
Changes to legislation: There are currently no known outstanding effects for the Mobile Homes Act 1983, Cross Heading: Sale of mobile home. (See end of Document for details)

SCHEDULES

SCHEDULE 1

AGREEMENTS UNDER ACT

PART I

TERMS IMPLIED BY ACT

[^{F1}CHAPTER 2

AGREEMENTS RELATING TO PITCHES ^{F2}... EXCEPT PITCHES ^{F3}... ON LOCAL AUTHORITY GYPSY AND TRAVELLER SITES AND COUNTY COUNCIL GYPSY AND TRAVELLER SITES]

Textual Amendments

- F1** Sch. 1 Pt. 1 renumbered as Sch. 1 Pt. 1 Ch. 2 (E.) (30.4.2011) by [The Mobile Homes Act 1983 \(Amendment of Schedule 1 and Consequential Amendments\) \(England\) Order 2011 \(S.I. 2011/1003\)](#), art. 1(1), **Sch. 1 para. 2** (with art. 1(3))
- F2** Words in Sch. 1 Pt. 1 Ch. 2 heading omitted (W.) (1.10.2014) by virtue of [Mobile Homes \(Wales\) Act 2013 \(anaw 6\)](#), s. 64(1), **Sch. 4 para. 4(9)(b)** (with Sch. 5 para. 7); S.I. 2014/11, art. 3(2)
- F3** Words in Sch. 1 Pt. 1 Ch. 2 heading omitted (10.7.2013) by virtue of [The Mobile Homes Act 1983 \(Amendment of Schedule 1 and Consequential Amendments\) \(Wales\) Order 2013 \(S.I. 2013/1723\)](#), arts. 1(1), **2(3)(a)** (with art. 1(3))

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[^{F4}7A^{F5}(1).....

- (2) Where the agreement is a new agreement, the occupier is entitled to sell the mobile home and to assign the agreement to the person to whom the mobile home is sold (referred to in this paragraph as the “new occupier”) without the approval of the owner.
- (3) In this paragraph and paragraph 7B, “new agreement” means an agreement—
 - (a) which was made after the commencement of this paragraph, or
 - (b) which was made before, but which has been assigned after, that commencement.
- (4) The new occupier must, as soon as reasonably practicable, notify the owner of the completion of the sale and assignment of the agreement.
- (5) The new occupier is required to pay the owner a commission on the sale of the mobile home at a rate not exceeding such rate as may be prescribed by regulations made by the Secretary of State.

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- (6) Except to the extent mentioned in sub-paragraph (5), the owner may not require any payment to be made (whether to the owner or otherwise) in connection with the sale of the mobile home and the assignment of the agreement to the new occupier.
- (7) The Secretary of State may by regulations prescribe procedural requirements to be complied with by the owner, the occupier or the new occupier in connection with—
 - (a) the sale of the mobile home and assignment of the agreement;
 - (b) the payment of commission by virtue of sub-paragraph (5).

Textual Amendments

- F4** Sch. 1 Pt. I Ch. 2 paras. 7A-7C inserted (E.W.) (27.5.2013) by [Mobile Homes Act 2013 \(c. 14\)](#), **ss. 10(2), 15(3)** (with savings in [S.I. 2013/1168, reg. 2](#))
- F5** Sch. 1 Pt. I Ch. 2 para. 7A(1) omitted (W.) (1.10.2014) by virtue of [Mobile Homes \(Wales\) Act 2013 \(anaw 6\)](#), s. 64(1), **Sch. 4 para. 4(9)(c)** (with [Sch. 5 para. 7](#)); [S.I. 2014/11](#), art. 3(2)

- 7B (1) Where the agreement is not a new agreement, the occupier is entitled to sell the mobile home and assign the agreement without the approval of the owner if—
 - (a) the occupier serves on the owner a notice (a “notice of proposed sale”) that the occupier proposes to sell the mobile home, and assign the agreement, to the person named in the notice (the “proposed occupier”), and
 - (b) the first or second condition is satisfied.
- (2) The first condition is that, within the period of 21 days beginning with the date on which the owner received the notice of proposed sale (“the 21-day period”), the occupier does not receive a notice from the owner that the owner has applied to a tribunal for an order preventing the occupier from selling the mobile home, and assigning the agreement, to the proposed occupier (a “refusal order”).
- (3) The second condition is that—
 - (a) within the 21-day period—
 - (i) the owner applies to a tribunal for a refusal order, and
 - (ii) the occupier receives a notice of the application from the owner, and
 - (b) the tribunal rejects the application.
- (4) If the owner applies to a tribunal for a refusal order within the 21-day period but the occupier does not receive notice of the application from the owner within that period—
 - (a) the application is to be treated as not having been made, and
 - (b) the first condition is accordingly to be treated as satisfied.
- (5) A notice of proposed sale must include such information as may be prescribed in regulations made by the Secretary of State.
- (6) A notice of proposed sale or notice of an application for a refusal order—
 - (a) must be in writing, and
 - (b) may be served by post.
- (7) An application for a refusal order may be made only on one or more of the grounds prescribed in regulations made by the Secretary of State; and a notice of an application for a refusal order must specify the ground or grounds on which the application is made.

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- (8) The person to whom the mobile home is sold (“the new occupier”) is required to pay the owner a commission on the sale of the mobile home at a rate not exceeding such rate as may be prescribed by regulations made by the Secretary of State.
- (9) Except to the extent mentioned in sub-paragraph (8), the owner may not require any payment to be made (whether to the owner or otherwise) in connection with the sale of the mobile home and the assignment of the agreement.
- (10) The Secretary of State may by regulations prescribe procedural requirements to be complied with by the owner, the occupier, a proposed occupier or the new occupier in connection with—
 - (a) the sale of the mobile home and assignment of the agreement;
 - (b) the payment of commission by virtue of sub-paragraph (8).

Textual Amendments

F4 Sch. 1 Pt. I Ch. 2 paras. 7A-7C inserted (E.W.) (27.5.2013) by [Mobile Homes Act 2013 \(c. 14\), ss. 10\(2\), 15\(3\)](#) (with savings in [S.I. 2013/1168, reg. 2](#))

- 7C (1) Regulations under paragraph 7A or 7B must be made by statutory instrument and may—
- (a) make different provision for different cases or descriptions of case, including different provision for different areas or for sales at different prices;
 - (b) contain incidental, supplementary, transitional or saving provisions.
- (2) Regulations under paragraph 7A or 7B are subject to annulment in pursuance of a resolution of either House of Parliament.]

Textual Amendments

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