



# Mobile Homes Act 2013

## 2013 CHAPTER 14

### *Pitch agreements*

#### **10 Implied terms: removal of requirement for site owner consent to sale or gift**

- (1) The Mobile Homes Act 1983 is amended as follows.
- (2) In Chapter 2 of Part 1 of Schedule 1 (implied terms in pitch agreements except those relating to pitches in England on certain gypsy and traveller sites), before paragraph 8 but after the cross-heading above it (sale of mobile home) insert—
  - “7A (1) This paragraph and paragraph 7B apply in relation to a protected site in England.
  - (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.
  - (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.

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- (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).
- 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.
- (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).
- 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.”
- (3) In that Chapter, in paragraph 8, before sub-paragraph (1) insert—
- “(A1) This paragraph applies in relation to a protected site in Wales.”
- (4) In Part 3 of Schedule 1 (supplementary provisions), before paragraph 1 and the cross-heading above it, insert—

*“Sale pursuant to paragraph 7A or 7B of Chapter 2 of Part 1: provision of information*

- A1 (1) This paragraph applies where the occupier proposes to sell the mobile home, and assign the agreement, pursuant to paragraph 7A or 7B of Chapter 2 of Part 1.
- (2) The occupier must, not later than 28 days before the completion of the sale of the mobile home and assignment of the agreement, provide the proposed occupier with—
- (a) such documents, or documents of such description, as may be prescribed in regulations made by the Secretary of State, and
  - (b) such other information as may be so prescribed, in the form so prescribed.
- (3) But if the proposed occupier consents in writing to the documents and other information concerned being provided by a date (“the chosen date”) which is less than 28 days before the completion of the sale and assignment of the agreement, the occupier must provide the documents and other information to the proposed occupier not later than the chosen date.
- (4) The documents and other information which may be prescribed in regulations under sub-paragraph (2) include in particular—
- (a) a copy of the agreement;

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- (b) a copy of the site rules (within the meaning given by section 2C) (if any) for the protected site on which the mobile home is stationed;
  - (c) details of the pitch fee payable under the agreement;
  - (d) a forwarding address for the occupier;
  - (e) in a case within paragraph 7A, information about the requirement imposed by virtue of sub-paragraph (4) of that paragraph (obligation to notify owner of completion of sale and assignment);
  - (f) details of the commission which would be payable by the proposed occupier by virtue of paragraph 7A(5) or 7B(8);
  - (g) information about such requirements as are prescribed in regulations under paragraph 7A(7) or 7B(10).
- (5) Documents or other information required to be provided under this paragraph may be either delivered to the prospective purchaser personally or sent by post.
- (6) A claim that a person has broken the duty under sub-paragraph (2) or (3) may be made the subject of civil proceedings in like manner as any other claim in tort for breach of statutory duty.
- (7) Regulations under sub-paragraph (2) 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;
  - (b) contain incidental, supplementary, transitional or saving provisions.
- (8) The first regulations to be made under sub-paragraph (2) are subject to annulment in pursuance of a resolution of either House of Parliament
- (9) But regulations made under any other provision of this Act which are subject to annulment in pursuance of a resolution of either House of Parliament may also contain regulations made under sub-paragraph (2).
- (10) In sub-paragraph (4)(c), “pitch fee” has the same meaning as in Chapter 2 of Part 1 of this Schedule (see paragraph 29 of that Chapter).”
- (5) In Chapter 2 of Part 1 of Schedule 1, before paragraph 9 but after the cross-heading above it (gift of mobile home) insert—
- “8A (1) This paragraph and paragraph 8B apply in relation to a protected site in England.
- (2) Where the agreement is a new agreement (as defined by paragraph 7A(3)), provided that the occupier has supplied the owner with the relevant evidence, the occupier is entitled to give the mobile home, and to assign the agreement, to a member of the occupier’s family (referred to in this paragraph as the “new occupier”) without the approval of the owner.
- (3) The relevant evidence is—
- (a) evidence, or evidence of a description, prescribed in regulations made by the Secretary of State that the person to whom the

- occupier proposes to give the mobile home, and to assign the agreement, is a member of the occupier's family, or
- (b) any other satisfactory evidence that the person concerned is a member of the occupier's family.
- (4) The new occupier must, as soon as reasonably practicable, notify the owner of the receipt of the mobile home and assignment of the agreement.
- (5) The owner may not require any payment to be made (whether to the owner or otherwise) in connection with the gift of the mobile home, and the assignment of the agreement, as mentioned in sub-paragraph (2).
- (6) 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 the gift of the mobile home, and assignment of the agreement, as mentioned in sub-paragraph (2).
- 8B (1) Where the agreement is not a new agreement (as defined by paragraph 7A(3)), the occupier is entitled to give the mobile home, and assign the agreement, to a member of the occupier's family (referred to in this paragraph as the "proposed occupier") without the approval of the owner if—
- (a) the occupier serves on the owner a notice (a "notice of proposed gift") that the occupier proposes to give the mobile home to 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 gift ("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 giving 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 gift must include—
- (a) the relevant evidence (as defined by paragraph 8A(3)), and
- (b) such other information as may be prescribed in regulations made by the Secretary of State.
- (6) A notice of proposed gift or notice of an application for a refusal order—
- (a) must be in writing, and

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- (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.
  - (8) The owner may not require any payment to be made (whether to the owner or otherwise) in connection with the gift of the mobile home, and the assignment of the agreement, as mentioned in sub-paragraph (1).
  - (9) The Secretary of State may by regulations prescribe procedural requirements to be complied with by the owner, the occupier, a proposed occupier or the person to whom the mobile home is given in connection with the gift of the mobile home, and assignment of the agreement, as mentioned in sub-paragraph (1).
- 8C (1) Regulations under paragraph 8A or 8B 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;
  - (b) contain incidental, supplementary, transitional or saving provisions.
- (2) Regulations under paragraph 8A or 8B are subject to annulment in pursuance of a resolution of either House of Parliament.”
- (6) In that Chapter, in paragraph 9, before sub-paragraph (1) insert—
- “(A1) This paragraph applies in relation to a protected site in Wales.”
- (7) In section 3 (successors in title), in subsection (4)(b), for “or 9” substitute “, 8A, 8B or 9”.