



Press Release

SELECT COMMITTEE CALLS FOR EVIDENCE ON SERVICE CHARGES AND FREEHOLD PROPERTY

On 20th October 2010 Tynwald established a Select Committee with the following remit:

“That a Select Committee of three Members be appointed with powers to take written and oral evidence pursuant to sections 3 and 4 of the Tynwald Proceedings Act 1876, as amended, to consider the Petition for Redress of Grievance of Mrs Marjorie MacMullen and others presented at St John's on 5th July 2010 in relation to reform of the law relating to service charges with specific reference to freehold property.”

The petitioners are all owners of freehold bungalows at Cannan Court, Kirk Michael. Certain services are provided to them by Kirk Michael Community Housing Association. These services include keeping gardens tidy and properly mowed and painting the exterior of the bungalows once every three years. A dispute has arisen over the service charge payable by the freeholders for these services. It appears that there is no remedy at law as existing legislation (namely the Property Service Charges Act 1989) only covers leasehold property. The petition calls on the Select Committee to examine reform of the law relating to service charges with specific reference to freehold property.

The Select Committee would now like to offer an opportunity to anyone affected by similar issues to submit written statements of their experiences and any recommendations. The Committee would be interested in hearing from:

- owners of freehold properties who are obliged, or who have voluntarily elected, to pay a charge for a service directly connected to their property;

- providers of property-related services to owners of freehold properties;
- property developers, lawyers or others with experience of setting up shared services for groups of freehold properties (be they houses, flats etc)

It will be assumed that respondents are content for their response to be published unless otherwise indicated.

Comments should be submitted by 13th December to Jonathan King at the address below.

Jonathan King
Clerk of the Select Committee on Service Charges and Freehold Property (Petition for Redress of Grievance)
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22nd November 2010