



# Mobile Homes Act 1983

## 1983 CHAPTER 34

An Act to make new provision in place of sections 1 to 6 of the Mobile Homes Act 1975. [13th May 1983]

Be it enacted by the Queen's most Excellent Majesty, by and with 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:—

**Modifications etc. (not altering text)**

C1 Act: transfer of functions (1.7.1999) by S.I. 1999/672, art. 2, Sch. 1

[<sup>F1</sup>1] **Particulars of agreements** **E+W**

- (1) This Act applies to any agreement under which a person (“the occupier”) is entitled—
  - (a) to station a mobile home on land forming part of a protected site; and
  - (b) to occupy the mobile home as his only or main residence.
- (2) Before making an agreement to which this Act applies, the owner of the protected site (“the owner”) shall give to the proposed occupier under the agreement a written statement which—
  - (a) specifies the names and addresses of the parties;
  - (b) includes particulars of the land on which the proposed occupier is to be entitled to station the mobile home that are sufficient to identify that land;
  - (c) sets out the express terms to be contained in the agreement;
  - (d) sets out the terms to be implied by section 2(1) below; and
  - (e) complies with such other requirements as may be prescribed by regulations made by the appropriate national authority.
- (3) The written statement required by subsection (2) above must be given—
  - (a) not later than 28 days before the date on which any agreement for the sale of the mobile home to the proposed occupier is made, or

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- (b) (if no such agreement is made before the making of the agreement to which this Act applies) not later than 28 days before the date on which the agreement to which this Act applies is made.
- (4) But if the proposed occupier consents in writing to that statement being given to him by a date (“the chosen date”) which is less than 28 days before the date mentioned in subsection (3)(a) or (b) above, the statement must be given to him not later than the chosen date.
- (5) If any express term—
- (a) is contained in an agreement to which this Act applies, but
  - (b) was not set out in a written statement given to the proposed occupier in accordance with subsections (2) to (4) above,
- the term is unenforceable by the owner or any person within section 3(1) below.
- This is subject to any order made by the court under section 2(3) below.
- (6) If the owner has failed to give the occupier a written statement in accordance with subsections (2) to (4) above, the occupier may, at any time after the making of the agreement, apply to the court for an order requiring the owner—
- (a) to give him a written statement which complies with paragraphs (a) to (e) of subsection (2) (read with any modifications necessary to reflect the fact that the agreement has been made), and
  - (b) to do so not later than such date as is specified in the order.
- (7) A statement required to be given to a person under this section may be either delivered to him personally or sent to him by post.
- (8) Any reference in this section to the making of an agreement to which this Act applies includes a reference to any variation of an agreement by virtue of which the agreement becomes one to which this Act applies.
- (9) Regulations under this section—
- (a) shall be made by statutory instrument;
  - (b) if made by the Secretary of State, shall be subject to annulment in pursuance of a resolution of either House of Parliament; and
  - (c) may make different provision with respect to different cases or descriptions of case, including different provision for different areas.]

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#### **Extent Information**

- E1** This version of s. 1 extends to England and Wales only. A separate version has been created for Scotland.

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#### **Textual Amendments**

- F1** S. 1 substituted (E.W.) (18.11.2004 for specified purposes, 18.1.2005 in so far as not already in force ) by [Housing Act 2004 \(c. 34\)](#), [ss. 206\(1\)](#), [270\(2\)\(b\)\(3\)\(a\)](#) (with [s. 206\(4\)\(5\)](#))

## **1 Particulars of agreements. S**

- (1) This Act applies to any agreement under which a person (“the occupier”) is entitled—
- (a) to station a mobile home on land forming part of a protected site; and

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- (b) to occupy the mobile home as his only or main residence.
- (2) Within three months of the making of an agreement to which this Act applies, the owner of the protected site (“the owner”) shall give to the occupier a written statement which—
  - (a) specifies the names and addresses of the parties and the date of commencement of the agreement;
  - (b) includes particulars of the land on which the occupier is entitled to station the mobile home sufficient to identify it;
  - (c) sets out the express terms of the agreement;
  - (d) sets out the terms implied by section 2(1) below; and
  - (e) complies with such other requirements as may be prescribed by regulations made by the Secretary of State.
- (3) If the agreement was made before the day on which this Act comes into force, the written statement shall be given within six months of that day.
- (4) Any reference in subsection (2) or (3) above to the making of an agreement to which this Act applies includes a reference to any variation of an agreement by virtue of which the agreement becomes one to which this Act applies.
- (5) If the owner fails to comply with this section, the occupier may apply to the court for an order requiring the owner so to comply.
- (6) Regulations under this section—
  - (a) shall be made by statutory instrument; and
  - (b) may make different provision with respect to different cases or descriptions of case, including different provision for different areas.

#### **Extent Information**

**E2** This version of s. 1 extends to Scotland only. A separate version has been created for England and Wales.

## **2 Terms of agreements.**

- (1) In any agreement to which this Act applies there shall be implied the terms set out in Part I of Schedule 1 to this Act; and this subsection shall have effect notwithstanding any express term of the agreement.
- (2) The court may, on the application of either party made within six months of the giving of the statement under section 1(2) above, order that there shall be implied in the agreement terms concerning the matters mentioned in Part II of Schedule 1 to this Act.
- (3) The court may, on the application of either party made within the said period of six months, by order vary or delete any express term of the agreement.
- (4) On an application under this section, the court shall make such provision as the court considers just and equitable in the circumstances.

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## **[<sup>F2</sup>2A Power to amend implied terms**

- (1) The appropriate national authority may by order make such amendments of Part 1 or 2 of Schedule 1 to this Act as the authority considers appropriate.
- (2) An order under this section—
  - (a) shall be made by statutory instrument;
  - (b) may make different provision with respect to different cases or descriptions of case, including different provision for different areas;
  - (c) may contain such incidental, supplementary, consequential, transitional or saving provisions as the authority making the order considers appropriate.
- (3) Without prejudice to the generality of subsections (1) and (2), an order under this section may—
  - (a) make provision for or in connection with the determination by the court of such questions, or the making by the court of such orders, as are specified in the order;
  - (b) make such amendments of any provision of this Act as the authority making the order considers appropriate in consequence of any amendment made by the order in Part 1 or 2 of Schedule 1.
- (4) The first order made under this section in relation to England or Wales respectively may provide for all or any of its provisions to apply in relation to agreements to which this Act applies that were made at any time before the day on which the order comes into force (as well as in relation to such agreements made on or after that day).
- (5) No order may be made by the appropriate national authority under this section unless the authority has consulted—
  - (a) such organisations as appear to it to be representative of interests substantially affected by the order; and
  - (b) such other persons as it considers appropriate.
- (6) No order may be made by the Secretary of State under this section unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.]

### **Textual Amendments**

**F2** S. 2A inserted (E.W.) (18.11.2004) by [Housing Act 2004 \(c. 34\)](#), ss. **208(1)**, 270(2)(a) (with s. 208(2))

## **3 Successors in title**

- (1) An agreement to which this Act applies shall be binding on and enure for the benefit of any successor in title of the owner and any person claiming through or under the owner or any such successor.
- (2) Where an agreement to which this Act applies is lawfully assigned to any person, the agreement shall enure for the benefit of and be binding on that person.
- (3) Where a person entitled to the benefit of and bound by an agreement to which this Act applies dies at a time when he is occupying the mobile home as his only or main residence, the agreement shall enure for the benefit of and be binding on—
  - (a) any person residing with that person (“the deceased”) at that time being—

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- (i) the widow or widower of the deceased; or
  - (ii) in default of a widow or widower so residing, any member of the deceased's family; or
  - (b) in default of any such person so residing, the person entitled to the mobile home by virtue of the deceased's will or under the law relating to intestacy but subject to subsection (4) below.
- (4) An agreement to which this Act applies shall not enure for the benefit of or be binding on a person by virtue of subsection (3)(b) above in so far as—
- (a) it would, but for this subsection, enable or require that person to occupy the mobile home; or
  - (b) it includes terms implied by virtue of paragraph 5 or 9 of Part I of Schedule 1 to this Act.

#### **4 Jurisdiction of the court.**

The court shall have jurisdiction to determine any question arising under this Act or any agreement to which it applies, and to entertain any proceedings brought under this Act or any such agreement.

#### **5 Interpretation.**

- (1) In this Act, unless the context otherwise requires—
- “the court” means—
    - (a) in relation to England and Wales, the county court for the district in which the protected site is situated or, where the parties have agreed in writing to submit any question arising under this Act or, as the case may be, any agreement to which it applies to arbitration, the arbitrator;
    - (b) in relation to Scotland, the sheriff having jurisdiction where the protected site is situated or, where the parties have so agreed, the arbiter ;
  - “local authority” has the same meaning as in Part I of the <sup>M1</sup>Caravan Sites and Control of Development Act 1960;
  - “mobile home” has the same meaning as “caravan” has in that Part of that Act ;
  - “owner”, in relation to a protected site, means the person who, by virtue of an estate or interest held by him, is entitled to possession of the site or would be so entitled but for the rights of any persons to station mobile homes on land forming part of the site ;
  - “planning permission” means permission under [<sup>F3</sup>Part III of the Town and Country Planning Act 1990] or [<sup>F4</sup>Part III of the Town and Country Planning (Scotland) Act 1997];
  - “protected site” does not include any land occupied by a local authority as a caravan site providing accommodation for gipsies or, in Scotland, for persons to whom section 24(8A) of the Caravan Sites and Control of Development Act 1960 applies but, subject to that, has the same meaning as in Part I of the <sup>M2</sup>Caravan Sites Act 1968.
- (2) In relation to an agreement to which this Act applies—
- (a) any reference in this Act to the owner includes a reference to any person who is bound by and entitled to the benefit of the agreement by virtue of subsection (1) of section 3 above; and

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- (b) subject to subsection (4) of that section, any reference in this Act to the occupier includes a reference to any person who is entitled to the benefit of and bound by the agreement by virtue of subsection (2) or (3) of that section.
- (3) A person is a member of another's family within the meaning of this Act if he is his spouse, parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece; treating—
- (a) any relationship by marriage as a relationship by blood, any relationship of the half blood as a relationship of the whole blood and the stepchild of any person as his child; and
  - (b) an illegitimate person as the legitimate child of his mother and reputed father; or if they live together as husband and wife.
- [<sup>F5</sup>(4) In relation to land in Scotland, any reference in this Act to an "estate or interest" shall be construed as a reference to a right in, or to, the land.]

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#### Textual Amendments

- F3** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 59](#)
- F4** Words in definition of "planning permission" s. 5(1) substituted (27.5.1997) by [1997 c. 11, ss. 4, 6\(2\), Sch. 2 para. 36](#)
- F5** S. 5(4) added (S.) (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\), ss. 71, 77\(2\), Sch. 12 para. 44 \(with ss. 58, 62, 75\); S.S.I. 2003/456, art. 2](#)
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#### Marginal Citations

- M1** [1960 c. 62.](#)
- M2** [1968 c. 52.](#)

## 6 Short title, repeals, commencement and extent.

- (1) This Act may be cited as the Mobile Homes Act 1983.
- (2) The enactments mentioned in Schedule 2 to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (3) This Act shall come into force on the expiry of the period of one week beginning with the day on which it is passed.
- (4) This Act does not extend to Northern Ireland.

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## SCHEDULES

### SCHEDULE 1

Section 2.

#### AGREEMENTS UNDER ACT

#### PART I

##### TERMS IMPLIED BY ACT

##### *Duration of agreement*

- 1 Subject to paragraph 2 below, the right to station the mobile home on land forming part of the protected site shall subsist until the agreement is determined under paragraph 3, 4, 5 or 6 below.
- 2 (1) If the owner's estate or interest is insufficient to enable him to grant the right for an indefinite period, the period for which the right subsists shall not extend beyond the date when the owner's estate or interest determines.
- (2) If planning permission for the use of the protected site as a site for mobile homes has been granted in terms such that it will expire at the end of a specified period, the period for which the right subsists shall not extend beyond the date when the planning permission expires.
- (3) If before the end of a period determined by this paragraph there is a change in circumstances which allows a longer period, account shall be taken of that change.

##### *Termination by occupier*

- 3 The occupier shall be entitled to terminate the agreement by notice in writing given to the owner not less than four weeks before the date on which it is to take effect.

##### *Termination by owner*

- 4 The owner shall be entitled to terminate the agreement forthwith if, on the application of the owner, the court—
- (a) is satisfied that the occupier has breached a term of the agreement and, after service of a notice to remedy the breach, has not complied with the notice within a reasonable time; and
- (b) considers it reasonable for the agreement to be terminated.
- 5 The owner shall be entitled to terminate the agreement forthwith if, on the application of the owner, the court is satisfied that the occupier is not occupying the mobile home as his only or main residence.
- 6 (1) The owner shall be entitled to terminate the agreement at the end of a relevant period if, on the application of the owner, the court is satisfied that, having regard to its age and condition, the mobilehome—

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- (a) is having a detrimental effect on the amenity of the site; or
- (b) is likely to have such an effect before the end of the next relevant period.

- (2) In subparagraph (1) above “relevant period” means the period of five years beginning with the commencement of the agreement and each succeeding period of five years.

*Recovery of overpayments by occupier*

- 7 Where the agreement is terminated as mentioned in paragraph 3, 4, 5 or 6 above, the occupier shall be entitled to recover from the owner so much of any payment made by him in pursuance of the agreement as is attributable to a period beginning after the termination.

*Sale of mobile home*

- 8 (1) The occupier shall be entitled to sell the mobile home, and to assign the agreement, to a person approved of by the owner, whose approval shall not be unreasonably withheld.
- (2) Where the occupier sells the mobile home, and assigns the agreement, as mentioned in subparagraph (1) above, the owner shall be entitled to receive a commission on the sale at a rate not exceeding such rate as may be specified by an order made by the Secretary of State.
- (3) An order under this paragraph—
- (a) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament; and
  - (b) may make different provision for different areas or for sales at different prices.

*Gift of mobile home*

- 9 The occupier shall be entitled to give the mobile home, and to assign the agreement, to a member of his family approved by the owner, whose approval shall not be unreasonably withheld.

*Resiting of mobile home*

- 10 If the owner is entitled to require that the occupier’s right to station the mobile home shall be exercisable for any period in relation to other land forming part of the protected site—
- (a) that other land shall be broadly comparable to the land on which the occupier was originally entitled to station the mobile home; and
  - (b) all costs and expenses incurred in consequence of the requirement shall be paid by the owner.



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## PART II

### MATTERS CONCERNING WHICH TERMS MAY BE IMPLIED BY COURT

- 1 The right of the occupier to quiet enjoyment or, in Scotland, undisturbed possession of the mobile home.
- 2 The sums payable by the occupier in pursuance of the agreement and the times at which they are to be paid.
- 3 The review at yearly intervals of the sums so payable.
- 4 The provision or improvement of services available on the protected site, and the use by the occupier of such services.
- 5 The preservation of the amenity of the protected site.
- 6 The maintenance and repair of the protected site by the owner, and the maintenance and repair of the mobile home by the occupier.
- 7 Access by the owner to the land on which the occupier is entitled to station the mobile home.

## SCHEDULE 2

### *Repeals*

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<b>Chapter</b>	<b>Short title</b>	<b>Extent of repeal</b>
1975 c. 49	The Mobile Homes Act 1975.	Sections 1 to 6.  In section 9, in subsection (1), all definitions except those of “the Act of 1960”, “the Act of 1968” and “mobile home”, and subsection (2).

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