



Housing Act 2004

2004 CHAPTER 34

PART 6

OTHER PROVISIONS ABOUT HOUSING

CHAPTER 3

MOBILE HOMES

Site agreements

207 Implied terms relating to termination of agreements or disposal of mobile homes

- (1) Part 1 of Schedule 1 to the Mobile Homes Act 1983 (c. 34) (terms implied in site agreements) is amended as follows.
- (2) In paragraph 6 (termination by owner on ground of detrimental effect resulting from age and condition of mobile home)—
 - (a) omit “age and”; and
 - (b) after sub-paragraph (2) insert—
 - “(3) Sub-paragraphs (4) and (5) below apply if, on an application under sub-paragraph (1) above—
 - (a) the court considers that, having regard to the present condition of the mobile home, paragraph (a) or (b) of that sub-paragraph applies to it, but
 - (b) it also considers that it would be reasonably practicable for particular repairs to be carried out on the mobile home that would result in neither of those paragraphs applying to it, and
 - (c) the occupier indicates that he intends to carry out those repairs.

Status: This is the original version (as it was originally enacted).

- (4) In such a case the court may make an order adjourning proceedings on the application for such period specified in the order as the court considers reasonable to allow the repairs to be carried out.

The repairs must be set out in the order.

- (5) If the court makes such an order, the application shall not be further proceeded with unless the court is satisfied that the specified period has expired without the repairs having been carried out.”

- (3) In paragraph 8 (sale of mobile home to person approved by owner)—

- (a) after sub-paragraph (1) insert—

“(1A) The occupier may serve on the owner a request for the owner to approve a person for the purposes of sub-paragraph (1) above.

(1B) Where the owner receives such a request, he must, within the period of 28 days beginning with the date on which he received the request—

- (a) approve the person, unless it is reasonable for him not to do so, and
 (b) serve on the occupier notice of his decision whether or not to approve the person.

(1C) A notice under sub-paragraph (1B) above must specify—

- (a) if the approval is given subject to conditions, the conditions, and
 (b) if the approval is withheld, the reasons for withholding it.

(1D) The giving of approval subject to any condition that is not a reasonable condition does not satisfy the requirement in sub-paragraph (1B)(a) above.

(1E) If the owner fails to notify the occupier as required by sub-paragraphs (1B) and (1C) above, the occupier may apply to the court for an order declaring that the person is approved for the purposes of sub-paragraph (1) above; and the court may make such an order if it thinks fit.

(1F) It is for the owner—

- (a) if he served a notice as mentioned in sub-paragraphs (1B) and (1C) and the question arises whether he served the notice within the required period of 28 days, to show that he did;
 (b) if he gave his approval subject to any condition and the question arises whether the condition was a reasonable condition, to show that it was;
 (c) if he did not give his approval and the question arises whether it was reasonable for him not to do so, to show that it was reasonable.

(1G) A request or notice under this paragraph—

- (a) must be in writing, and
 (b) may be served by post.”;

Status: This is the original version (as it was originally enacted).

- (b) in sub-paragraph (2) for “the Secretary of State” substitute “the appropriate national authority”; and
 - (c) in sub-paragraph (3)(a) after “which” insert “(if made by the Secretary of State)”.
- (4) After the existing provisions of paragraph 9 (gift of mobile home to person approved by owner), which become sub-paragraph (1), insert—
- “(2) Sub-paragraphs (1A) to (1G) of paragraph 8 above shall apply in relation to the approval of a person for the purposes of sub-paragraph (1) above as they apply in relation to the approval of a person for the purposes of sub-paragraph (1) of that paragraph.”
- (5) After Part 2 of Schedule 1 to the Mobile Homes Act 1983 (c. 34) insert—

“PART 3

SUPPLEMENTARY PROVISIONS

Duty to forward requests under paragraph 8 or 9 of Part 1

- 1 (1) This paragraph applies to—
- (a) a request by the occupier for the owner to approve a person for the purposes of paragraph 8(1) of Part 1 (see paragraph 8(1A)), or
 - (b) a request by the occupier for the owner to approve a person for the purposes of paragraph 9(1) of Part 1 (see paragraph 8(1A) as applied by paragraph 9(2)).
- (2) If a person (“the recipient”) receives such a request and he—
- (a) though not the owner, has an estate or interest in the protected site, and
 - (b) believes that another person is the owner (and that the other person has not received such a request),
- the recipient owes a duty to the occupier to take such steps as are reasonable to secure that the other person receives the request within the period of 28 days beginning with the date on which the recipient receives it.
- (3) In paragraph 8(1B) of Part 1 of this Schedule (as it applies to any request within sub-paragraph (1) above) any reference to the owner receiving such a request includes a reference to his receiving it in accordance with sub-paragraph (2) above.

Action for breach of duty under paragraph 1

- 2 (1) A claim that a person has broken the duty under paragraph 1(2) above may be made the subject of civil proceedings in like manner as any other claim in tort for breach of statutory duty.
- (2) The right conferred by sub-paragraph (1) is in addition to any right to bring proceedings, in respect of a breach of any implied term having effect by virtue of paragraph 8 or 9 of Part 1 of this Schedule, against a person bound by that term.”

Status: This is the original version (as it was originally enacted).

- (6) The amendments made by this section apply in relation to an agreement to which the Mobile Homes Act 1983 applies that was made before the day on which this section comes into force (“the appointed day”), as well as in relation to one made on or after that day.

Any reference in this subsection to the making of an agreement to which that Act applies includes a reference to any variation of an agreement by virtue of which the agreement becomes one to which that Act applies.

- (7) However—
- (a) the amendments made by subsection (2) do not apply in relation to any application made before the appointed day for the purposes of paragraph 6 of Part 1 of Schedule 1 to that Act; and
 - (b) the amendments made by subsections (3)(a), (4) and (5) do not apply in relation to any request for approval made before the appointed day for the purposes of paragraph 8(1) or (as the case may be) 9(1) of that Part of that Schedule.