



# Mobile Homes Act 2013

## 2013 CHAPTER 14

An Act to amend the law relating to mobile homes.

[26th March 2013]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### *Licensing*

#### **1 Fees**

(1) The Caravan Sites and Control of Development Act 1960 is amended in accordance with subsections (2) to (7).

(2) In section 3 (application for site licence)—

(a) after subsection (2) insert—

“(2A) A local authority in England may require a relevant protected site application in respect of land in their area to be accompanied by a fee fixed by the authority.”, and

(b) after subsection (6) insert—

“(7) In this Part, “relevant protected site application” means, subject to subsection (8), an application for a site licence authorising the use of land as a caravan site other than an application for a licence—

(a) to be expressed to be granted for holiday use only, or

(b) to be otherwise so expressed or subject to such conditions that there will be times of the year when no caravan may be stationed on the land for human habitation;

whether or not because the relevant planning permission under Part 3 of the Town and Country Planning Act 1990 is so expressed or subject to such conditions.

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- (8) For the purpose of determining whether an application for a site licence is a relevant protected site application, any part of the application which is for the licence to permit the stationing of a caravan on the land for human habitation all year round is to be ignored if, were the application to be granted, the caravan would be so authorised to be occupied by—
- (a) the occupier, or
  - (b) a person employed by the occupier but who does not occupy the caravan under an agreement to which the Mobile Homes Act 1983 applies (see section 1(1) of that Act)."
- (3) After section 5 insert—

**“5A Relevant protected sites: annual fee**

- (1) A local authority in England who have issued a site licence in respect of a relevant protected site in their area may require the licence holder to pay an annual fee fixed by the local authority.
- (2) When requiring a licence holder to pay an annual fee under this section, a local authority must inform the licence holder of the matters to which they have had regard in fixing the fee for the year in question (in particular, the extent to which they have had regard to deficits or surpluses in the accounts for the annual fee for previous years).
- (3) Where an annual fee due to a local authority under this section has become overdue, the local authority may apply to a residential property tribunal for an order requiring the licence holder to pay the local authority the amount due by the date specified in the order; and the order may make provision about the manner in which the payment is to be made.
- (4) Where a licence holder fails to comply with an order under subsection (3) within the period of three months beginning with the date specified in the order for the purposes of that subsection, the local authority may apply to a residential property tribunal for an order revoking the site licence.
- (5) In this Part, “relevant protected site” means land in respect of which a site licence is required under this Part, other than land in respect of which the relevant planning permission under Part 3 of the Town and Country Planning Act 1990 or the site licence is, subject to subsection (6)—
  - (a) expressed to be granted for holiday use only, or
  - (b) otherwise so expressed or subject to such conditions that there are times of the year when no caravan may be stationed on the land for human habitation.
- (6) For the purpose of determining whether land is a relevant protected site, any provision of the relevant planning permission or of the site licence which permits the stationing of a caravan on the land for human habitation all year round is to be ignored if the caravan is so authorised to be occupied by—
  - (a) the occupier, or
  - (b) a person employed by the occupier but who does not occupy the caravan under an agreement to which the Mobile Homes Act 1983 applies (see section 1(1) of that Act).”

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- (4) In section 8 (alteration of conditions attached to site licences), after subsection (1A) insert—

“(1B) A local authority in England may require an application by the holder of a site licence in respect of a relevant protected site in their area for the alteration of the conditions attached to the site licence to be accompanied by a fee fixed by the local authority.”

- (5) In section 10 (transfer of site licences etc.), after subsection (1) insert—

“(1A) A local authority in England may require an application for consent to the transfer of a site licence in respect of a relevant protected site in their area to be accompanied by a fee fixed by the local authority.”

- (6) After section 10 insert—

**“10A Powers to charge fees: supplementary**

- (1) This section applies where a local authority in England propose to charge a fee under section 3, 5A, 8 or 10.
- (2) Before charging the fee, the local authority must prepare and publish a fees policy.
- (3) When fixing a fee for the purposes of section 3, 5A, 8 or 10, the local authority—
- (a) must act in accordance with their fees policy;
  - (b) may fix different fees for different cases or descriptions of case;
  - (c) may determine that no fee is required to be paid in certain cases or descriptions of case.
- (4) When fixing a fee for any of those purposes, the local authority may not take into account any costs incurred by them in exercising—
- (a) their functions under any of sections 9A to 9I, 23 or 24;
  - (b) any function under any provision of this Act in relation to a caravan site which is not a relevant protected site.
- (5) If the local authority propose to charge a fee under section 5A, the fees policy must include provision about the time at which the fee is payable.
- (6) The local authority may revise their fees policy and, where they do so, must publish the policy as revised.”
- (7) In section 29(1) (interpretation of Part 1), at the appropriate place insert—
- ““relevant protected site” has the meaning assigned to it by section 5A(5);
- “relevant protected site application” has the meaning assigned to it by section 3(7);”.
- (8) In 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), in paragraph 19, after sub-paragraph (2) insert—

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- “(3) 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 fee required to be paid by the owner by virtue of—
- (a) section 8(1B) of the Caravan Sites and Control of Development Act 1960 (fee for application for site licence conditions to be altered);
  - (b) section 10(1A) of that Act (fee for application for consent to transfer site licence).”

## **2 Local authority discretion on application to issue or transfer licence**

- (1) In section 3 of the Caravan Sites and Control of Development Act 1960 (application for site licence), in subsections (4) and (5), for “the local authority shall” (in the first place it appears in each case) substitute “ the local authority may (where they are in England and are considering whether to grant a relevant protected site application) or shall (in any other case) ”.
- (2) After subsection (5) of that section insert—
  - “(5A) The Secretary of State may by regulations require a local authority in England to have regard to the prescribed matters when deciding whether to issue a site licence under subsection (4) or (5) on a relevant protected site application in respect of land in their area.
  - (5B) The regulations may require a local authority in England, where they decide not to issue such a site licence under subsection (4) or (5), to notify the applicant of the reasons for the decision and of such right of appeal as may be conferred by virtue of subsection (5C).
  - (5C) The regulations may—
    - (a) confer on an applicant under this section a right of appeal to a residential property tribunal against a decision of a local authority in England not to issue a site licence as mentioned in subsection (5B);
    - (b) provide that no compensation may be claimed for loss suffered in consequence of the decision pending the outcome of the appeal.
  - (5D) Regulations under this section—
    - (a) may make incidental, supplementary, consequential, saving or transitional provision;
    - (b) may make provision which applies generally (whether or not subject to exceptions) or in relation only to specified cases or descriptions of case;
    - (c) may make different provision for different cases or descriptions of case (including different provision for different areas).
  - (5E) Regulations under this section must be made by statutory instrument.
  - (5F) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.”
- (3) In section 10 of that Act (transfer of site licence), after subsection (1A) (inserted by section 1(5)) insert—

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- “(1B) The Secretary of State may by regulations provide that a person applying to a local authority in England for consent to the transfer of a site licence in respect of a relevant protected site in their area must, either at the time of making the application or subsequently, give to the local authority such information as they may require.
- (1C) The regulations may require a local authority in England to have regard to the prescribed matters when deciding whether to give their consent to the transfer of a site licence in respect of a relevant protected site in their area.
- (1D) The regulations may require a local authority in England, where they decide not to give their consent to the transfer of such a site licence, to notify the licence holder of the reasons for the decision and of such right of appeal as may be conferred by virtue of subsection (1E).
- (1E) The regulations may—
- (a) confer on an applicant under this section a right of appeal to a residential property tribunal against a decision of a local authority in England not to give their consent to the transfer of a site licence as mentioned in subsection (1D);
  - (b) provide that no compensation may be claimed for loss suffered in consequence of the decision pending the outcome of the appeal.
- (1F) Subsections (5D) to (5F) of section 3 apply in relation to regulations under this section as they apply in relation to regulations under that section.”
- (4) In subsection (3) of that section, after “the transfer of a site licence” insert “, other than one issued by a local authority in England in respect of a relevant protected site in their area, ”.

### **3 Site licence conditions: appeals**

- (1) The Caravan Sites and Control of Development Act 1960 is amended as follows.
- (2) In section 7 (the heading to which becomes “ Appeal against conditions attached to site licence ”)—
- (a) in subsection (1), for “; and the court” substitute “ or, in a case relating to land in England, to a residential property tribunal; and the court or tribunal ”, and
  - (b) after that subsection insert—
- “(1A) In a case where a residential property tribunal varies or cancels a condition under subsection (1), it may also attach a new condition to the licence in question.”
- (3) In section 8 (power of local authority to alter conditions attached to site licences)—
- (a) in subsection (2), for “; and the court” substitute “ or, in a case relating to land in England, to a residential property tribunal; and the court or tribunal ”, and
  - (b) in subsection (4), for “and a magistrates' court” substitute “, a magistrates' court and a residential property tribunal”.

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#### 4 Compliance notices

- (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;
  - (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.

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### **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 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).

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### **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.”

## **5 Powers for local authority to carry out works**

- (1) After section 9C of the Caravan Sites and Control of Development Act 1960 (inserted by section 4) insert—

### **“9D Power to take action following conviction of occupier**

- (1) Where an occupier of land is convicted of an offence under section 9B(1) (failure to take steps required by a compliance notice), the local authority who issued the compliance notice may—
  - (a) take any steps required by the compliance notice to be taken by the occupier, but which have not been so taken; and
  - (b) take such further action as the authority consider appropriate for ensuring that the condition specified in the compliance notice is complied with.
- (2) Where a local authority propose to take action under subsection (1), they must serve on the occupier of the land a notice which—
  - (a) identifies the land and the compliance notice to which it relates,
  - (b) states that the authority intend to enter onto the land,
  - (c) describes the action the authority intend to take on the land,
  - (d) if the person whom the authority propose to authorise to take the action on their behalf is not an officer of theirs, states the name of that person, and



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- (e) sets out the dates and times on which it is intended that the action will be taken (in particular, when the authority intend to start taking the action and when they expect the action to be completed).
- (3) The notice must be served sufficiently in advance of when the local authority intend to enter onto the land as to give the occupier of the land reasonable notice of the intended entry.
- (4) In a case where the local authority authorise a person other than an officer of theirs to take the action on their behalf, the reference in section 26(1) to an authorised officer of the local authority is to be read as including that person.
- (5) The requirement in section 26(1) to give 24 hours' notice of the intended entry, in its application to a case within this section, applies only in relation to the day on which the local authority intend to start taking the action on the land.

### **9E Power to take emergency action**

- (1) A local authority in England who have issued a site licence in respect of a relevant protected site in their area may take action in relation to the land concerned if it appears to the authority that—
  - (a) the occupier of the land is failing or has failed to comply with a condition for the time being attached to the site licence, and
  - (b) as a result of that failure there is an imminent risk of serious harm to the health or safety of any person who is or may be on the land.
- (2) The action a local authority may take under this section (referred to in this section as “emergency action”) is such action as appears to the authority to be necessary to remove the imminent risk of serious harm mentioned in subsection (1)(b).
- (3) Where a local authority propose to take emergency action, the authority must serve on the occupier of the land a notice which—
  - (a) identifies the land to which it relates,
  - (b) states that the authority intend to enter onto the land,
  - (c) describes the emergency action the authority intend to take on the land,
  - (d) if the person whom the authority propose to authorise to take the action on their behalf is not an officer of theirs, states the name of that person, and
  - (e) specifies the powers under this section and section 26 as the powers under which the authority intend to enter onto the land.
- (4) A notice under subsection (3) may state that, if entry onto the land were to be refused, the authority would propose to apply for a warrant under section 26(2).
- (5) A notice under subsection (3) must be served sufficiently in advance of when the local authority intend to enter onto the land as to give the occupier of the land reasonable notice of the intended entry.
- (6) In a case where the local authority authorise a person other than an officer of theirs to take the emergency action on their behalf, the reference in

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section 26(1) to an authorised officer of the local authority is to be read as including that person.

- (7) Section 26(1), in its application to a case within this section, has effect as if—
- (a) the words “at all reasonable hours” were omitted, and
  - (b) the words from “Provided that” to the end were omitted.
- (8) Within the period of seven days beginning with the date when the authority start taking the emergency action, the authority must serve on the occupier of the land a notice which—
- (a) describes the imminent risk of serious harm to the health or safety of persons who are or may be on the land,
  - (b) describes the emergency action which has been, and any emergency action which is to be, taken by the authority on the land,
  - (c) sets out when the authority started taking the emergency action and when the authority expect it to be completed,
  - (d) if the person whom the authority have authorised to take the action on their behalf is not an officer of theirs, states the name of that person, and
  - (e) explains the right of appeal conferred by subsection (9).
- (9) An occupier of land in respect of which a local authority has taken or is taking emergency action may appeal to a residential property tribunal against the taking of the action by the authority (for further provisions about appeals under this section, see section 9G).
- (10) The grounds on which the appeal may be brought are—
- (a) that there was no imminent risk of serious harm as mentioned in subsection (1)(b) (or, where the action is still being taken, that there is no such risk);
  - (b) that the action the authority has taken was not necessary to remove the imminent risk of serious harm mentioned in subsection (1)(b) (or, where the action is still being taken, that it is not necessary to remove the risk).
- (11) The ways in which a notice under this section may be served include by fixing it in a prominent place at or near the main entrance to the land.

#### **9F Action under section 9D or 9E: power to demand expenses**

- (1) Where a local authority take action under section 9D or emergency action under section 9E, the authority may impose a charge on the occupier of the land as a means of recovering expenses incurred by them—
- (a) in deciding whether to take the action,
  - (b) in preparing and serving any notice under section 9D or 9E or a demand under subsection (6), and
  - (c) taking the action.
- (2) The expenses referred to in subsection (1) include in particular the costs of obtaining expert advice (including legal advice).

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- (3) In the case of emergency action under section 9E, no charge may be imposed under subsection (1) until such time (if any) as is determined in accordance with subsection (4).
- (4) For the purposes of subsection (3), the time when a charge in respect of emergency action may be imposed is—
  - (a) if no appeal against the local authority's decision to take the emergency action is brought under section 9E(9) within the appeal period under section 9G, at the end of that period;
  - (b) if an appeal is brought under that section and a decision on the appeal confirms the authority's decision—
    - (i) where the period within which an appeal to the Upper Tribunal may be brought expires without such an appeal having been brought, the end of that period;
    - (ii) where an appeal to the Upper Tribunal is brought, when a decision is given on the appeal confirming the authority's decision.
- (5) For the purposes of subsection (4)—
  - (a) the withdrawal of an appeal against a decision by the local authority has the same effect as a decision on the appeal confirming the authority's decision;
  - (b) references to a decision on the appeal confirming the authority's decision are to a decision which confirms that decision with or without variation.
- (6) The power under subsection (1) is exercisable by serving on the occupier of the land a demand for the expenses which—
  - (a) sets out the total expenses the local authority seek to recover under subsection (1) (“relevant expenses”),
  - (b) sets out a detailed breakdown of the relevant expenses,
  - (c) where the local authority propose to charge interest under section 9I, sets out the rate at which the relevant expenses carry interest, and
  - (d) explains the right of appeal conferred by subsection (7).
- (7) An occupier of land who is served with a demand under this section may appeal to a residential property tribunal against the demand (for further provision about appeals under this section, see section 9G).
- (8) A demand under this section must be served—
  - (a) in the case of action under section 9D, before the end of the period of two months beginning with the date on which the action is completed;
  - (b) in the case of emergency action under section 9E—
    - (i) before the end of the period of two months beginning with the earliest date (if any) on which a charge may be imposed in accordance with subsection (4), or
    - (ii) if the action has not been completed by the end of that period, before the end of the period of two months beginning with the date on which the action is completed.”

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## **6 Sections 4 and 5: appeals, operative periods, recovery of expenses**

- (1) After section 9F of the Caravan Sites and Control of Development Act 1960 (inserted by section 5) insert—

### **“9G Appeals under section 9A, 9E or 9F**

- (1) An appeal under section 9A, 9E or 9F must be made before the end of the period of 21 days beginning with the date on which the relevant document was served (referred to in this section and section 9H as “the appeal period”).
- (2) In subsection (1), “relevant document” means—
- (a) in the case of an appeal under section 9A, the compliance notice;
  - (b) in the case of an appeal under section 9E, the notice under subsection (8) of that section;
  - (c) in the case of an appeal under section 9F, the demand under that section.
- (3) A residential property tribunal may allow an appeal under section 9A, 9E or 9F to be made to it after the end of the appeal period if it is satisfied that there is a good reason for the failure to appeal before the end of that period (and for any delay since then in applying for permission to appeal out of time).
- (4) An appeal under section 9A, 9E or 9F—
- (a) is to be by way of a rehearing, but
  - (b) may be determined having regard to matters of which the local authority who made the decision were unaware.
- (5) The tribunal may by order—
- (a) on an appeal under section 9A, confirm, vary or quash the compliance notice;
  - (b) on an appeal under section 9E, confirm, vary or reverse the decision of the local authority;
  - (c) on an appeal under section 9F, confirm, vary or quash the demand.

### **9H When compliance notice or expenses demand becomes operative**

- (1) The time when a compliance notice under section 9A or a demand under section 9C or 9F becomes operative (if at all) is to be determined in accordance with this section.
- (2) Where no appeal under section 9A is brought within the appeal period against the compliance notice, the notice and any demand under section 9C which was served with it become operative at the end of that period.
- (3) Where no appeal under section 9F is brought within the appeal period, the demand under that section becomes operative at the end of that period.
- (4) Where an appeal under section 9A is brought, and a decision on the appeal confirms the compliance notice, the notice and any demand under section 9C which was served with it become operative—
- (a) where the period within which an appeal to the Upper Tribunal may be brought expires without such an appeal having been brought, at the end of that period;

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- (b) where an appeal to the Upper Tribunal is brought and a decision on the appeal is given which confirms the notice, at the time of the decision.
- (5) Where an appeal under section 9F is brought, and a decision on the appeal confirms the demand under that section, the demand becomes operative—
- (a) where the period within which an appeal to the Upper Tribunal may be brought expires without such an appeal having been brought, at the end of that period;
  - (b) where an appeal to the Upper Tribunal is brought and a decision on the appeal is given which confirms the demand, at the time of the decision.
- (6) For the purposes of subsections (4) and (5)—
- (a) the withdrawal of an appeal against a notice or demand has the same effect as a decision confirming the notice or demand;
  - (b) references to a decision which confirms the notice or demand are to a decision which confirms the notice or demand with or without variation.

#### **9I Recovery of expenses demanded under section 9C or 9F**

- (1) As from the time when a demand under section 9C or 9F becomes operative, the relevant expenses set out in the demand carry interest at such rate as the local authority may fix until recovery of all sums due under the demand; and the expenses and any interest are recoverable by them as a debt.
- (2) As from that time, the expenses and any interest are, until recovery, a charge on the land to which the compliance notice or emergency action in question relates.
- (3) The charge takes effect at that time as a legal charge which is a local land charge.
- (4) For the purpose of enforcing the charge the local authority have the same powers and remedies under the Law of Property Act 1925 and otherwise as if they were mortgagees by deed having powers of sale and lease, of accepting surrenders of leases and of appointing a receiver.
- (5) The power of appointing a receiver is exercisable at any time after the end of the period of one month beginning with the date on which the charge takes effect.
- (6) In this section, “relevant expenses”—
  - (a) in the case of a demand under section 9C, has the meaning given by subsection (3) of that section;
  - (b) in the case of a demand under section 9F, has the meaning given by subsection (6) of that section.”

#### **7 Residential property tribunals: jurisdiction under the 1960 Act**

- (1) The Housing Act 2004 is amended as follows.
- (2) In section 230 (powers and procedure of residential property tribunals) after subsection (5) insert—

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“(5ZA) When exercising jurisdiction under the Caravan Sites and Control of Development Act 1960, the directions which may be given by a tribunal under its general power include (where appropriate) directions requiring the payment of money by one party to the proceedings to another by way of compensation, damages or otherwise.”

(3) In Schedule 13 (residential property tribunals: procedure)—

- (a) in paragraph 3(6), after “in this Act” insert “, the Caravan Sites and Control of Development Act 1960”, and
- (b) in paragraph 8(2), after “or any provision of” insert “ the Caravan Sites and Control of Development Act 1960 or of”.

VALID FROM 15/06/2020

### *Management of sites*

## **8 Requirement for manager of site to be fit and proper person**

After section 12 of the Caravan Sites and Control of Development Act 1960 insert—

*“Requirement for manager of site to be fit and proper person*

### **12A Requirement for fit and proper person**

- (1) The Secretary of State may by regulations provide that an occupier of land in England may not cause or permit any part of the land to be used as a relevant protected site unless (in addition to the occupier's holding a site licence as mentioned in section 1) the local authority in whose area the land is situated—
  - (a) are satisfied that the occupier is a fit and proper person to manage the site or that a person appointed to do so by the occupier is a fit and proper person to do so; or
  - (b) have, with the occupier's consent, appointed a person to manage the site.
- (2) The regulations may provide that, where an occupier of land who holds a site licence in respect of the land contravenes a requirement imposed by virtue of subsection (1), the local authority in whose area the land is situated may apply to [<sup>F1</sup>the tribunal] for an order revoking the site licence in question.
- (3) The regulations may create a summary offence relating to a contravention of a requirement imposed by virtue of subsection (1).
- (4) Regulations creating an offence by virtue of subsection (3) may provide that, where an occupier of land who holds a site licence in respect of the land and who is convicted of the offence has been convicted on two or more previous occasions of the offence in relation to the land, the court before which the occupier is convicted may, on an application by the local authority in whose

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area the land is situated, make an order revoking the occupier's site licence on the day specified in the order.

### **12B Register of fit and proper persons**

- (1) The Secretary of State may by regulations require a local authority—
  - (a) to establish and keep up to date a register of persons who they are satisfied are fit and proper persons to manage a relevant protected site in their area;
  - (b) to publish their up-to-date register in such manner as may be prescribed.
- (2) The regulations may make provision as to the period for which a person's inclusion in the register has effect; and the regulations may, in particular, give a local authority power to decide the length of the period.

### **12C Application for inclusion in register**

- (1) The Secretary of State may by regulations provide that, on an application by the occupier for the inclusion of the occupier or of a person appointed by the occupier in a register established by virtue of section 12A (a “registration application”), a local authority may—
  - (a) grant the application unconditionally,
  - (b) grant the application subject to conditions, or
  - (c) reject the application.
- (2) The regulations may—
  - (a) make provision as to the matters to be included in a registration application and the period within which it may be made;
  - (b) provide that the application must be accompanied by such fee as the local authority may fix;
  - (c) require the local authority to publish in such manner as may be prescribed details of such fees as they fix from time to time by virtue of paragraph (b).
- (3) The regulations may—
  - (a) provide that the conditions which may be imposed by virtue of subsection (1)(b) may include conditions requiring additional payments to be made to the local authority by way of annual fee, and
  - (b) give the local authority power to decide the amount and frequency of the payments.
- (4) The regulations may require a local authority, in considering a registration application, to have regard to such matters as may be prescribed.
- (5) The regulations may require a local authority, where they have made a preliminary decision on a registration application—
  - (a) to notify the occupier of the preliminary decision and the reasons for it, and
  - (b) if the occupier makes representations within such period as may be prescribed, to take the representations into account before making the final decision on the application.

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- (6) The regulations may require a local authority, where they have made a final decision on a registration application—
  - (a) to decide when the decision is to take effect, and
  - (b) to notify the occupier of the final decision, the reasons for it, when it is to take effect and such right of appeal as may be conferred by virtue of subsection (7).
- (7) The regulations may—
  - (a) confer a right of appeal to [<sup>F2</sup>the tribunal] against a final decision on a registration application;
  - (b) provide that no compensation may be claimed for loss suffered in consequence of the decision pending the outcome of the appeal.
- (8) The regulations may provide that a register established by virtue of the regulations must—
  - (a) where a registration application is granted subject to conditions, specify the conditions;
  - (b) where the application is rejected, include prescribed information about the application.
- (9) The regulations may create a summary offence relating to—
  - (a) the withholding of information from, or the inclusion of false or misleading information in, a registration application;
  - (b) a failure to comply with a condition subject to which a registration application is granted.

#### **12D Removal from register, variation of conditions etc.**

- (1) The Secretary of State may by regulations provide that, where a person is included in a register established by virtue of section 12B, the local authority may in such circumstances as may be prescribed—
  - (a) remove the person from the register;
  - (b) impose a condition on the inclusion of the person in the register (whether or not there are conditions imposed by virtue of section 12C);
  - (c) vary or remove a condition imposed by virtue of section 12C or this section.
- (2) The regulations may require a local authority, in considering whether or how to exercise a power conferred by virtue of subsection (1), to have regard to such matters as may be prescribed.
- (3) The regulations may require the local authority, before exercising a power conferred by virtue of subsection (1)—
  - (a) to notify the occupier of their proposal to do so and the reasons for the proposal, and
  - (b) if the occupier makes representations within such period as may be prescribed, to take the representations into account before exercising the power.
- (4) The regulations may require a local authority, where they exercise a power conferred by virtue of subsection (1), to notify the occupier of the fact that



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they have done so, the reasons for doing so and such right of appeal as may be conferred by virtue of subsection (5).

- (5) The regulations may—
- (a) confer a right of appeal to [<sup>F3</sup>the tribunal] against the exercise of a power conferred by virtue of subsection (1);
  - (b) provide that no compensation may be claimed for loss suffered in consequence of the exercise of the power pending the outcome of the appeal.
- (6) The regulations may create a summary offence relating to a failure to comply with a condition imposed by virtue of this section.

#### **12E Regulations under sections 12A to 12D: supplementary provision**

- (1) Regulations under sections 12A to 12D creating a summary offence by virtue of section 12A(3), 12C(9) or 12D(6) may not provide for the offence to be punishable on conviction otherwise than by a fine not exceeding such amount as may be prescribed.
- (2) Regulations under sections 12A to 12D may—
- (a) amend this Act;
  - (b) make incidental, supplementary, consequential, saving or transitional provision;
  - (c) make provision which applies generally (whether or not subject to exceptions) or in relation only to specified cases or descriptions of case;
  - (d) make different provision for different cases or descriptions of case (including different provision for different areas).
- (3) Regulations under sections 12A to 12D must be made by statutory instrument.
- (4) A statutory instrument containing regulations under sections 12A to 12D may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

#### **Textual Amendments**

- F1** Words in s. 8 substituted (18.7.2014) by [The Transfer of Tribunal Functions \(Mobile Homes Act 2013 and Miscellaneous Amendments\) Order 2014 \(S.I. 2014/1900\)](#), art. 1, [Sch. 1 para. 17\(a\)](#)
- F2** Words in s. 8 substituted (18.7.2014) by [The Transfer of Tribunal Functions \(Mobile Homes Act 2013 and Miscellaneous Amendments\) Order 2014 \(S.I. 2014/1900\)](#), art. 1, [Sch. 1 para. 17\(b\)](#)
- F3** Words in s. 8 substituted (18.7.2014) by [The Transfer of Tribunal Functions \(Mobile Homes Act 2013 and Miscellaneous Amendments\) Order 2014 \(S.I. 2014/1900\)](#), art. 1, [Sch. 1 para. 17\(c\)](#)

### *Pitch agreements*

## **9 Site rules**

- (1) After section 2B of the Mobile Homes Act 1983 insert—

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## “2C Site rules

- (1) In the case of a protected site in England (other than a gypsy and traveller site) for which there are site rules, each of the rules is to be an express term of each agreement to which this Act applies that relates to a pitch on the site (including an agreement made before commencement or one made before the making of the rules).
- (2) The “site rules” for a protected site are rules made by the owner in accordance with such procedure as may be prescribed which relate to—
  - (a) the management and conduct of the site, or
  - (b) such other matters as may be prescribed.
- (3) Any rules made by the owner before commencement which relate to a matter mentioned in subsection (2) cease to have effect at the end of such period beginning with commencement as may be prescribed.
- (4) Site rules come into force at the end of such period beginning with the first consultation day as may be prescribed, if a copy of the rules is deposited with the local authority before the end of that period.
- (5) Where a site rule is varied, the rule as varied comes into force at the end of such period beginning with the first consultation day as may be prescribed, if—
  - (a) the rule is varied in accordance with such procedure as may be prescribed, and
  - (b) a copy of the rule as varied is deposited with the local authority before the end of that period.
- (6) Where a site rule is deleted, the deletion comes into force at the end of such period beginning with the first consultation day as may be prescribed, if—
  - (a) the rule is deleted in accordance with such procedure as may be prescribed, and
  - (b) notice of the deletion is deposited with the local authority before the end of that period.
- (7) Regulations may provide that a site rule may not be made, varied or deleted unless a proposal to make, vary or delete the rule is notified to the occupiers of the site in question in accordance with the regulations.
- (8) Regulations may provide that site rules, or rules such as are mentioned in subsection (3), are of no effect in so far as they make provision in relation to prescribed matters.
- (9) Regulations may make provision as to the resolution of disputes—
  - (a) relating to a proposal to make, vary or delete a site rule;
  - (b) as to whether the making, variation or deletion of a site rule was in accordance with the applicable prescribed procedure;
  - (c) as to whether a deposit required to be made by virtue of subsection (4), (5) or (6) was made before the end of the relevant period.
- (10) Provision under subsection (9) may confer functions on a tribunal.

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- (11) Regulations may—
- (a) require a local authority to establish and keep up to date a register of site rules in respect of protected sites in its area;
  - (b) require a local authority to publish the up-to-date register;
  - (c) provide that any deposit required to be made by virtue of subsection (4), (5) or (6) must be accompanied by a fee of such amount as the local authority may determine.

## **2D Section 2C: supplementary provision**

- (1) This section applies for the purposes of section 2C.
  - (2) “Commencement” means the commencement of that section.
  - (3) “First consultation day” means the day on which a proposal made under regulations under subsection (7) of that section is notified to the occupiers of the site in accordance with the regulations.
  - (4) A reference to the local authority is a reference to the local authority in whose area the protected site in question is situated.
  - (5) A reference to a gypsy and traveller site is a reference to a county council gypsy and traveller site or a local authority gypsy and traveller site (each of which has the meaning given by paragraph 1(4) of Chapter 1 of Part 1 of Schedule 1).
  - (6) “Prescribed” means prescribed in regulations; and the power to make regulations is exercisable by the Secretary of State.
  - (7) The regulations must be made by statutory instrument and may—
    - (a) make different provision for different cases or descriptions of case, including different provision for different areas;
    - (b) contain incidental, supplementary, transitional or saving provisions.
  - (8) The regulations are subject to annulment in pursuance of a resolution of either House of Parliament.”
- (2) In section 1(2)(c) of the Mobile Homes Act 1983 (requirement for proposed express terms to be set out in written statement), after “to be contained in the agreement” insert “ (including any site rules (see section 2C)) ”.
- (3) In section 1(5) of that Act (enforcement of express terms), after “any express term” insert “ other than a site rule (see section 2C) ”.
- (4) In section 2(3) of that Act (application to tribunal to vary express term etc.)—
  - (a) in paragraph (a), after “any express term of the agreement” insert “ other than a site rule (see section 2C) ”, and
  - (b) in paragraph (b), after “any express term to which section 1(6) above applies” insert “ other than a site rule (see section 2C) ”.

## **10 Implied terms: removal of requirement for site owner consent to sale or gift**

- (1) The Mobile Homes Act 1983 is amended as follows.

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- (2) In Chapter 2 of Part 1 of Schedule 1 (implied terms in pitch agreements except those relating to pitches in England on certain gypsy and traveller sites), before paragraph 8 but after the cross-heading above it (sale of mobile home) insert—

- “7A (1) This paragraph and paragraph 7B apply in relation to a protected site in England.
- (2) Where the agreement is a new agreement, the occupier is entitled to sell the mobile home and to assign the agreement to the person to whom the mobile home is sold (referred to in this paragraph as the “new occupier”) without the approval of the owner.
- (3) In this paragraph and paragraph 7B, “new agreement” means an agreement—
- (a) which was made after the commencement of this paragraph, or
  - (b) which was made before, but which has been assigned after, that commencement.
- (4) The new occupier must, as soon as reasonably practicable, notify the owner of the completion of the sale and assignment of the agreement.
- (5) The new occupier is required to pay the owner a commission on the sale of the mobile home at a rate not exceeding such rate as may be prescribed by regulations made by the Secretary of State.
- (6) Except to the extent mentioned in sub-paragraph (5), the owner may not require any payment to be made (whether to the owner or otherwise) in connection with the sale of the mobile home and the assignment of the agreement to the new occupier.
- (7) The Secretary of State may by regulations prescribe procedural requirements to be complied with by the owner, the occupier or the new occupier in connection with—
- (a) the sale of the mobile home and assignment of the agreement;
  - (b) the payment of commission by virtue of sub-paragraph (5).
- 7B (1) Where the agreement is not a new agreement, the occupier is entitled to sell the mobile home and assign the agreement without the approval of the owner if—
- (a) the occupier serves on the owner a notice (a “notice of proposed sale”) that the occupier proposes to sell the mobile home, and assign the agreement, to the person named in the notice (the “proposed occupier”), and
  - (b) the first or second condition is satisfied.
- (2) The first condition is that, within the period of 21 days beginning with the date on which the owner received the notice of proposed sale (“the 21-day period”), the occupier does not receive a notice from the owner that the owner has applied to a tribunal for an order preventing the occupier from selling the mobile home, and assigning the agreement, to the proposed occupier (a “refusal order”).

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- (3) The second condition is that—
    - (a) within the 21-day period—
      - (i) the owner applies to a tribunal for a refusal order, and
      - (ii) the occupier receives a notice of the application from the owner, and
    - (b) the tribunal rejects the application.
  - (4) If the owner applies to a tribunal for a refusal order within the 21-day period but the occupier does not receive notice of the application from the owner within that period—
    - (a) the application is to be treated as not having been made, and
    - (b) the first condition is accordingly to be treated as satisfied.
  - (5) A notice of proposed sale must include such information as may be prescribed in regulations made by the Secretary of State.
  - (6) A notice of proposed sale or notice of an application for a refusal order—
    - (a) must be in writing, and
    - (b) may be served by post.
  - (7) An application for a refusal order may be made only on one or more of the grounds prescribed in regulations made by the Secretary of State; and a notice of an application for a refusal order must specify the ground or grounds on which the application is made.
  - (8) The person to whom the mobile home is sold (“the new occupier”) is required to pay the owner a commission on the sale of the mobile home at a rate not exceeding such rate as may be prescribed by regulations made by the Secretary of State.
  - (9) Except to the extent mentioned in sub-paragraph (8), the owner may not require any payment to be made (whether to the owner or otherwise) in connection with the sale of the mobile home and the assignment of the agreement.
  - (10) The Secretary of State may by regulations prescribe procedural requirements to be complied with by the owner, the occupier, a proposed occupier or the new occupier in connection with—
    - (a) the sale of the mobile home and assignment of the agreement;
    - (b) the payment of commission by virtue of sub-paragraph (8).
- 7C
- (1) Regulations under paragraph 7A or 7B must be made by statutory instrument and may—
    - (a) make different provision for different cases or descriptions of case, including different provision for different areas or for sales at different prices;
    - (b) contain incidental, supplementary, transitional or saving provisions.
  - (2) Regulations under paragraph 7A or 7B are subject to annulment in pursuance of a resolution of either House of Parliament.”

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(3) In that Chapter, in paragraph 8, before sub-paragraph (1) insert—

“(A1) This paragraph applies in relation to a protected site in Wales.”

(4) In Part 3 of Schedule 1 (supplementary provisions), before paragraph 1 and the cross-heading above it, insert—

**“Sale pursuant to paragraph 7A or 7B of Chapter 2 of Part 1: provision of information**

- A1
- (1) This paragraph applies where the occupier proposes to sell the mobile home, and assign the agreement, pursuant to paragraph 7A or 7B of Chapter 2 of Part 1.
  - (2) The occupier must, not later than 28 days before the completion of the sale of the mobile home and assignment of the agreement, provide the proposed occupier with—
    - (a) such documents, or documents of such description, as may be prescribed in regulations made by the Secretary of State, and
    - (b) such other information as may be so prescribed, in the form so prescribed.
  - (3) But if the proposed occupier consents in writing to the documents and other information concerned being provided by a date (“the chosen date”) which is less than 28 days before the completion of the sale and assignment of the agreement, the occupier must provide the documents and other information to the proposed occupier not later than the chosen date.
  - (4) The documents and other information which may be prescribed in regulations under sub-paragraph (2) include in particular—
    - (a) a copy of the agreement;
    - (b) a copy of the site rules (within the meaning given by section 2C) (if any) for the protected site on which the mobile home is stationed;
    - (c) details of the pitch fee payable under the agreement;
    - (d) a forwarding address for the occupier;
    - (e) in a case within paragraph 7A, information about the requirement imposed by virtue of sub-paragraph (4) of that paragraph (obligation to notify owner of completion of sale and assignment);
    - (f) details of the commission which would be payable by the proposed occupier by virtue of paragraph 7A(5) or 7B(8);
    - (g) information about such requirements as are prescribed in regulations under paragraph 7A(7) or 7B(10).
  - (5) Documents or other information required to be provided under this paragraph may be either delivered to the prospective purchaser personally or sent by post.
  - (6) A claim that a person has broken the duty under sub-paragraph (2) or (3) may be made the subject of civil proceedings in like manner as any other claim in tort for breach of statutory duty.

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- (7) Regulations under sub-paragraph (2) must be made by statutory instrument and may—
    - (a) make different provision for different cases or descriptions of case, including different provision for different areas;
    - (b) contain incidental, supplementary, transitional or saving provisions.
  - (8) The first regulations to be made under sub-paragraph (2) are subject to annulment in pursuance of a resolution of either House of Parliament
  - (9) 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 sub-paragraph (2).
  - (10) In sub-paragraph (4)(c), “pitch fee” has the same meaning as in Chapter 2 of Part 1 of this Schedule (see paragraph 29 of that Chapter).”
- (5) In Chapter 2 of Part 1 of Schedule 1, before paragraph 9 but after the cross-heading above it (gift of mobile home) insert—

“8A (1) This paragraph and paragraph 8B apply in relation to a protected site in England.

(2) Where the agreement is a new agreement (as defined by paragraph 7A(3)), provided that the occupier has supplied the owner with the relevant evidence, the occupier is entitled to give the mobile home, and to assign the agreement, to a member of the occupier's family (referred to in this paragraph as the “new occupier”) without the approval of the owner.

(3) The relevant evidence is—

- (a) evidence, or evidence of a description, prescribed in regulations made by the Secretary of State that the person to whom the occupier proposes to give the mobile home, and to assign the agreement, is a member of the occupier's family, or
- (b) any other satisfactory evidence that the person concerned is a member of the occupier's family.

(4) The new occupier must, as soon as reasonably practicable, notify the owner of the receipt of the mobile home and assignment of the agreement.

(5) The owner may not require any payment to be made (whether to the owner or otherwise) in connection with the gift of the mobile home, and the assignment of the agreement, as mentioned in sub-paragraph (2).

(6) The Secretary of State may by regulations prescribe procedural requirements to be complied with by the owner, the occupier or the new occupier in connection with the gift of the mobile home, and assignment of the agreement, as mentioned in sub-paragraph (2).

8B (1) Where the agreement is not a new agreement (as defined by paragraph 7A(3)), the occupier is entitled to give the mobile home, and assign the agreement, to a member of the occupier's family (referred to in this

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paragraph as the “proposed occupier”) without the approval of the owner if—

- (a) the occupier serves on the owner a notice (a “notice of proposed gift”) that the occupier proposes to give the mobile home to the proposed occupier, and
  - (b) the first or second condition is satisfied.
- (2) The first condition is that, within the period of 21 days beginning with the date on which the owner received the notice of proposed gift (“the 21-day period”), the occupier does not receive a notice from the owner that the owner has applied to a tribunal for an order preventing the occupier from giving the mobile home, and assigning the agreement, to the proposed occupier (a “refusal order”).
- (3) The second condition is that—
  - (a) within the 21-day period—
    - (i) the owner applies to a tribunal for a refusal order, and
    - (ii) the occupier receives a notice of the application from the owner, and
  - (b) the tribunal rejects the application.
- (4) If the owner applies to a tribunal for a refusal order within the 21-day period but the occupier does not receive notice of the application from the owner within that period—
  - (a) the application is to be treated as not having been made, and
  - (b) the first condition is accordingly to be treated as satisfied.
- (5) A notice of proposed gift must include—
  - (a) the relevant evidence (as defined by paragraph 8A(3)), and
  - (b) such other information as may be prescribed in regulations made by the Secretary of State.
- (6) A notice of proposed gift or notice of an application for a refusal order—
  - (a) must be in writing, and
  - (b) may be served by post.
- (7) An application for a refusal order may be made only on one or more of the grounds prescribed in regulations made by the Secretary of State; and a notice of an application for a refusal order must specify the ground or grounds on which the application is made.
- (8) The owner may not require any payment to be made (whether to the owner or otherwise) in connection with the gift of the mobile home, and the assignment of the agreement, as mentioned in sub-paragraph (1).
- (9) The Secretary of State may by regulations prescribe procedural requirements to be complied with by the owner, the occupier, a proposed occupier or the person to whom the mobile home is given in connection with the gift of the mobile home, and assignment of the agreement, as mentioned in sub-paragraph (1).



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- 8C (1) Regulations under paragraph 8A or 8B must be made by statutory instrument and may—
- (a) make different provision for different cases or descriptions of case, including different provision for different areas;
  - (b) contain incidental, supplementary, transitional or saving provisions.
- (2) Regulations under paragraph 8A or 8B are subject to annulment in pursuance of a resolution of either House of Parliament.”
- (6) In that Chapter, in paragraph 9, before sub-paragraph (1) insert—
- “(A1) This paragraph applies in relation to a protected site in Wales.”
- (7) In section 3 (successors in title), in subsection (4)(b), for “or 9” substitute “, 8A, 8B or 9”.

## 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.
- (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—

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- (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.);
    - (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)—

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- (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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## *Offences*

### **12 Protection against eviction and harassment, false information etc.**

- (1) Section 3 of the Caravan Sites Act 1968 (the heading to which becomes “ Protection of occupiers against eviction and harassment, false information etc. ”) is amended as follows.
- (2) In subsection (1)(c), before “persistently withdraws or withholds” insert “ withdraws or withholds or, if the site concerned is in Wales, ”.
- (3) In subsection (1A)(b), before “persistently withdraws or withholds” insert “ withdraws or withholds or, if the site concerned is in Wales, ”.
- (4) After subsection (1A) insert—
  - “(1AA) The owner of a protected site in England or the owner's agent is guilty of an offence under this section if, during the subsistence of a residential contract, the owner or (as the case may be) agent—
    - (a) knowingly or recklessly provides information or makes a representation which is false or misleading in a material respect to any person, and
    - (b) knows, or has reasonable cause to believe, that doing so is likely to cause—
      - (i) the occupier to do any of the things mentioned in subsection (1)(c)(i) or (ii), or
      - (ii) a person who is considering whether to purchase or occupy the caravan to which the residential contract relates to decide not to do so.”
- (5) In subsection (1B), for “subsection (1A)” substitute “ subsections (1A) and (1AA) ”.

### **13 Increase in penalties for certain offences under the 1960 Act**

- (1) In section 1(2) of the Caravan Sites and Control of Development Act 1960 (prohibition of use of land as caravan site without site licence), after “summary conviction” insert “—
  - (2) (a) where the land in question is in England, to a fine not exceeding level 5 on the standard scale;
  - (b) where the land in question is in Wales,”.
- (2) In section 26(5) of that Act (obstruction of person exercising power of entry), after “summary conviction” insert “—
  - (a) where the wilful obstruction occurs in relation to land in England, to a fine not exceeding level 4 on the standard scale;
  - (b) where the wilful obstruction occurs in relation to land in Wales,”.

#### **Commencement Information**

**II** S. 13 in force at 1.4.2014 for E. by S.I. 2014/816, art. 2 (with art. 3)

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## 14 Offences by bodies corporate under the 1960 Act

After section 26 of the Caravan Sites and Control of Development Act 1960 insert—

### “26A Liability of officers of bodies corporate

- (1) This section applies to an offence under this Act committed in relation to land in England.
- (2) Where a body corporate commits an offence to which this section applies and it is proved that—
  - (a) the offence was committed with the consent or connivance of an officer of the body corporate, or
  - (b) the offence was attributable to neglect on the part of an officer of the body corporate,the officer, as well as the body corporate, is guilty of the offence and is liable to be proceeded against and punished accordingly.
- (3) In subsection (2), “officer” means—
  - (a) a director, manager, secretary or similar officer of the body corporate,
  - (b) in the case of a body corporate whose affairs are managed by its members, a member of the body corporate, or
  - (c) a person purporting to act in a capacity mentioned in paragraph (a) or (b).”

#### Commencement Information

**I2** S. 14 in force at 1.4.2014 for E. by S.I. 2014/816, art. 2 (with art. 3)

### *Final provisions*

## 15 Commencement, transitional etc. provision, extent and short title

- (1) Sections 1 to 7 shall come into force on 1 April 2014.
- (2) Sections 8, 13 and 14 shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint.
- (3) Sections 9 to 12 and this section shall come into force two months after Royal Assent.
- (4) The Secretary of State may by order made by statutory instrument make transitional, transitory or saving provision in connection with the coming into force of any provision of this Act.
- (5) This Act extends to England and Wales only.
- (6) This Act may be cited as the Mobile Homes Act 2013.

**Status:**

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**Changes to legislation:**

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