



Mobile Homes Act 1975

1975 CHAPTER 49

An Act to amend the law in respect of mobile homes and residential caravan sites; and for purposes connected therewith. [1st August 1975]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Duty to offer agreements

(1) Subject to the provisions of this Act, where the owner of a protected site proposes to permit—

- (a) any person to station a mobile home on that site ; or
- (b) any person who has acquired a mobile home which is stationed on that site to continue to station it on the site,

and, in either case, that person has notified the owner in writing that he intends to occupy the mobile home as his only or main residence, it shall be the duty of the owner of the protected site before that person stations the mobile home on the site or begins to occupy the mobile home, as the case may be, to offer to enter into a written agreement with him in accordance with the provisions of section 2 of this Act:

Provided that—

- (i) for the period of three months following the commencement of this Act the owner shall be deemed to have complied with this subsection if the offer to enter into the agreement is made within that period ;
- (ii) this subsection shall not apply in the case of a person to whom an agreement which complies with section 3 of this Act has been assigned.

(2) Subject to the provisions of this Act, where at the commencement of this Act any person is permitted to station a mobile home on a protected site and occupies it as his only or main residence, it shall be the duty of the owner of the protected site within the period of three months following the commencement of this Act to offer to enter into a written agreement with him in accordance with the provisions of section 2 of this Act.

- (3) Where any person occupies a mobile home which is stationed on a protected site and no duty is imposed on the owner of the site under the foregoing provisions of this section by reason only that the mobile home which he occupies is not his only or main residence, then, if the mobile home becomes his only or main residence and he so notifies the owner of the site in writing, it shall be the duty of the owner within the period of three months following the date of such notification to offer to enter into a written agreement with him in accordance with the provisions of section 2 of this Act.
- (4) An owner shall not be deemed to have offered to enter into a written agreement under the foregoing provisions of this section unless at the time of the offer he supplies the person to whom the offer is made with a draft of the agreement so offered.
- (5) Nothing in this section shall require an owner of a protected site to offer to enter into an agreement with any person who occupies a mobile home on the site by reason only of the suspension of an order made by the court by virtue of section 4 of the Act of 1968.

2 Term of agreements etc.

- (1) An agreement offered by an owner of a protected site in pursuance of a duty imposed on him by section 1 of this Act shall comply with section 3 of this Act and shall be for a term of not less than five years :

Provided that—

- (a) where the estate or interest by virtue of which an owner holds the site is insufficient to enable him to offer an agreement having a term of five years, the owner shall be deemed to have complied with this section if he offers an agreement having a term which expires on the date when his estate or interest in the site ceases;
- (b) where planning permission for the use of any land as a site for mobile homes has been granted in terms such that it will expire at the end of a specified period which is less than five years from the date on which the agreement is to commence, the owner shall be deemed to have complied with this section if he offers an agreement having a term which expires at the end of the specified period.

- (2) Where—

- (a) an owner of a protected site who is deemed to have complied with this section by virtue of paragraph (a) of the proviso to subsection (1) above subsequently acquires a new or extended estate or interest in the land comprising the site ; or
- (b) an owner of a protected site is deemed to have complied with this section by virtue of paragraph (b) of the proviso to subsection (1) above and planning permission is subsequently granted for the use of the land comprising the site as a site for mobile homes either without limitation or for a specified period,

the owner shall offer to extend the term of any agreement entered into in pursuance of a duty imposed on him by section 1 of this Act for a period which expires on whichever of the following dates first occurs:—

- (i) a date which is five years from the date on which the agreement commenced;
- (ii) the date when his estate or interest in the land ceases ; or
- (iii) the date on which planning permission expires.

3 Particulars to be contained in agreement

An agreement entered into in pursuance of section 1 of this Act shall contain full particulars of the terms and conditions of the occupation of the part of the site to be occupied and, without prejudice to the generality of the foregoing, shall include—

- (a) the name and address of the owner and of the occupier ;
- (b) a description of the part of the site to be occupied by the occupier sufficient to enable that part to be precisely identified;
- (c) the date of the commencement and the length of the term of the agreement which shall not be less than the period specified in section 2(1) of this Act, subject to the right of the occupier to determine the agreement by giving not less than twenty-eight days' notice in writing, and the right of the occupier to require the owner to extend the term for a period of not less than three years or, where the estate or interest by virtue of which an owner holds the land comprising the site is insufficient to enable him to extend the term for a period of three years or planning permission for the use of that land as a site for mobile homes is to expire at the end of a specified period which is less than three years, for a period expiring on the date when his estate or interest in the land comprising the site ceases or at the end of the specified period, as the case may be, and section 2(2) of this Act shall apply mutatis mutandis for the purposes of this paragraph as it applies for the purposes of that section with the substitution of the words " three years " for the words " five years ";
- (d) the annual charge to be made, the intervals at which payment is to be made and provision for reviews of that charge at intervals of twelve months, subject to the right of an occupier who has determined the agreement to be repaid by the owner such proportion (if any) of any payment made by him as is attributable to a period after he has ceased to occupy part of the site, any such repayment being apportioned from day to day ;
- (e) undertakings as to the making of payments on the due date, as to quiet enjoyment and as to the provision of services;
- (f) undertakings on the part of the occupier and the owner as to repair and maintenance of the mobile home and of the site respectively and such other provisions as may be necessary to maintain the standards reasonably required by the owner in relation to the occupation, use and management of the site and the facilities provided on the site ;
- (g) the right of the owner to determine the agreement for breach of an undertaking, subject to the requirement, in the case of a breach which is capable of being remedied, that he has served written notice of the breach upon the occupier and has given the occupier a reasonable opportunity of remedying it;
- (h) the right of the owner to have reasonable access to the part of the site described in the agreement and the right (if necessary) to move the mobile home to another part of the site for the purpose of carrying out essential work to the site, subject to reinstatement either in the same position or in a position which is reasonably equivalent to that from which it has been moved and the reconnection of all services ;
- (i) provision for the right of the occupier to assign the agreement, subject to reasonable conditions including the obtaining of the owner's consent which shall not be unreasonably withheld and the entry by the assignee into direct undertakings with the owner;

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- (j) provision for the right of the occupier to sell a mobile home on site to a purchaser approved by the owner, whose approval shall not be unreasonably withheld :

Provided that—

- (i) the terms of the agreement as to repair and maintenance have been complied with and all sums due to the owner under the agreement have been paid;
- (ii) the occupier has first offered the mobile home to the owner at fair market price less such discount as may be prescribed in the agreement and such offer has not been accepted by the owner within fourteen days;
- (iii) notwithstanding that such offer has not been accepted by the owner within fourteen days, the occupier shall not sell the mobile home at a price which is lower than that so offered without re-offering the mobile home to the owner at that price for acceptance within forty-eight hours ; and
- (iv) the owner shall be entitled to receive such commission on the sale to a third party as may be provided for in the agreement.

4 Disputes

- (1) If the owner of a protected site on which a mobile home is, or is to be, stationed—
- (a) fails without reasonable excuse to comply with the provisions of section 1 of this Act; or
 - (b) having in compliance with the said provisions offered to the occupier an agreement on terms and conditions which have been accepted by the occupier, fails without reasonable excuse to enter into a written agreement with the occupier to give effect to the terms and conditions so agreed within the period of one month following the date of such acceptance,
- the occupier may apply to the court for the grant of an agreement which complies with section 3 of this Act or which contains the terms and conditions so agreed, as the case may be.
- (2) On an application under subsection (1) above the court shall make an order for the grant of an agreement which—
- (a) in a case falling within paragraph (a) of that subsection, complies with section 3 of this Act and contains such terms and conditions as the court thinks reasonable ; or
 - (b) in a case falling within paragraph (b) of that subsection—
 - (i) where the court is satisfied that terms and conditions have been agreed between the parties, contains the terms and conditions so agreed; or
 - (ii) where the court is not so satisfied, complies with section 3 of this Act and contains such terms and conditions as the court thinks reasonable.
- (3) If an occupier to whom an agreement has been offered by an owner of a protected site in pursuance of a duty under section 1 of this Act fails without reasonable excuse to signify within the period of three months following the date on which the agreement is so offered whether or not the terms and conditions contained in it are acceptable to him, the owner of the protected site may apply to the court for the grant of an agreement which complies with section 3 of this Act.

- (4) On an application under subsection (3) above the court shall make an order for the grant of an agreement which complies with section 3 of this Act and contains such terms and conditions as the court thinks reasonable.
- (5) An occupier who is dissatisfied with any of the terms or conditions in an agreement offered to him by an owner in pursuance of a duty imposed under section 1 of this Act may, within the period of three months following the date on which the agreement is so offered, apply to the court for the determination of the matter in dispute.
- (6) Where an agreement has been entered into in pursuance of section 1 of this Act or has been granted by virtue of an order of the court under this section, either party may apply to the court for the determination of any matter in dispute arising under the terms of the agreement.
- (7) On an application under subsection (5) or subsection (6) above the court shall determine the matter in dispute and shall make such order as is necessary to give effect to its determination.
- (8) Where on an application made under this subsection by the owner of a protected site the court is satisfied that an occupier does not occupy as his only or main residence a mobile home which is stationed on that site by virtue of an agreement entered into in pursuance of section 1 of this Act or granted by virtue of an order of the court under this section, the court may make an order rescinding the agreement on such terms as to payment by or to either party of damages for the non-performance of the agreement, or otherwise, as to the court may seem equitable.

5 Agreements to bind successive owners

- (1) An agreement entered into in pursuance of section 1 of this Act or granted by virtue of an order of the court under section 4 of this Act (including an agreement as varied from time to time by any such order) shall be binding, not only upon the occupier and the owner who are the parties to the agreement, but also upon the successors in title of any such owner who hold a site licence for the time being in force in respect of the site to which the agreement relates and any person claiming through or under them.
- (2) The reference in subsection (1) above to an occupier who is a party to the agreement shall be deemed to include, in the case of the death of such an occupier during the subsistence of an agreement, a reference to any person then residing with the occupier being—
 - (a) the widow or widower of the occupier ; or
 - (b) in default of a widow or widower so residing, any member of the occupier's family.

6 Orders

- (1) The Secretary of State may by order—
 - (a) vary in such manner as he thinks fit any of the periods specified in section 1, section 2 and section 3 of this Act; or
 - (b) prescribe for the purposes of the proviso to paragraph (j) of the said section 3 all or any of the following, that is to say—
 - (i) maximum rates of discount or commission ;
 - (ii) minimum rates of discount or commission; or

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- (iii) a scale of rates of discount or commission, for incorporation in agreements entered into after the date on which the order comes into operation.
- (2) An order made under subsection (1) above may apply generally or to a particular area and an order made under paragraph (b) of that subsection may prescribe different rates or scales of discount or commission in relation to different areas.
- (3) The power of the Secretary of State to make orders under this section shall be exercisable by statutory instrument.
- (4) An order under subsection (1) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) Any power of the Secretary of State to make an order under any provision of this section shall include a power to make an order varying or revoking any order previously made under that provision.

7 Power to prescribe minimum standards

- (1) Without prejudice to his powers under section 5(6) of the Act of 1960, the Secretary of State may by order prescribe minimum standards with respect to the layout of, and the provision of facilities, services and equipment for protected sites within the meaning of Part I of the Act of 1968 on which there are mobile homes occupied as an only or main residence.
- (2) An order made under subsection (1) above may apply generally or to a particular area or to protected sites in a particular category and may prescribe different minimum standards in relation to protected sites in different categories.
- (3) The power of the Secretary of State to make orders under this section shall be exercisable by statutory instrument.
- (4) An order under subsection (1) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) Any power of the Secretary of State to make an order under any provision of this section shall include a power to make an order varying or revoking any order previously made under that provision.

8 Extension of Act of 1968 to Scotland

Part I (relating to the protection of residential occupiers) and Part III (miscellaneous) of the Act of 1968 shall apply to Scotland subject to the modifications contained in the Schedule to this Act.

9 Interpretation

- (1) In this Act the following expressions have the following meanings, that is to say—
 - " the Act of 1960 " means the Caravan Sites and Control of Development Act 1960 ;
 - " the Act of 1968 " means the Caravan Sites Act 1968;
 - " the court " means the county court for the district in which the protected site is situated ;

" mobile home " has the same meaning as " caravan " in Part I of the Act of 1960 as amended by the Act of 1968;

" occupier " means a person to whom an owner of a protected site is required to offer an agreement under section 1 of this Act;

" owner " means, in relation to any land which is a protected site and in respect of which a site licence is for the time being in force, the person who, by virtue of an estate or interest therein held by him, is entitled to possession thereof or would be so entitled but for the rights of any other person under any agreement, whether entered into under the provisions of this Act or otherwise, to station mobile homes thereon;

" planning permission " means permission under Part III of the Town and Country Planning Act 1971 ;

" protected site " means any land in respect of which a site licence is required under Part I of the Act of 1960, not being land in respect of which the relevant planning permission or site licence—

- (a) is expressed to be granted for holiday use only; or
- (b) is otherwise so expressed or subject to such conditions that there are times of the year when no mobile home may be stationed on the land for human habitation;

" site licence " has the same meaning as in Part I of the Act of 1960.

- (2) In the application of this Act to Scotland any reference to the court shall be construed as a reference to the sheriff having jurisdiction where the protected site is situated, for the reference to Part III of the Town and Country Planning Act 1971 there shall be substituted a reference to Part III of the Town and Country Planning (Scotland) Act 1972 and in section 3(e) the words " as to quiet enjoyment " shall be omitted.

10 Short title, commencement and extent

- (1) This Act may be cited as the Mobile Homes Act 1975.
- (2) This Act shall come into force at the expiration of the period of two months beginning with the day on which it is passed.
- (3) This Act does not extend to Northern Ireland.

SCHEDULE

Section 8.

MODIFICATIONS OF THE ACT OF 1968 FOR THE PURPOSE OF EXTENDING THAT ACT TO SCOTLAND

PART I

GENERAL ADAPTATION

1 For section 17(3) of the Act of 1968 (extent) there shall be substituted the following subsection—

“(3) Part I and sections 13, 14(1), 16, subsection (1) above and this subsection shall extend to Scotland as read with section 8 of and the Schedule to the Mobile Homes Act 1975, but otherwise this Act does not extend to Scotland or Northern Ireland.”.

PART II

SPECIFIC MODIFICATIONS

2 For section 5 of the Act of 1968 there shall be substituted the following section—

- “5 (1) In this Part of this Act any reference to the court shall be construed as a reference to the sheriff having jurisdiction in the place where the protected site is situated.
- (2) The power of the court under section 4 of this Act to suspend the enforcement of an order shall extend to any order made but not executed before the commencement of this Part of this Act.
- (3) Nothing in this Part of this Act shall affect the operation of section 89 of the Lands Clauses Consolidation (Scotland) Act 1845.
- (4) Section 12(1) of the Caravan Sites and Control of Development Act 1960 (power of site occupier to take possession and terminate a licence or tenancy in case of contravention of section 1 of that Act), when read with section 32(1) (d) of that Act, shall have effect subject to the foregoing provisions of this Part of this Act.
- (5) Part III of the Rent Act 1965 (protection against harassment and eviction without due process of law) shall not apply to any premises being a caravan stationed on a protected site.”.

3 For section 16 of the Act of 1968 there shall be substituted the following section—

- “16 In this Act, unless the context otherwise requires—
- " caravan " has the same meaning as in Part I of the Caravan Sites and Control of Development Act 1960, as amended by this Act;
- " local authority " means a local authority within the meaning of the Local Government (Scotland) Act 1973 and the regional or district planning authority within the meaning of Part IX of that Act;
- " the Minister " means the Secretary of State ;

" planning permission " means permission under Part III of the Town and Country Planning (Scotland) Act 1972.”