



Mobile Homes Act 2013

2013 CHAPTER 14

Licensing

1 Fees

(1) The Caravan Sites and Control of Development Act 1960 is amended in accordance with subsections (2) to (7).

(2) In section 3 (application for site licence)—

(a) after subsection (2) insert—

“(2A) A local authority in England may require a relevant protected site application in respect of land in their area to be accompanied by a fee fixed by the authority.”, and

(b) after subsection (6) insert—

“(7) In this Part, “relevant protected site application” means, subject to subsection (8), an application for a site licence authorising the use of land as a caravan site other than an application for a licence—

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

whether or not because the relevant planning permission under Part 3 of the Town and Country Planning Act 1990 is so expressed or subject to such conditions.

(8) For the purpose of determining whether an application for a site licence is a relevant protected site application, any part of the application which is for the licence to permit the stationing of a caravan on the land for human habitation all year round is to be ignored if, were the application to be granted, the caravan would be so authorised to be occupied by—

- (a) the occupier, or

Status: This is the original version (as it was originally enacted).

- (b) a person employed by the occupier but who does not occupy the caravan under an agreement to which the Mobile Homes Act 1983 applies (see section 1(1) of that Act).”

(3) After section 5 insert—

“5A Relevant protected sites: annual fee

- (1) A local authority in England who have issued a site licence in respect of a relevant protected site in their area may require the licence holder to pay an annual fee fixed by the local authority.
 - (2) When requiring a licence holder to pay an annual fee under this section, a local authority must inform the licence holder of the matters to which they have had regard in fixing the fee for the year in question (in particular, the extent to which they have had regard to deficits or surpluses in the accounts for the annual fee for previous years).
 - (3) Where an annual fee due to a local authority under this section has become overdue, the local authority may apply to a residential property tribunal for an order requiring the licence holder to pay the local authority the amount due by the date specified in the order; and the order may make provision about the manner in which the payment is to be made.
 - (4) Where a licence holder fails to comply with an order under subsection (3) within the period of three months beginning with the date specified in the order for the purposes of that subsection, the local authority may apply to a residential property tribunal for an order revoking the site licence.
 - (5) In this Part, “relevant protected site” means land in respect of which a site licence is required under this Part, other than land in respect of which the relevant planning permission under Part 3 of the Town and Country Planning Act 1990 or the site licence is, subject to subsection (6)—
 - (a) expressed to be granted for holiday use only, or
 - (b) otherwise so expressed or subject to such conditions that there are times of the year when no caravan may be stationed on the land for human habitation.
 - (6) For the purpose of determining whether land is a relevant protected site, any provision of the relevant planning permission or of the site licence which permits the stationing of a caravan on the land for human habitation all year round is to be ignored if the caravan is so authorised to be occupied by—
 - (a) the occupier, or
 - (b) a person employed by the occupier but who does not occupy the caravan under an agreement to which the Mobile Homes Act 1983 applies (see section 1(1) of that Act).”
- (4) In section 8 (alteration of conditions attached to site licences), after subsection (1A) insert—
- “(1B) A local authority in England may require an application by the holder of a site licence in respect of a relevant protected site in their area for the alteration of the conditions attached to the site licence to be accompanied by a fee fixed by the local authority.”

(5) In section 10 (transfer of site licences etc.), after subsection (1) insert—

“(1A) A local authority in England may require an application for consent to the transfer of a site licence in respect of a relevant protected site in their area to be accompanied by a fee fixed by the local authority.”

(6) After section 10 insert—

“10A Powers to charge fees: supplementary

(1) This section applies where a local authority in England propose to charge a fee under section 3, 5A, 8 or 10.

(2) Before charging the fee, the local authority must prepare and publish a fees policy.

(3) When fixing a fee for the purposes of section 3, 5A, 8 or 10, the local authority—

- (a) must act in accordance with their fees policy;
- (b) may fix different fees for different cases or descriptions of case;
- (c) may determine that no fee is required to be paid in certain cases or descriptions of case.

(4) When fixing a fee for any of those purposes, the local authority may not take into account any costs incurred by them in exercising—

- (a) their functions under any of sections 9A to 9I, 23 or 24;
- (b) any function under any provision of this Act in relation to a caravan site which is not a relevant protected site.

(5) If the local authority propose to charge a fee under section 5A, the fees policy must include provision about the time at which the fee is payable.

(6) The local authority may revise their fees policy and, where they do so, must publish the policy as revised.”

(7) In section 29(1) (interpretation of Part 1), at the appropriate place insert—

““relevant protected site” has the meaning assigned to it by section 5A(5);
“relevant protected site application” has the meaning assigned to it by section 3(7).”

(8) In Chapter 2 of Part 1 of Schedule 1 to the Mobile Homes Act 1983 (implied terms in pitch agreements except those relating to pitches in England on certain gypsy and traveller sites), in paragraph 19, after sub-paragraph (2) insert—

“(3) In the case of a protected site in England, when determining the amount of the new pitch fee, no regard may be had to any fee required to be paid by the owner by virtue of—

- (a) section 8(1B) of the Caravan Sites and Control of Development Act 1960 (fee for application for site licence conditions to be altered);
- (b) section 10(1A) of that Act (fee for application for consent to transfer site licence).”