



## 2011 CHAPTER 12

### PART 2

#### AGREEMENTS FOR OTHER OCCUPIERS OF CARAVAN SITES

##### **Implied terms as to consultation with occupiers' association**

9.—(1) In any seasonal agreement there shall be implied the terms set out in subsections (3) and (4) (read with subsections (5) and (6)); and this subsection shall have effect notwithstanding any express term of the agreement.

(2) If the owner fails to comply with those terms, the occupier may apply to the court for an order requiring the owner to comply with those terms.

(3) The owner shall consult a qualifying occupiers' association, if there is one, about all matters which relate to the operation and management of, or improvements to, the caravan site which may affect the occupiers either directly or indirectly.

(4) For the purposes of consultation the owner shall give the association at least 28 days' notice in writing of the matters referred to in subsection (3) which—

- (a) describes the matters and how they may affect the occupiers either directly or indirectly in the long and short term; and
- (b) states when and where the association can make representations about the matters.

(5) For the purposes of subsection (3) an association is a qualifying occupiers' association in relation to a caravan site if—

- (a) it is an association representing the occupiers of caravans on that site;

- (b) at least 50% of the occupiers of the caravans on that site are members of the association;
  - (c) it is independent from the owner, who together with any agent or employee of the owner is excluded from membership;
  - (d) subject to paragraph (c), membership is open to all occupiers who own a caravan on that site;
  - (e) it maintains a list of members which is open to public inspection together with the rules and constitution of the association;
  - (f) it has a chairman, secretary and treasurer who are elected by and from among the members;
  - (g) with the exception of administrative decisions taken by the chairman, secretary and treasurer acting in their official capacities, decisions are taken by voting and there is only one vote for each caravan;
  - (h) the owner has acknowledged in writing to the secretary that the association is a qualifying occupiers' association or, in default of this, the court has so ordered.
- (6) When calculating the percentage of occupiers for the purpose of subsection (5)(b), each caravan shall be taken to have only one occupier and, in the event of there being more than one occupier of a caravan, its occupier is to be taken to be the occupier whose name first appears on the agreement.