



Mobile Homes Act 1983

1983 CHAPTER 34

[^{F1}1 Particulars of agreements **E+W**

- (1) This Act applies to any agreement under which a person (“the occupier”) is entitled—
 - (a) to station a mobile home on land forming part of a protected site; and
 - (b) to occupy the mobile home as his only or main residence.
- (2) Before making an agreement to which this Act applies, the owner of the protected site (“the owner”) shall give to the proposed occupier under the agreement a written statement which—
 - (a) specifies the names and addresses of the parties;
 - (b) includes particulars of the land on which the proposed occupier is to be entitled to station the mobile home that are sufficient to identify that land;
 - (c) sets out the express terms to be contained in the agreement;
 - (d) sets out the terms to be implied by section 2(1) below; and
 - (e) complies with such other requirements as may be prescribed by regulations made by the appropriate national authority.
- (3) The written statement required by subsection (2) above must be given—
 - (a) not later than 28 days before the date on which any agreement for the sale of the mobile home to the proposed occupier is made, or
 - (b) (if no such agreement is made before the making of the agreement to which this Act applies) not later than 28 days before the date on which the agreement to which this Act applies is made.
- (4) But if the proposed occupier consents in writing to that statement being given to him by a date (“the chosen date”) which is less than 28 days before the date mentioned in subsection (3)(a) or (b) above, the statement must be given to him not later than the chosen date.
- (5) If any express term—
 - (a) is contained in an agreement to which this Act applies, but
 - (b) was not set out in a written statement given to the proposed occupier in accordance with subsections (2) to (4) above,

Status: Point in time view as at 01/10/2006.

Changes to legislation: There are currently no known outstanding effects for the Mobile Homes Act 1983. (See end of Document for details)

the term is unenforceable by the owner or any person within section 3(1) below.

This is subject to any order made by the court under section 2(3) below.

- (6) If the owner has failed to give the occupier a written statement in accordance with subsections (2) to (4) above, the occupier may, at any time after the making of the agreement, apply to the court for an order requiring the owner—
- (a) to give him a written statement which complies with paragraphs (a) to (e) of subsection (2) (read with any modifications necessary to reflect the fact that the agreement has been made), and
 - (b) to do so not later than such date as is specified in the order.
- (7) A statement required to be given to a person under this section may be either delivered to him personally or sent to him by post.
- (8) Any reference in this section to the making of an agreement to which this Act applies includes a reference to any variation of an agreement by virtue of which the agreement becomes one to which this Act applies.
- (9) Regulations under this section—
- (a) shall be made by statutory instrument;
 - (b) if made by the Secretary of State, shall be subject to annulment in pursuance of a resolution of either House of Parliament; and
 - (c) may make different provision with respect to different cases or descriptions of case, including different provision for different areas.]

Extent Information

- E1** This version of s. 1 extends to England and Wales only. A separate version has been created for Scotland.

Textual Amendments

- F1** S. 1 substituted (E.W.) (18.11.2004 for specified purposes, 18.1.2005 in so far as not already in force) by [Housing Act 2004 \(c. 34\)](#), [ss. 206\(1\), 270\(2\)\(b\)\(3\)\(a\)](#) (with [s. 206\(4\)\(5\)](#))

^{F1}1 Particulars of agreements. **S**

- (1) This Act applies to any agreement under which a person (“the occupier”) is entitled—
- (a) to station a mobile home on land forming part of a protected site; and
 - (b) to occupy the mobile home as his only or main residence.
- (2) Within three months of the making of an agreement to which this Act applies, the owner of the protected site (“the owner”) shall give to the occupier a written statement which—
- (a) specifies the names and addresses of the parties and the date of commencement of the agreement;
 - (b) includes particulars of the land on which the occupier is entitled to station the mobile home sufficient to identify it;
 - (c) sets out the express terms of the agreement;
 - (d) sets out the terms implied by section 2(1) below; and

Status: Point in time view as at 01/10/2006.

Changes to legislation: There are currently no known outstanding effects for the Mobile Homes Act 1983. (See end of Document for details)

- (e) complies with such other requirements as may be prescribed by regulations made by the Secretary of State.
- (3) If the agreement was made before the day on which this Act comes into force, the written statement shall be given within six months of that day.
- (4) Any reference in subsection (2) or (3) above to the making of an agreement to which this Act applies includes a reference to any variation of an agreement by virtue of which the agreement becomes one to which this Act applies.
- (5) If the owner fails to comply with this section, the occupier may apply to the court for an order requiring the owner so to comply.
- (6) Regulations under this section—
 - (a) shall be made by statutory instrument; and
 - (b) may make different provision with respect to different cases or descriptions of case, including different provision for different areas.

Extent Information

E2 This version of s. 1 extends to Scotland only. A separate version has been created for England and Wales.

Textual Amendments

F1 S. 1 substituted (E.W.) (18.11.2004 for specified purposes, 18.1.2005 in so far as not already in force) by [Housing Act 2004 \(c. 34\)](#), **ss. 206(1), 270(2)(b)(3)(a)** (with [s. 206\(4\)\(5\)](#))

2 Terms of agreements.

- (1) In any agreement to which this Act applies there shall be implied the terms set out in Part I of Schedule 1 to this Act; and this subsection shall have effect notwithstanding any express term of the agreement.
- (2) The court may, on the application of either party made [^{F2}within six months of the giving of the statement under section 1(2) above][^{F2}within the relevant period], order that there shall be implied in the agreement terms concerning the matters mentioned in Part II of Schedule 1 to this Act.
- [^{F3}(3) The court may, on the application of either party made within the relevant period, make an order—
 - (a) varying or deleting any express term of the agreement;
 - (b) in the case of any express term to which section 1(6) above applies, provide for the term to have full effect or to have such effect subject to any variation specified in the order.
- (3A) In subsections (2) and (3) above “the relevant period” means the period beginning with the date on which the agreement is made and ending—
 - (a) six months after that date, or
 - (b) where a written statement relating to the agreement is given to the occupier after that date (whether or not in compliance with an order under section 1(6) above), six months after the date on which the statement is given;

Status: Point in time view as at 01/10/2006.

Changes to legislation: There are currently no known outstanding effects for the Mobile Homes Act 1983. (See end of Document for details)

and section 1(8) above applies for the purposes of this subsection as it applies for the purposes of section 1.]

- (4) On an application under this section, the court shall make such provision as the court considers just and equitable in the circumstances.
- [^{F4}(5) The supplementary provisions in Part 3 of Schedule 1 to this Act have effect for the purposes of paragraphs 8 and 9 of Part 1 of that Schedule.]

Textual Amendments

- F2** S. 2(2): the words "within the relevant period" substituted (E.W.) (18.1.2005) for the words "within six months of the giving of the statement under section 1(2) above" by [Housing Act 2004 \(c. 34\)](#), [ss. 206\(2\)\(a\), 270\(3\)\(a\)](#) (with [s. 206\(4\)](#))
- F3** S. 2(3)(3A) substituted for s. 2(3) (E.W.) (18.1.2005) by [Housing Act 2004 \(c. 34\)](#), [ss. 206\(2\)\(b\), 270\(3\)\(a\)](#) (with [s. 206\(4\)](#))
- F4** S. 2(5) inserted (E.W.) (6.4.2006 for E., 16.6.2006 for W.) by [Housing Act 2004 \(c. 34\)](#), [s. 270\(4\)\(5\)\(f\)](#), [Sch. 15 para. 9](#); [S.I. 2006/1060](#), [art. 2\(1\)\(d\)](#) (with [Sch.](#)); [S.I. 2006/1535](#), [art. 2\(b\)](#) (with [Sch.](#))

[^{F5}2A Power to amend implied terms

- (1) The appropriate national authority may by order make such amendments of Part 1 or 2 of Schedule 1 to this Act as the authority considers appropriate.
- (2) An order under this section—
- (a) shall be made by statutory instrument;
 - (b) may make different provision with respect to different cases or descriptions of case, including different provision for different areas;
 - (c) may contain such incidental, supplementary, consequential, transitional or saving provisions as the authority making the order considers appropriate.
- (3) Without prejudice to the generality of subsections (1) and (2), an order under this section may—
- (a) make provision for or in connection with the determination by the court of such questions, or the making by the court of such orders, as are specified in the order;
 - (b) make such amendments of any provision of this Act as the authority making the order considers appropriate in consequence of any amendment made by the order in Part 1 or 2 of Schedule 1.
- (4) The first order made under this section in relation to England or Wales respectively may provide for all or any of its provisions to apply in relation to agreements to which this Act applies that were made at any time before the day on which the order comes into force (as well as in relation to such agreements made on or after that day).
- (5) No order may be made by the appropriate national authority under this section unless the authority has consulted—
- (a) such organisations as appear to it to be representative of interests substantially affected by the order; and
 - (b) such other persons as it considers appropriate.
- (6) No order may be made by the Secretary of State under this section unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.]

Status: Point in time view as at 01/10/2006.

Changes to legislation: There are currently no known outstanding effects for the Mobile Homes Act 1983. (See end of Document for details)

Textual Amendments

F5 S. 2A inserted (E.W.) (18.11.2004) by [Housing Act 2004 \(c. 34\)](#), **ss. 208(1), 270(2)(a)** (with s. 208(2))

3 Successors in title

- (1) An agreement to which this Act applies shall be binding on and enure for the benefit of any successor in title of the owner and any person claiming through or under the owner or any such successor.
- (2) Where an agreement to which this Act applies is lawfully assigned to any person, the agreement shall enure for the benefit of and be binding on that person.
- (3) Where a person entitled to the benefit of and bound by an agreement to which this Act applies dies at a time when he is occupying the mobile home as his only or main residence, the agreement shall enure for the benefit of and be binding on—
 - (a) any person residing with that person (“the deceased”) at that time being—
 - (i) the widow^[F6], widower or surviving civil partner] of the deceased; or
 - (ii) in default of a widow^[F6], widower or surviving civil partner] so residing, any member of the deceased’s family; or
 - (b) in default of any such person so residing, the person entitled to the mobile home by virtue of the deceased’s will or under the law relating to intestacy but subject to subsection (4) below.
- (4) An agreement to which this Act applies shall not enure for the benefit of or be binding on a person by virtue of subsection (3)(b) above in so far as—
 - (a) it would, but for this subsection, enable or require that person to occupy the mobile home; or
 - (b) it includes terms implied by virtue of paragraph 5 or 9 of Part I of Schedule 1 to this Act.

Textual Amendments

F6 Words in s. 3(3) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(10)(b), **Sch. 27 para. 87**; S.I. 2005/3175, art. 2(2)

4 Jurisdiction of the court.

The court shall have jurisdiction to determine any question arising under this Act or any agreement to which it applies, and to entertain any proceedings brought under this Act or any such agreement.

5 Interpretation.

- (1) In this Act, unless the context otherwise requires—
 - ^[F7]“the appropriate national authority” means—
 - (a) in relation to England, the Secretary of State, and
 - (b) in relation to Wales, the National Assembly for Wales;
 - “the court” means—

Status: Point in time view as at 01/10/2006.

Changes to legislation: There are currently no known outstanding effects for the Mobile Homes Act 1983. (See end of Document for details)

- (a) in relation to England and Wales, the county court for the district in which the protected site is situated or, where the parties have agreed in writing to submit any question arising under this Act or, as the case may be, any agreement to which it applies to arbitration, the arbitrator;
- (b) in relation to Scotland, the sheriff having jurisdiction where the protected site is situated or, where the parties have so agreed, the arbiter ;

“local authority” has the same meaning as in Part I of the ^{M1}Caravan Sites and Control of Development Act 1960;

“mobile home” has the same meaning as “caravan” has in that Part of that Act ;

“owner”, in relation to a protected site, means the person who, by virtue of an estate or interest held by him, is entitled to possession of the site or would be so entitled but for the rights of any persons to station mobile homes on land forming part of the site ;

“planning permission” means permission under [^{F8}Part III of the Town and Country Planning Act 1990] or [^{F9}Part III of the Town and Country Planning (Scotland) Act 1997];

“protected site” does not include any land occupied by a local authority as a caravan site providing accommodation for gipsies or, in Scotland, for persons to whom section 24(8A) of the Caravan Sites and Control of Development Act 1960 applies but, subject to that, has the same meaning as in Part I of the ^{M2}Caravan Sites Act 1968.

- (2) In relation to an agreement to which this Act applies—
 - (a) any reference in this Act to the owner includes a reference to any person who is bound by and entitled to the benefit of the agreement by virtue of subsection (1) of section 3 above; and
 - (b) subject to subsection (4) of that section, any reference in this Act to the occupier includes a reference to any person who is entitled to the benefit of and bound by the agreement by virtue of subsection (2) or (3) of that section.
- (3) A person is a member of another’s family within the meaning of this Act if he is his spouse, [^{F10}civil partner,] parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece; treating—
 - (a) any relationship by marriage [^{F11}or civil partnership] as a relationship by blood, any relationship of the half blood as a relationship of the whole blood and the stepchild of any person as his child; and
 - (b) an illegitimate person as the legitimate child of his mother and reputed father; or if they live together as husband and wife [^{F12}or as if they were civil partners].
- [^{F13}(4) In relation to land in Scotland, any reference in this Act to an “estate or interest” shall be construed as a reference to a right in, or to, the land.]

Textual Amendments

- F7** Words in s. 5(1) inserted (E.W.) (18.1.2005) by [Housing Act 2004 \(c. 34\)](#), **ss. 206(3)**, 270(3)(a)
- F8** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, **Sch. 2 para. 59**
- F9** Words in definition of “planning permission” s. 5(1) substituted (27.5.1997) by [1997 c. 11, ss. 4, 6\(2\)](#), **Sch. 2 para. 36**

Status: Point in time view as at 01/10/2006.

Changes to legislation: There are currently no known outstanding effects for the Mobile Homes Act 1983. (See end of Document for details)

- F10** Words in s. 5(3) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(10)(b), **Sch. 27 para. 88(a)**; S.I. 2005/3175, art. 2(2)
- F11** Words in s. 5(3)(a) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(10)(b), **Sch. 27 para. 88(b)**; S.I. 2005/3175, art. 2(2)
- F12** Words in s. 5(3) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(10)(b), **Sch. 27 para. 88(c)**; S.I. 2005/3175, art. 2(2)
- F13** S. 5(4) added (S.) (28.11.2004) by Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5), ss. 71, 77(2), **Sch. 12 para. 44** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

Marginal Citations

- M1** 1960 c. 62.
M2 1968 c. 52.

6 Short title, repeals, commencement and extent.

- (1) This Act may be cited as the Mobile Homes Act 1983.
- (2) The enactments mentioned in Schedule 2 to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (3) This Act shall come into force on the expiry of the period of one week beginning with the day on which it is passed.
- (4) This Act does not extend to Northern Ireland.

Status:

Point in time view as at 01/10/2006.

Changes to legislation:

There are currently no known outstanding effects for the Mobile Homes Act 1983.