

2014 No. 816

MOBILE HOMES, ENGLAND

The Mobile Homes Act 2013 (Commencement and Saving Provision) (England) Order 2014

Made - - - - - *25th March 2014*

Coming into force *1st April 2014*

The Secretary of State, in exercise of the powers conferred by section 15(2) and 15(4) of the Mobile Homes Act 2013^(a), makes the following Order:

Application, citation, commencement and interpretation

1.—(1) This Order, which applies in relation to England only, may be cited as the Mobile Homes Act 2013 (Commencement and Saving Provision) (England) Order 2014 and comes into force on 1st April 2014.

(2) In this Order—

- (a) “the Act” means the Mobile Homes Act 2013;
- (b) “the 1960 Act” means the Caravan Sites and Control of Development Act 1960^(b).

Provisions coming into force on 1st April 2014

2. Section 13 (increase in penalties for certain offences under the 1960 Act) and section 14 (offences by bodies corporate under the 1960 Act) of the Act come into force on 1st April 2014, subject to article 3.

Saving provision in relation to offences under the 1960 Act

3. The amendments made by sections 13 and 14 of the Act do not apply in relation to any offence committed before 1st April 2014.

Saving provision in relation to site licence applications

4.—(1) This article applies where, before 1st April 2014, an application is received by a local authority for—

- (a) the issue of a site licence under section 3(1) of the 1960 Act;
- (b) consent to the transfer of a site licence under section 10(1) of the 1960 Act; or
- (c) the alteration of conditions attached to a site licence, by the holder of a site licence, under section 8 of the 1960 Act.

(a) 2013.c.14.
(b) 1960 c.62.

(2) Notwithstanding the commencement of section 1 (fees) and section 2 (local authority discretion on application to issue or transfer licence) of the Act, the amendments made by these sections of the Act, to sections 3, 8 and 10 of the 1960 Act, do not apply in relation to an application referred to in paragraph (1).

Transfer of jurisdiction under 1960 Act

5.—(1) This article applies where, before 1st April 2014, any proceedings under section 7(1) (appeal against conditions attached to site licence) or section 8(2) (power of local authority to alter conditions attached to site licences) of the 1960 Act are pending in the magistrates' court.

(2) Notwithstanding the commencement of section 3 (site licence conditions: appeals) of the Act, proceedings referred to in paragraph (1) shall continue on and after that date to be dealt with (and any appeals to the High Court from decisions made in a magistrates' court under those sections) as if the amendments made to the 1960 Act by section 3 of the Act had not been made.

Signed by authority of the Secretary of State for Communities and Local Government

25th March 2014

Kris Hopkins
Parliamentary Under Secretary of State
Department for Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force sections 13 and 14 of the Mobile Homes Act 2013 ('the Act') on 1st April 2014.

Section 13 of the Act increases the penalty for the offence in section 1(2) of the Caravan Sites and Control of Development Act 1960 ('the 1960 Act'), of operating a caravan site without a licence and the offence in section 26(5) of the 1960 Act, of obstructing a person exercising a power of entry. The offence of operating a site without a licence is now subject to a fine not exceeding level 5 on the standard scale, and the offence of obstructing a person exercising a power of entry is now subject to a fine not exceeding level 4 on the standard scale.

Section 14 of the Act amends the 1960 Act to provide that where any offence under the 1960 Act is committed in relation to land in England, and is committed by a body corporate, in certain circumstances an officer of the body corporate may be found guilty of the offence as well as the body corporate, and punished accordingly.

Article 3 of this Order makes saving provision in relation to sections 13 and 14 of the Act, with the effect that the increased fines set out in the amendments made by section 13, and the offence introduced by the amendments made by section 14, apply only in relation to offences committed on or after 1st April 2014.

Article 4 of this Order makes saving provision in relation to applications for the issue and consent to the transfer of a site licence, and for the alteration of site licence conditions, where the application was made before 1st April 2014. The saving provides that the amendments made by sections 1 and 2 of the Act, to sections 3, 8 and 10 of the 1960 Act, do not apply to such applications.

Article 5 of this Order makes saving provision for proceedings under section 7 and section 8 of the 1960 Act which are pending in the magistrates' court before 1st April 2014, to enable these proceedings to continue to be dealt with by the magistrates' court on and after that date.

© Crown copyright 2014

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£4.00

UK201403257 04/2014 19585

<http://www.legislation.gov.uk/id/uksi/2014/816>

ISBN 978-0-11-111279-3



9 780111 112793