Mobile Homes Act 2013

2013 CHAPTER 14

Offences

12 Protection against eviction and harassment, false information etc.

(1) Section 3 of the Caravan Sites Act 1968 (the heading to which becomes "Protection of occupiers against eviction and harassment, false information etc.") is amended as follows.

(2) In subsection (1)(c), before "persistently withdraws or withholds" insert "withdraws or withholds or, if the site concerned is in Wales,".

(3) In subsection (1A)(b), before "persistently withdraws or withholds" insert "withdraws or withholds or, if the site concerned is in Wales,".

(4) After subsection (1A) insert—

"(1AA) The owner of a protected site in England or the owner's agent is guilty of an offence under this section if, during the subsistence of a residential contract, the owner or (as the case may be) agent—

(a) knowingly or recklessly provides information or makes a representation which is false or misleading in a material respect to any person, and

(b) knows, or has reasonable cause to believe, that doing so is likely to cause—

(i) the occupier to do any of the things mentioned in subsection (1)(c)(i) or (ii), or

(ii) a person who is considering whether to purchase or occupy the caravan to which the residential contract relates to decide not to do so."

(5) In subsection (1B), for "subsection (1A)" substitute "subsections (1A) and (1AA)".

13 Increase in penalties for certain offences under the 1960 Act

(1) In section 1(2) of the Caravan Sites and Control of Development Act 1960 (prohibition of use of land as caravan site without site licence), after "summary conviction" insert "—

(2) (a) where the land in question is in England, to a fine not exceeding level 5 on the standard scale;

(b) where the land in question is in Wales,".

(2) In section 26(5) of that Act (obstruction of person exercising power of entry), after "summary conviction" insert "—

(a) where the wilful obstruction occurs in relation to land in England, to a fine not exceeding level 4 on the standard scale;

(b) where the wilful obstruction occurs in relation to land in Wales,".

14 Offences by bodies corporate under the 1960 Act

After section 26 of the Caravan Sites and Control of Development Act 1960 insert—

"**26A Liability of officers of bodies corporate**

(1) This section applies to an offence under this Act committed in relation to land in England.

(2) Where a body corporate commits an offence to which this section applies and it is proved that—

(a) the offence was committed with the consent or connivance of an officer of the body corporate, or

(b) the offence was attributable to neglect on the part of an officer of the body corporate,

the officer, as well as the body corporate, is guilty of the offence and is liable to be proceeded against and punished accordingly.

(3) In subsection (2), "officer" means—

(a) a director, manager, secretary or similar officer of the body corporate,

(b) in the case of a body corporate whose affairs are managed by its members, a member of the body corporate, or

(c) a person purporting to act in a capacity mentioned in paragraph (a) or (b)."