



Mobile Homes Act 2013

2013 CHAPTER 14

Licensing

4 Compliance notices **E+W**

- (1) In section 9 of the Caravan Sites and Control of Development Act 1960 (the heading to which becomes “ Breach of condition: land other than relevant protected sites in England ”), in subsections (1) and (3), after “occupier of land” insert “ , other than land in England which is a relevant protected site, ”.
- (2) After that section insert—

“9A Breach of condition: relevant protected sites in England

- (1) If it appears to a local authority in England who have issued a site licence in respect of a relevant protected site in their area that the occupier of the land concerned is failing or has failed to comply with a condition for the time being attached to the site licence, they may serve a compliance notice on the occupier.
- (2) A compliance notice is a notice which—
 - (a) sets out the condition in question and details of the failure to comply with it,
 - (b) requires the occupier of the land to take such steps as the local authority consider appropriate and as are specified in the notice in order to ensure that the condition is complied with,
 - (c) specifies the period within which those steps must be taken, and
 - (d) explains the right of appeal conferred by subsection (3).
- (3) An occupier of land who has been served with a compliance notice may appeal to a residential property tribunal against that notice (for further provision about appeals under this section, see section 9G).
- (4) A local authority may—
 - (a) revoke a compliance notice;

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- (b) vary a compliance notice by extending the period specified in the notice under subsection (2)(c).
- (5) The power to revoke or vary a compliance notice is exercisable by the local authority—
- (a) on an application made by the occupier of land on whom the notice was served, or
 - (b) on the authority's own initiative.
- (6) Where a local authority revoke or vary a compliance notice, they must notify the occupier of the land to which the notice relates of the decision as soon as is reasonably practicable.
- (7) Where a compliance notice is revoked, the revocation comes into force at the time when it is made.
- (8) Where a compliance notice is varied—
- (a) if the notice has not become operative (see section 9H) when the variation is made, the variation comes into force at such time (if any) as the notice becomes operative in accordance with section 9H;
 - (b) if the notice has become operative when the variation is made, the variation comes into force at the time when it is made.

9B Compliance notice under section 9A: offence and multiple convictions

- (1) An occupier of land who has been served with a compliance notice which has become operative (see section 9H) commits an offence if the occupier fails to take the steps specified in the notice under section 9A(2)(b) within the period so specified under section 9A(2)(c).
- (2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (3) In proceedings against an occupier of land for an offence under subsection (1), it is a defence that the occupier had a reasonable excuse for failing to take the steps referred to in subsection (1) within the period referred to in that subsection.
- (4) Subsection (5) applies where—
- (a) an occupier of land is convicted of an offence under subsection (1), and
 - (b) the occupier has been convicted on two or more previous occasions of an offence under subsection (1), or an offence under section 9 committed before the commencement of this section, in relation to the site licence to which the conviction mentioned in paragraph (a) relates.
- (5) On an application by the local authority who served the compliance notice in question, the court before which the occupier of the land was convicted may make an order revoking the site licence in question on the date specified in the order.
- (6) An order under subsection (5) must not specify a date which is before the end of the period within which notice of appeal (whether by case stated or

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otherwise) may be given against the conviction mentioned in subsection (4)(a).

(7) Where an appeal against the conviction mentioned in subsection (4)(a) is made by the occupier of the land before the date specified in an order under subsection (5), the order does not take effect until—

- (a) the appeal is finally determined, or
- (b) the appeal is withdrawn.

(8) On an application by the occupier of the land or by the local authority who issued the site licence, the court which made the order under subsection (5) may make an order specifying a date on which the revocation of the site licence takes effect which is later than the date specified in the order under subsection (5).

(9) But the court must not make an order under subsection (8) unless it is satisfied that adequate notice of the application has been given to the occupier of the land or to the local authority (as the case may be).

9C Compliance notice under section 9A: power to demand expenses

(1) When serving a compliance notice on an occupier of land, a local authority may impose a charge on the occupier as a means of recovering expenses incurred by them—

- (a) in deciding whether to serve the notice, and
- (b) in preparing and serving the notice or a demand under subsection (3).

(2) The expenses referred to in subsection (1) include in particular the costs of obtaining expert advice (including legal advice).

(3) The power under subsection (1) is exercisable by serving the compliance notice together with a demand which sets out—

- (a) the total expenses the local authority seek to recover under subsection (1) (“relevant expenses”),
- (b) a detailed breakdown of the relevant expenses, and
- (c) where the local authority propose to charge interest under section 9I, the rate at which the relevant expenses carry interest.

(4) Where a tribunal allows an appeal under section 9A against the compliance notice with which a demand was served, it may make such order as it considers appropriate—

- (a) confirming, reducing or quashing any charge under this section made in respect of the notice, and
- (b) varying the demand as appropriate in consequence.”

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