

MOBILE HOMES ACT 2013

EXPLANATORY NOTES

COMMENTARY

Management of sites

Section 8: Requirement for manager of site to be fit and proper person

29. **Section 8** amends the CSCDA 1960 by inserting five new sections into it – sections 12A to 12E. New section 12A confers a power on the Secretary of State to make regulations which provide that the occupier of land in England (“the occupier”) may not cause or permit any part of the land to be used as a relevant protected site unless either the local authority is satisfied that the occupier is a fit and proper person to manage the site (or that the person appointed by the occupier to manage the site is a fit and proper person to do so) or the local authority has, with the occupier’s consent, appointed a person to manage the site.
30. The regulations may also make provision about the consequences for an occupier who contravenes any requirement contained in the regulations. In terms of criminal sanctions, the regulations may create a summary only offence relating to such a contravention which is punishable by a fine not exceeding an amount prescribed in the regulations. They may also provide that where an occupier has been convicted of the offence on two or more previous occasions, the local authority may apply to the court for an order revoking the occupier’s licence. In terms of civil sanctions, the regulations may provide that where an occupier contravenes any requirement of the regulations, the local authority may apply to a residential property tribunal for an order revoking the occupier’s licence.
31. New sections 12B, 12C, 12D and 12E confer further regulation-making powers in connection with provision made imposing a requirement under section 12A. Provision that may be made under these powers includes provision:
- requiring local authorities to keep and publish up-to-date registers of persons in their areas that they consider to be fit and proper for these purposes;
 - about the making of applications for inclusion in a register (and the payment of fees to the local authority to allow for the recovery of costs incurred in connection with the application process);
 - about the assessment of such applications by local authorities (who will be able to grant an application unconditionally, grant it subject to conditions or reject it);
 - about the removal of persons from a register.
32. Regulations made under new sections 12A(3), 12C(9) and 12D(6) may also create certain new summary only offences but may only provide for those offences to be punishable by a fine not exceeding an amount prescribed in the regulations. Regulations made under sections 12A to 12D may also make provision by way of amendment to the CSCDA 1960 (see new section 12E(2)). Any regulations made under sections 12A

*These notes refer to the Mobile Homes Act 2013 (c.14)
which received Royal Assent on 26 March 2013*

to 12D will be subject to the affirmative resolution procedure, that is, the approval of both Houses of Parliament will need to be obtained (see new section 12E(4)).