



Mobile Homes Act 2013

2013 CHAPTER 14

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.

(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

Status: This is the original version (as it was originally enacted).

- (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).”
- (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—

“(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—

“(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”.

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.

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).

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
 - (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 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).
- (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."

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;
 - (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—

“(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”.