



# Mobile Homes Act 2013

## 2013 CHAPTER 14

### *Licensing*

#### **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.

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- (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.

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- (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—

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- (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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