



Mobile Homes Act 1983

1983 CHAPTER 34

1 Particulars of agreements

- (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
 - (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.

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 within six months of the giving of the statement under section 1(2) above, order that there shall be implied in the agreement terms concerning the matters mentioned in Part II of Schedule 1 to this Act.
- (3) The court may, on the application of either party made within the said period of six months, by order vary or delete any express term of the agreement.
- (4) On an application under this section, the court shall make such provision as the court considers just and equitable in the circumstances.

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 or widower of the deceased; or
 - (ii) in default of a widow or widower 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.

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—

" the court" means—

(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 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 Part III of the Town and Country Planning Act 1971 or Part III of the Town and Country Planning (Scotland) Act 1972;

" 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 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, parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece; treating—

(a) any relationship by marriage 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.

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.