets out the total expenses the local authority seeks to recover under subsection (1) ("relevant expenses"),
  - (b) sets out a detailed breakdown of the relevant expenses,
  - (c) where the local authority proposes to charge interest under section 25, sets out the rate at which the relevant expenses carry interest, and
  - (d) explains the right of appeal conferred by subsection (7).
- (7) The owner of land who is served with a demand under this section may appeal to a residential property tribunal against the demand (see section 23).
- (8) A demand under this section must be served—
  - (a) in the case of action under section 20, before the end of the period of 2 months beginning with the date on which the action is completed, and
  - (b) in the case of emergency action under section 21—
    - (i) before the end of the period of 2 months beginning with the earliest date (if any) on which a charge may be imposed in accordance with subsection (4), or
    - (ii) if the action has not been completed by the end of that period, before the end of the period of 2 months beginning with the date on which the action is completed.