

SCHEDULES

SCHEDULE 3

Further provision about notices that specify works

Part 2

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

Recovery of expenses etc from owner

- 9.—(1) The council may recover from the owner of the HMO in question—
- (a) any expenses that the council incurs in or in connection with carrying out work that it is authorised to carry out by paragraph 5, and
 - (b) any expenses that it incurs in applying for or executing a warrant issued under paragraph 7.
- (2) Sub-paragraph (1) entitles the council to recover—
- (a) any administrative expenses incurred by it in connection with the act to which the expenses relate,
 - (b) where notice is served under paragraph 5(3)(b), any administrative or other expenses incurred either in connection with that notice or with a view to carrying out the works (even if the works are carried out by someone other than the council), and
 - (c) interest, at such reasonable rate as it may determine, from the date when a demand for payment is served until the whole amount is paid.
- (3) The sums mentioned in sub-paragraphs (1) and (2) are a civil debt recoverable summarily.
- (4) Notice of any decision to demand recovery of any sums under this paragraph must be served on the owner.
- (5) That notice may include a declaration by the council that any sums recoverable under this paragraph are to be payable by instalments.
- (6) In all summary proceedings by the council for the recovery of sums under this paragraph, the time within which the proceedings may be taken are to be reckoned from the date of the service of that notice.

(7) Until they are recovered, sums recoverable under this paragraph are a charge on the estate that the owner has in the HMO.

(8) The charge created by sub-paragraph (7) is enforceable in all respects as if it were a valid mortgage by deed created in favour of the council by the owner (with, where necessary, any authorisation or consent required by law) and the council may exercise the powers conferred by sections 19, 21 and 22 of the Conveyancing Act 1881 on mortgagees by deed accordingly.

(9) In proceedings by the council for the recovery of any sums under this paragraph, it shall not be open to the owner to raise any question which the owner could have raised on an appeal under section 67 against the rectification notice or hazard notice in question.