



**Isle of Man**

*Ellan Vannin*

AT 16 of 2020

**PROPERTY SERVICE CHARGES  
(AMENDMENT) ACT 2020**



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## PROPERTY SERVICE CHARGES (AMENDMENT) ACT 2020

*Signed in Tynwald:* 17 November 2020  
*Received Royal Assent:* 17 November 2020  
*Announced to Tynwald:* 17 November 2020

**AN ACT** to amend the Property Service Charges Act 1989 to provide that the Act may, by order, be applied to other specified persons and dwellings; and for connected purposes.

**BE IT ENACTED** by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows:—

### PART 1 – INTRODUCTORY

#### 1 Short title

The short title of this Act is the Property Service Charges (Amendment) Act 2020.

### PART 2 – PROPERTY SERVICE CHARGES ACT 1989 AMENDED

#### 2 Property Service Charges Act 1989 amended

The *Property Service Charges Act 1989* is amended as follows.

#### 3 Long title amended

In the long title after “dwellings”, insert **and** and by owners of freehold dwellings in specified circumstances **and**.

#### 4 Section 12B inserted

After section 12A (offence by body corporate, etc), insert —

##### **12B Application**

(1) The Department may, by order, specify that this Act or certain provisions of it (“applied provisions”) apply, subject to such exceptions, adaptations and modifications as may be specified in the order, in relation to a person —

- (a) other than a tenant (“specified person”); and
- (b) who, as a condition of acquiring an estate, right, title or interest in the freehold of a dwelling (“specified dwelling”), is obliged to pay a service charge throughout the period during which the specified person continues to hold the estate, right, title or interest in the freehold of the specified dwelling.


Tynwald procedure – approval required.

(2) An order made under subsection (1) must specify —

- (a) the persons or a class of persons; or
  - (b) the dwelling or a class of dwellings,
- to which the applied provisions apply.

(3) An order under subsection (1) may do all or any of the following —

- (a) specify the exceptions, adaptations and modifications (including definitions) subject to which the applied provisions apply to a specified person or specified dwelling;
- (b) set out in an annex to the order the text of this Act, incorporating the exceptions, adaptations and modifications subject to which the applied provisions apply to a specified person or specified dwelling;
- (c) without limiting paragraph (a), provide that in the applied provisions as they relate to a specified person or specified dwelling, a reference to —
  - (i) a tenant is to be taken as a specified person;
  - (ii) a landlord or a superior landlord is to be taken as a person to whom a service charge is payable by the specified person;
  - (iii) a lease is to be taken as an agreement by which the specified person is due to pay a service charge;

- (d) contain any consequential, incidental, supplementary, saving, transitional and transitory provisions which the Department considers necessary or expedient.
- (4) In this section, “service charge” has the meaning given in section 1 (meaning of “service charge” etc) except that reference to –
- (a) a “tenant” is to be taken to mean a specified person;
  - (b) “an amount payable” need not be an amount payable “as part of or in addition to the rent” as specified in section 1(1); and
  - (c) a landlord or a superior landlord is to be taken as a person to whom a service charge is payable by the specified person. .

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