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SCOTTISH STATUTORY INSTRUMENTS

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**2013 No. 219**

**The Mobile Homes Act 1983 (Amendment  
of Schedule 1) (Scotland) Order 2013**

**Transitional and saving provision**

4.—(1) This article applies in relation to any agreement to which the 1983 Act applies and which commenced at any time before the relevant date.

(2) In this article—

“relevant date” means 1st September 2013; and

“review date” has the same meaning as in paragraph 32 of Part 1 of Schedule 1 to the 1983 Act.

(3) The terms implied in the agreement by virtue of this Order have effect only in relation to times falling on or after the relevant date.

(4) If the terms so implied make provision which is inconsistent with—

(a) any express term of the agreement; or

(b) any term implied in the agreement by virtue of section 2(2) of the 1983 Act,

the term referred to in sub-paragraph (a) or (b) will cease to have effect, in relation to times falling on or after the relevant date, so far as it is inconsistent with the terms implied by virtue of this Order.

(5) Nothing in this Order affects—

(a) any right or liability which has accrued before the relevant date, or any remedy in respect of any such right or liability;

(b) any application to imply in the agreement terms concerning the matters mentioned in Part 2 of Schedule 1 to the 1983 Act which was made before that date by virtue of section 2(2) of the 1983 Act;

(c) any application to terminate the agreement which was made before that date by virtue of paragraph 4, 5 or 6 (termination by owner) of Part 1 of Schedule 1 to the 1983 Act;

(d) the amount of any new pitch fee payable in respect of any period which falls (wholly or in part) on or after the relevant date which was determined before that date; or

(e) (without prejudice to the generality of sub-paragraph (a)) any right to the determination of a new pitch fee payable—

(i) as from a date before the relevant date; and

(ii) in respect of any period which falls (wholly or in part) on or after the relevant date, if that right subsists immediately before the relevant date.

(6) If the review date in 2013 falls on the relevant date, or falls after that date but before 30th September 2013, then—

(a) for the purposes of paragraph 17(1) and (5) (review of pitch fee) of Part 1 of Schedule 1 to the 1983 Act, the review date will be deemed to be 30th September 2013; but

(b) any written notice served on the occupier by the owner before the relevant date and setting out the owner’s proposals in respect of the new pitch fee payable as from the review date in

2013 will be as effective for the purposes of paragraph 17(1) as one served on the relevant date.

(7) In the case of improvements begun on the relevant date, or after that date but before 30th September 2013, regard may be had to any sums expended on such improvements when determining the amount of a new pitch fee in accordance with paragraph 22 of Part 1 of Schedule 1 to the 1983 Act even if the consultation requirements in paragraph 25(e) and (f) (owner's obligations) of that Part of that Schedule have not been complied with by the owner in relation to the improvements.

(8) The owner is required, on the first review date which falls after the relevant date, to provide the occupier with a copy of the terms implied in the agreement including those so implied by virtue of this Order.