

Mobile Homes Act 2013

The Mobile Homes Act 2013 was enacted on 26 May 2013 and amends three separate pieces of legislation related to the regulation of park homes sites. The main changes are summarised below:

Site Licensing - Caravan Sites and Control of Development Act 1960

The Mobile Homes Act 2013 amends the licensing of mobile home and caravan sites by local authorities under the Caravan Sites and Control of Development Act 1960. The amendments introduce a new category of site referred to as 'relevant protected site'.

'Relevant protected site' is defined in Section 5(A) 5 and 6 of the Caravan Sites and Control of Development Act 1960, as amended. A licensable site will be a 'relevant protected site', unless it is specifically exempted from being so. The exemptions specified in the legislation are:

- any site that is granted permission for holiday use only, or
- any site that is conditioned such that there are times of the year when no caravans can be stationed on the land for the purpose of human habitation.

At some sites, planning or licence conditions prohibit the 'all year round' habitation of caravans, with the exception of the holder of the site licence or an employee. In such situations, and where the purpose of occupation is the management of the site, the site will not be classed as a 'relevant protected site'.

Licensing Fees

The amendments give local authorities the power to charge licensing fees in relation to the licensing of 'relevant protected sites'. Any fees charged by local authorities cannot be any higher than that necessary for the local authority to cover its costs in licensing 'relevant protected sites'. Licensing fees can only be charged with regard to 'relevant protected sites' in accordance with the authority's fees policy. Huntingdonshire District Council Fees Policy can be found at the link on the Caravan Site Licences Page.

Compliance Notices

Local authorities can serve a compliance notice to remedy a non-compliance with a licence condition on a 'relevant protected site'. Any compliance notice must specify the nature of the non-compliance, the steps required to ensure compliance and the timescale over which compliance should be achieved. It is an offence not to comply with the requirements of a compliance notice, punishable by a level 5 fine following prosecution. Local authorities can recover costs reasonably incurred in serving compliance notices and undertake emergency works in default in certain circumstances. Local authority enforcement powers in relation to all other sites remain unchanged. The Department of Communities and Local Government website contains further information on enforcement and many other matters relating to park homes. The link can be found on the Caravan Site Licences Page.

Appeals

Amendments to the legislation allow appeals relating to the refusal to grant or vary a licence, licence conditions, compliance notices and emergency measures, including costs, to the First Tier Tribunal (Property Chamber).

Site Rules - Mobile Homes Act 1983

The Mobile Homes (Site Rules) (England) Regulations 2014 came into force on 4 February 2014 and apply to 'protected sites' as defined under the Mobile Homes Act 1983. As of 4 February 2015 (12 months from the date of commencement), all existing site rules shall cease to have effect. There is no requirement under the legislation for any site to have site rules. However, where a licence holder proposes to introduce site rules, those proposals must be subject to a period of consultation with the site occupiers and any qualifying residents association. Schedule 5 to the Regulations specifies the matters that cannot form part of any site rule. Following the completion of the consultation procedure, the Regulations require that the definitive copy of the site rules is deposited with the local authority. The local authority is required to hold the definitive copy and publish a register on-line for which a fee can be charged in accordance with the authority's fees policy. Residents can appeal the introduction of a site rule to the First Tier Tribunal.

The procedure for the setting of pitch fees is also amended by the Mobile Homes Act 2013 and new rights are provided to residents in relation to the selling and gifting of a caravan or mobile home. Further details can be found on the Department for Communities and Local Government website.

Protection against Eviction and Harassment - Caravan Sites Act 1968

The Mobile Homes Act 2013 amends the Caravan Sites Act 1968 such that an offence is committed if a person withdraws or withholds services or facilities reasonably required for the occupation of a caravan or mobile home. The amendments also introduce a new offence where the owner of a 'protected site' knowingly or recklessly provides information that is materially false or misleading. In addition, the owner or agent must have reasonable cause to believe that the provision of false or misleading information is likely to cause an occupier to abandon occupation or remove a caravan or mobile home from the site or is likely to prevent a prospective occupier from taking up occupation.