



# Mobile Homes Act 2013

## 2013 CHAPTER 14

### *Management of sites*

#### **8 Requirement for manager of site to be fit and proper person**

After section 12 of the Caravan Sites and Control of Development Act 1960 insert—

*“Requirement for manager of site to be fit and proper person*

#### **12A Requirement for fit and proper person**

- (1) The Secretary of State may by regulations provide that an occupier of land in England may not cause or permit any part of the land to be used as a relevant protected site unless (in addition to the occupier’s holding a site licence as mentioned in section 1) the local authority in whose area the land is situated—
  - (a) are satisfied that the occupier is a fit and proper person to manage the site or that a person appointed to do so by the occupier is a fit and proper person to do so; or
  - (b) have, with the occupier’s consent, appointed a person to manage the site.
- (2) The regulations may provide that, where an occupier of land who holds a site licence in respect of the land contravenes a requirement imposed by virtue of subsection (1), the local authority in whose area the land is situated may apply to a residential property tribunal for an order revoking the site licence in question.
- (3) The regulations may create a summary offence relating to a contravention of a requirement imposed by virtue of subsection (1).
- (4) Regulations creating an offence by virtue of subsection (3) may provide that, where an occupier of land who holds a site licence in respect of the land and who is convicted of the offence has been convicted on two or more previous occasions of the offence in relation to the land, the court before which the occupier is convicted may, on an application by the local authority in whose

area the land is situated, make an order revoking the occupier's site licence on the day specified in the order.

### **12B Register of fit and proper persons**

- (1) The Secretary of State may by regulations require a local authority—
  - (a) to establish and keep up to date a register of persons who they are satisfied are fit and proper persons to manage a relevant protected site in their area;
  - (b) to publish their up-to-date register in such manner as may be prescribed.
- (2) The regulations may make provision as to the period for which a person's inclusion in the register has effect; and the regulations may, in particular, give a local authority power to decide the length of the period.

### **12C Application for inclusion in register**

- (1) The Secretary of State may by regulations provide that, on an application by the occupier for the inclusion of the occupier or of a person appointed by the occupier in a register established by virtue of section 12A (a "registration application"), a local authority may—
  - (a) grant the application unconditionally,
  - (b) grant the application subject to conditions, or
  - (c) reject the application.
- (2) The regulations may—
  - (a) make provision as to the matters to be included in a registration application and the period within which it may be made;
  - (b) provide that the application must be accompanied by such fee as the local authority may fix;
  - (c) require the local authority to publish in such manner as may be prescribed details of such fees as they fix from time to time by virtue of paragraph (b).
- (3) The regulations may—
  - (a) provide that the conditions which may be imposed by virtue of subsection (1)(b) may include conditions requiring additional payments to be made to the local authority by way of annual fee, and
  - (b) give the local authority power to decide the amount and frequency of the payments.
- (4) The regulations may require a local authority, in considering a registration application, to have regard to such matters as may be prescribed.
- (5) The regulations may require a local authority, where they have made a preliminary decision on a registration application—
  - (a) to notify the occupier of the preliminary decision and the reasons for it, and
  - (b) if the occupier makes representations within such period as may be prescribed, to take the representations into account before making the final decision on the application.

- (6) The regulations may require a local authority, where they have made a final decision on a registration application—
  - (a) to decide when the decision is to take effect, and
  - (b) to notify the occupier of the final decision, the reasons for it, when it is to take effect and such right of appeal as may be conferred by virtue of subsection (7).
- (7) The regulations may—
  - (a) confer a right of appeal to a residential property tribunal against a final decision on a registration application;
  - (b) provide that no compensation may be claimed for loss suffered in consequence of the decision pending the outcome of the appeal.
- (8) The regulations may provide that a register established by virtue of the regulations must—
  - (a) where a registration application is granted subject to conditions, specify the conditions;
  - (b) where the application is rejected, include prescribed information about the application.
- (9) The regulations may create a summary offence relating to—
  - (a) the withholding of information from, or the inclusion of false or misleading information in, a registration application;
  - (b) a failure to comply with a condition subject to which a registration application is granted.

#### **12D Removal from register, variation of conditions etc.**

- (1) The Secretary of State may by regulations provide that, where a person is included in a register established by virtue of section 12B, the local authority may in such circumstances as may be prescribed—
  - (a) remove the person from the register;
  - (b) impose a condition on the inclusion of the person in the register (whether or not there are conditions imposed by virtue of section 12C);
  - (c) vary or remove a condition imposed by virtue of section 12C or this section.
- (2) The regulations may require a local authority, in considering whether or how to exercise a power conferred by virtue of subsection (1), to have regard to such matters as may be prescribed.
- (3) The regulations may require the local authority, before exercising a power conferred by virtue of subsection (1)—
  - (a) to notify the occupier of their proposal to do so and the reasons for the proposal, and
  - (b) if the occupier makes representations within such period as may be prescribed, to take the representations into account before exercising the power.
- (4) The regulations may require a local authority, where they exercise a power conferred by virtue of subsection (1), to notify the occupier of the fact that

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

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they have done so, the reasons for doing so and such right of appeal as may be conferred by virtue of subsection (5).

- (5) The regulations may—
- (a) confer a right of appeal to a residential property tribunal against the exercise of a power conferred by virtue of subsection (1);
  - (b) provide that no compensation may be claimed for loss suffered in consequence of the exercise of the power pending the outcome of the appeal.
- (6) The regulations may create a summary offence relating to a failure to comply with a condition imposed by virtue of this section.

#### **12E Regulations under sections 12A to 12D: supplementary provision**

- (1) Regulations under sections 12A to 12D creating a summary offence by virtue of section 12A(3), 12C(9) or 12D(6) may not provide for the offence to be punishable on conviction otherwise than by a fine not exceeding such amount as may be prescribed.
- (2) Regulations under sections 12A to 12D may—
- (a) amend this Act;
  - (b) make incidental, supplementary, consequential, saving or transitional provision;
  - (c) make provision which applies generally (whether or not subject to exceptions) or in relation only to specified cases or descriptions of case;
  - (d) make different provision for different cases or descriptions of case (including different provision for different areas).
- (3) Regulations under sections 12A to 12D must be made by statutory instrument.
- (4) A statutory instrument containing regulations under sections 12A to 12D may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”