

MOBILE HOMES (WALES) ACT 2013

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2 - Licensing of Mobile Home Sites etc

Section 21 - Power to take emergency action

45. **Section 21** provides a local authority with the power to take emergency action in certain situations.
46. Subsection (2) sets out that the local authority may take such action as is necessary to remove an imminent risk of serious harm to the health and safety of any person who is or may be on the land. Under subsections (3) to (5), where a local authority proposes to take emergency action under this section, the authority must serve a notice on the owner which contains certain specified information. This notice may also state that the local authority would apply for a warrant under section 32(3) if entry onto the land is refused. The notice must be served sufficiently in advance of the intended entry to give reasonable notice to the owner of the land.
47. Subsection (6) provides that where a local authority authorises a person other than an officer of the local authority to take action on its behalf, this person is treated as being an authorised officer under section 32(1) of the Act.
48. Subsection (7) sets out that the requirement in section 32(1) for the right of entry to be exercised “at all reasonable hours” does not apply, as this may not be appropriate in an emergency situation. The requirement for 24 hours notice of the intended entry also does not apply here. Subsection (8) sets out that the local authority must serve a further notice on the owner, within 7 days of starting to take emergency action, which contains certain specified information, including the reasons for the action and an explanation of the right of appeal.
49. The owner is provided with a right of appeal to a Residential Property Tribunal against the emergency action the grounds for which are that there was no risk of imminent serious harm to the health or safety of a person who is or may be on the land or that the action of the local authority was (or is) not necessary to remove such a risk.