



Mobile Homes Act 2013

2013 CHAPTER 14

Pitch agreements

11 Implied terms: pitch fees

- (1) Chapter 2 of Part 1 of Schedule 1 to the Mobile Homes Act 1983 (implied terms in pitch agreements except those relating to pitches in England on certain gypsy and traveller sites) is amended as follows.
- (2) In paragraph 17 (review of pitch fee)—
 - (a) after sub-paragraph (2) insert—

“(2A) In the case of a protected site in England, a notice under sub-paragraph (2) which proposes an increase in the pitch fee is of no effect unless it is accompanied by a document which complies with paragraph 25A.”,
 - (b) in sub-paragraph (4)(a), after “the owner” insert “ or (in the case of a protected site in England) the occupier ”,
 - (c) after sub-paragraph (6) insert—

“(6A) In the case of a protected site in England, a notice under sub-paragraph (6)(b) which proposes an increase in the pitch fee is of no effect unless it is accompanied by a document which complies with paragraph 25A.”,
 - (d) in sub-paragraph (8)(a), after “the owner” insert “ or (in the case of a protected site in England) the occupier ”, and
 - (e) after sub-paragraph (10) insert—

“(11) Sub-paragraph (12) applies if a tribunal, on the application of the occupier of a pitch in England, is satisfied that—

 - (a) a notice under sub-paragraph (2) or (6)(b) was of no effect as a result of sub-paragraph (2A) or (6A), but
 - (b) the occupier nonetheless paid the owner the pitch fee proposed in the notice.

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- (12) The tribunal may order the owner to pay the occupier, within the period of 21 days beginning with the date of the order, the difference between—
- (a) the amount which the occupier was required to pay the owner for the period in question, and
 - (b) the amount which the occupier has paid the owner for that period.”
- (3) In paragraph 18 (matters to which to have particular regard when determining new pitch fee)—
- (a) in sub-paragraph (1), after paragraph (a) insert—
 - “(aa) in the case of a protected site in England, any deterioration in the condition, and any decrease in the amenity, of the site or any adjoining land which is occupied or controlled by the owner since the date on which this paragraph came into force (in so far as regard has not previously been had to that deterioration or decrease for the purposes of this sub-paragraph);
 - (ab) in the case of a protected site in England, any reduction in the services that the owner supplies to the site, pitch or mobile home, and any deterioration in the quality of those services, since the date on which this paragraph came into force (in so far as regard has not previously been had to that reduction or deterioration for the purposes of this sub-paragraph);”
 - (b) in that sub-paragraph, at the beginning of paragraph (b) insert “ in the case of a protected site in Wales, ”,
 - (c) in that sub-paragraph, omit the “and” following paragraph (b),
 - (d) in that sub-paragraph, after paragraph (b) insert—
 - “(ba) in the case of a protected site in England, any direct effect on the costs payable by the owner in relation to the maintenance or management of the site of an enactment which has come into force since the last review date; and”
 - (e) in that sub-paragraph, at the beginning of paragraph (c) insert “ in the case of a protected site in Wales, ”, and
 - (f) after that sub-paragraph insert—
 - “(1A) But, in the case of a pitch in England, no regard shall be had, when determining the amount of the new pitch fee, to any costs incurred by the owner since the last review date for the purpose of compliance with the amendments made to this Act by the Mobile Homes Act 2013.”
- (4) In paragraph 19 (certain costs of owner to be disregarded when determining new pitch fee), after sub-paragraph (3) (inserted by section 1(8)) insert—
- “(4) In the case of a protected site in England, when determining the amount of the new pitch fee, no regard may be had to any costs incurred by the owner in connection with—
 - (a) any action taken by a local authority under sections 9A to 9I of the Caravan Sites and Control of Development Act 1960 (breach of licence condition, emergency action etc.);

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- (b) the owner being convicted of an offence under section 9B of that Act (failure to comply with compliance notice).”
- (5) In paragraph 20 (effect of changes in RPI on amount of pitch fee)—
 - (a) before sub-paragraph (1) insert—
 - “(A1) In the case of a protected site in England, unless this would be unreasonable having regard to paragraph 18(1), there is a presumption that the pitch fee shall increase or decrease by a percentage which is no more than any percentage increase or decrease in the retail prices index calculated by reference only to—
 - (a) the latest index, and
 - (b) the index published for the month which was 12 months before that to which the latest index relates.
 - (A2) In sub-paragraph (A1), “the latest index”—
 - (a) in a case where the owner serves a notice under paragraph 17(2), means the last index published before the day on which that notice is served;
 - (b) in a case where the owner serves a notice under paragraph 17(6), means the last index published before the day by which the owner was required to serve a notice under paragraph 17(2).”, and
 - (b) in sub-paragraph (1), at the beginning insert “ In the case of a protected site in Wales, ”.
- (6) After paragraph 25 insert—
 - “^{25A}(1) The document referred to in paragraph 17(2A) and (6A) must—
 - (a) be in such form as the Secretary of State may by regulations prescribe,
 - (b) specify any percentage increase or decrease in the retail prices index calculated in accordance with paragraph 20(A1),
 - (c) explain the effect of paragraph 17,
 - (d) specify the matters to which the amount proposed for the new pitch fee is attributable,
 - (e) refer to the occupier's obligations in paragraph 21(c) to (e) and the owner's obligations in paragraph 22(c) and (d), and
 - (f) refer to the owner's obligations in paragraph 22(e) and (f) (as glossed by paragraphs 24 and 25).
 - (2) Regulations under this paragraph must be made by statutory instrument.
 - (3) The first regulations to be made under this paragraph are subject to annulment in pursuance of a resolution of either House of Parliament.
 - (4) But regulations made under any other provision of this Act which are subject to annulment in pursuance of a resolution of either House of Parliament may also contain regulations made under this paragraph.”
- (7) The amendments made by this section apply in relation to an agreement to which the Mobile Homes Act 1983 applies that was made before the commencement of this section, as well as in relation to one made on or after that commencement.

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