



# Noise and Statutory Nuisance Act 1993

## 1993 CHAPTER 40

*Expenses to be a charge on premises etc.*

### **10 Expenses recoverable from owner to be a charge on premises and payable by instalments**

- (1) In section 79(7) and (11) of the 1990 Act after “subject to subsection (12)” there shall be inserted “and section 81A(9)”.
- (2) After section 81 of the 1990 Act there shall be inserted—

#### **“81A Expenses recoverable from owner to be a charge on premises**

- (1) Where any expenses are recoverable under section 81(4) above from a person who is the owner of the premises there mentioned and the local authority serves a notice on him under this section—
  - (a) the expenses shall carry interest, at such reasonable rate as the local authority may determine, from the date of service of the notice until the whole amount is paid, and
  - (b) subject to the following provisions of this section, the expenses and accrued interest shall be a charge on the premises.
- (2) A notice served under this section shall—
  - (a) specify the amount of the expenses that the local authority claims is recoverable,
  - (b) state the effect of subsection (1) above and the rate of interest determined by the local authority under that subsection, and
  - (c) state the effect of subsections (4) to (6) below.
- (3) On the date on which a local authority serves a notice on a person under this section the authority shall also serve a copy of the notice on every other person who, to the knowledge of the authority, has an interest in the premises capable of being affected by the charge.

- (4) Subject to any order under subsection (7)(b) or (c) below, the amount of any expenses specified in a notice under this section and the accrued interest shall be a charge on the premises—
- (a) as from the end of the period of twenty-one days beginning with the date of service of the notice, or
  - (b) where an appeal is brought under subsection (6) below, as from the final determination of the appeal,
- until the expenses and interest are recovered.
- (5) For the purposes of subsection (4) above, the withdrawal of an appeal has the same effect as a final determination of the appeal.
- (6) A person served with a notice or copy of a notice under this section may appeal against the notice to the county court within the period of twenty-one days beginning with the date of service.
- (7) On such an appeal the court may—
- (a) confirm the notice without modification,
  - (b) order that the notice is to have effect with the substitution of a different amount for the amount originally specified in it, or
  - (c) order that the notice is to be of no effect.
- (8) A local authority shall, for the purpose of enforcing a charge under this section, have all the same powers and remedies under the Law of Property Act 1925, and otherwise, as if it were a mortgagee by deed having powers of sale and lease, of accepting surrenders of leases and of appointing a receiver.
- (9) In this section—
- “owner”, in relation to any premises, means a person (other than a mortgagee not in possession) who, whether in his own right or as trustee for any other person, is entitled to receive the rack rent of the premises or, where the premises are not let at a rack rent, would be so entitled if they were so let, and
- “premises” does not include a vessel.

### **81B Payment of expenses by instalments**

- (1) Where any expenses are a charge on premises under section 81A above, the local authority may by order declare the expenses to be payable with interest by instalments within the specified period, until the whole amount is paid.
- (2) In subsection (1) above—
- “interest” means interest at the rate determined by the authority under section 81A (1) above, and
- “the specified period” means such period of thirty years or less from the date of service of the notice under section 81A above as is specified in the order.
- (3) Subject to subsection (5) below, the instalments and interest, or any part of them, may be recovered from the owner or occupier for the time being of the premises.

- (4) Any sums recovered from an occupier may be deducted by him from the rent of the premises.
- (5) An occupier shall not be required to pay at any one time any sum greater than the aggregate of—
  - (a) the amount that was due from him on account of rent at the date on which he was served with a demand from the local authority together with a notice requiring him not to pay rent to his landlord without deducting the sum demanded, and
  - (b) the amount that has become due from him on account of rent since that date.”