

## SCHEDULE 2

### TERMS OF MOBILE HOME AGREEMENTS

#### PART 1

#### TERMS IMPLIED BY ACT

#### CHAPTER 4

#### AGREEMENTS RELATING TO PERMANENT PITCHES ON LOCAL AUTHORITY GYPSY AND TRAVELLER SITES

##### *The pitch fee*

- 47 (1) The pitch fee can only be changed in accordance with this paragraph, either—
- (a) with the agreement of the occupier, or
  - (b) if a tribunal, on the application of the owner or the occupier, considers it reasonable for the pitch fee to be changed and makes an order determining the amount of the new pitch fee.
- (2) The pitch fee must be reviewed annually as at the review date.
- (3) At least 28 clear days before the review date the owner must serve on the occupier a written notice setting out the owner's proposals in respect of the new pitch fee.
- (4) If the occupier agrees to the proposed new pitch fee, it is payable as from the review date.
- (5) If the occupier does not agree to the proposed new pitch fee—
- (a) the owner may apply to a tribunal for an order under sub-paragraph (1)(b) determining the amount of the new pitch fee,
  - (b) the occupier must continue to pay the current pitch fee to the owner until such time as the new pitch fee is agreed by the occupier or an order determining the amount of the new pitch fee is made by a tribunal under sub-paragraph (1)(b), and
  - (c) the new pitch fee is payable as from the review date but the occupier is not to be regarded as being in arrears until the 28th day after the date on which the new pitch fee is agreed or, as the case may be, the 28th day after the date of the order of the tribunal determining the amount of the new pitch fee.
- (6) An application under sub-paragraph (5)(a) may be made at any time after the end of the period of 28 days beginning with the review date but no later than 3 months after the review date.
- (7) Sub-paragraphs (8) to (12) apply if the owner—
- (a) has not served the notice required by sub-paragraph (3) by the time by which it was required to be served, but
  - (b) at any time afterwards serves on the occupier a written notice setting out the owner's proposals in respect of a new pitch fee.

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*Status: This is the original version (as it was originally enacted).*

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- (8) If (at any time) the occupier agrees to the proposed pitch fee, it is payable as from the 28th day after the date on which the owner serves the notice under sub-paragraph (7)(b).
- (9) If the occupier has not agreed to the proposed pitch fee—
- (a) the owner may apply to a tribunal for an order under sub-paragraph (1)(b) determining the amount of the new pitch fee,
  - (b) the occupier must continue to pay the current pitch fee to the owner until such time as the new pitch fee is agreed by the occupier or an order determining the amount of the new pitch fee is made by a tribunal under sub-paragraph (1)(b), and
  - (c) if a tribunal makes such an order, the new pitch fee is payable as from the 28th day after the date on which the owner serves the notice under sub-paragraph (7)(b).
- (10) An application under sub-paragraph (9) may be made at any time after the end of the period of 56 days beginning with the date on which the owner serves the notice under sub-paragraph (7)(b) but no later than 4 months after the date on which the owner serves that notice.
- (11) A tribunal may permit an application under sub-paragraph (5)(a) or (9)(a) to be made to it outside the time limit specified in sub-paragraph (6) (in the case of an application under sub-paragraph (5)(a)) or in sub-paragraph (10) (in the case of an application under sub-paragraph (9)(a)) if it is satisfied that, in all the circumstances, there are good reasons for the failure to apply within the applicable time limit and for any delay since then in applying for permission to make the application out of time.
- (12) The occupier is not to be treated as being in arrears—
- (a) where sub-paragraph (8) applies, until the 28th day after the date on which the new pitch fee is agreed, or
  - (b) where sub-paragraph (9)(b) applies, until the 28th day after the date on which the new pitch fee is agreed or, as the case may be, the 28th day after the date of a tribunal order determining the amount of the new pitch fee.