

SCHEDULE 2

TERMS OF MOBILE HOME AGREEMENTS

PART 1

TERMS IMPLIED BY ACT

CHAPTER 2

AGREEMENTS RELATING TO PITCHES EXCEPT THOSE ON LOCAL AUTHORITY GYPSY AND TRAVELLER SITES

The pitch fee

- 17 (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 proposals in respect of the new pitch fee.
- (4) A notice under sub-paragraph (3) which proposes an increase in the pitch fee is of no effect unless it is accompanied by a document which complies with paragraph 23.
- (5) If the occupier agrees to the proposed new pitch fee, it is payable as from the review date.
- (6) If the occupier does not agree to the proposed new pitch fee—
- (a) the owner or the occupier 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 the 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 tribunal's order determining the amount of the new pitch fee.
- (7) An application under sub-paragraph (6)(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.
- (8) Sub-paragraphs (9) 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

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- (b) at any time afterwards serves on the occupier a written notice setting out proposals in respect of a new pitch fee.
- (9) A notice under sub-paragraph (8)(b) which proposes an increase in the pitch fee is of no effect unless it is accompanied by a document which complies with paragraph 23.
- (10) 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 (8)(b).
- (11) If the occupier has not agreed to the proposed pitch fee—
- (a) the owner or the occupier 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 the 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 (8)(b).
- (12) An application under sub-paragraph (11) may be made at any time after the end of the period of 56 days beginning with date on which the owner serves the notice under sub-paragraph (8)(b) but no later than 4 months after the date on which the owner serves that notice.
- (13) A tribunal may permit an application under sub-paragraph (6)(a) or (11)(a) to be made to it outside the time limit specified in sub-paragraph (7) (in the case of an application under sub-paragraph (6)(a)) or in sub-paragraph (12) (in the case of an application under sub-paragraph (11)(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.
- (14) The occupier is not to be treated as being in arrears—
- (a) where sub-paragraph (10) applies, until the 28th day after the date on which the new pitch fee is agreed, or
 - (b) where sub-paragraph (11)(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 the tribunal's order determining the amount of the new pitch fee.
- (15) Sub-paragraph (16) applies if a tribunal, on the application of the occupier, is satisfied that—
- (a) a notice under sub-paragraph (3) or (8)(b) was of no effect as a result of sub-paragraph (4) or (9), but
 - (b) the occupier nonetheless paid the owner the pitch fee proposed in the notice.
- (16) The tribunal may order the owner to pay the occupier, within the period of 21 days beginning with the date of the order, the difference between—
- (a) the amount which the occupier was required to pay the owner for the period in question, and
 - (b) the amount which the occupier has paid the owner for that period.