



Ministry of Housing,
Communities &
Local Government

Mrs Heather Wheeler MP
Minister for Housing and Homelessness

*Ministry of Housing, Communities & Local
Government*
Fry Building
2 Marsham Street
London
SW1P 4DF

Clive Betts MP
Chair
Housing, Communities and Local
Government Select Committee
House of Commons
London
SW1A 0AA



www.gov.uk/mhclg

7 January 2019

Dear Clive,

Post Legislative Scrutiny - Mobile Homes Act 2013

As part of the post legislative scrutiny requirements, I enclose a copy of the memorandum setting out the Department's assessment of the Mobile Homes Act 2013.

The Mobile Homes Act 2013 brought new reforms to the sector, building upon those started in 2011, with the transfer of disputes under the Mobile Homes Act 1983 from the courts to the tribunals, to make it easier and cheaper for residents to seek redress.

The Department's assessment of the 2013 Act is based on the evidence from the Government's two-part review of park homes legislation carried out in 2017. We have concluded that the Act has had a positive impact on the sector and has largely achieved its objectives. These were to remove interference by site owners in the sales process; to make the processes for pitch fee reviews and making new site rules fair and transparent; and to strengthen local authorities' enforcement powers.

However, there is scope for further improvement. The proposals set out in the Government's response to the review of park homes legislation published on 22 October, are intended to tackle these problems and will build on the success already achieved by the Mobile Homes Act 2013.

MRS HEATHER WHEELER MP



Memorandum to the Communities and Local Government Select Committee

Post-Legislative Assessment of the
Mobile Homes Act 2013 (MHA 2013)



Memorandum to the Communities and Local Government Select Committee

Post-Legislative Assessment of the Mobile Homes Act 2013 (MHA 2013)

Presented to Parliament
by the Secretary of State for
Housing, Communities and Local Government
by Command of Her Majesty

January 2019



© Crown copyright 2019

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at www.gov.uk/government/publications

Any enquiries regarding this publication should be sent to us at

Ministry of Housing, Communities and Local Government
Fry Building, 2 Marsham Street
London SW1P 4DF
Tel: 0303 444 0000

ISBN 978-1-5286-0953-1
CCS1218267630

Printed on paper containing 75% recycled fibre content minimum

Printed in the UK by the APS Group on behalf of the Controller of Her Majesty's Stationery Office

Contents

Chapter 1. Introduction	4
Chapter 2. Summary of objectives	4
Chapter 3. Implementation	5
Chapter 4. Legal issues	9
Chapter 5. Other reviews	9
Chapter 6. Preliminary assessment of the Act	9
Chapter 7. Conclusion	12
Annex A - Sections under the Mobile Homes Act 2013	13
Annex B - Regulation making powers inserted into statute by amendment from the Act	15

Chapter 1. Introduction

1. This Memorandum provides a preliminary assessment of the Mobile Homes Act 2013 (the Act) and has been prepared by the Ministry of Housing, Communities and Local Government (MHCLG) for submission to the Housing, Communities and Local Government Select Committee as part of a process of post-legislative scrutiny.
2. Its publication arises from a commitment given by the Government during the Parliamentary stages of the Mobile Homes Bill to conduct a review of the operation of the Act to determine how far it has achieved its original aims and objectives.
3. The Act brought new reforms to the sector, building upon those started in 2011 with the transfer of disputes under the Mobile Homes Act 1983 from the courts to the tribunals to make it easier and cheaper for residents to seek redress.
4. This Memorandum will revisit the objectives of the Mobile Homes Bill and evaluate whether those objectives have been met, as well as highlighting any specific issues identified since the Act came into force. The assessment of the Act is based on the evidence from the Government's two-part review of park homes legislation carried out in 2017¹.
5. Chapter 2 sets out a summary of the objectives of the Act at the time of its enactment.
6. Chapter 3 details the implementation of the Act, recounts how it was commenced and describes its enabling provisions and their use. It also discusses the support and guidance available to local authorities, site owners and residents.
7. Chapter 4 provides an analysis of any specific legal or drafting difficulties which had been matters of public concern and had been addressed.
8. Chapter 5 sets out other reviews conducted since implementation and a preliminary assessment of how the Act has worked out in practice relative to objectives and benchmarks set out in chapter 2.

Chapter 2. Summary of objectives

9. The policy rationale for the new provisions in the Act was that the law relating to mobile homes for residential use was ineffective and outdated, resulting in a number of issues across the sector.
10. The problems in the sector were highlighted in the Communities and Local Government Select Committee report published in June 2012 which found that "malpractice was widespread across the park home sector" and the law at the time was inadequate because it "neither deterred the unscrupulous park home site owner from exploiting residents nor provided local authorities with effective powers to monitor or improve site conditions".
11. The Committee identified that sale blocking and poor site conditions were significant problems in the sector and made recommendations to improve the licensing regime and to remove the opportunity for site operators to block sales.

¹ Review of park homes legislation – Part 1 <https://www.gov.uk/government/consultations/review-of-park-homes-legislation-call-for-evidence> and Review of park homes legislation – Part 2 <https://www.gov.uk/government/consultations/review-of-park-homes-legislation-call-for-evidence-part-2>

12. The Act addressed the problems identified by the Committee and through the Department for Communities and Local Government's 2012 consultation ('A Better Deal for Mobile Home Owners') by introducing:
- new procedures for selling a park home;
 - new requirements for making site rules;
 - new requirements for pitch fee reviews; and
 - amending the local authority site licensing scheme giving new enforcement powers
13. It was intended that the Act would raise standards in the industry so that it would deliver a more professional service to home owners and remove bad practice and unscrupulous site owners from the sector. The provisions of the Act would achieve this aim by removing the opportunity for blocking sales and enabling local authorities to take effective enforcement action against site operators who failed to comply with their licence obligations. Through these measures unscrupulous operators would no longer be able to profiteer in this sector by ignoring their responsibilities and exploiting home owners.
14. A provision to introduce a "fit and proper" requirement for site owners was included in the Act. It was intended to be brought into force if a review of the Act's effectiveness showed a continuing need to raise standards in the sector.
15. A summary of the sections of the Act is at **Annex A**.

Chapter 3. Implementation

16. The Act applies to England only and received Royal Assent on 26 March 2013.
17. The key amendments made by the Act were to:
- the Caravan Sites and Control of Development Act 1960 ("the CSCDA 1960") to bring the licensing regime that applies to mobile home sites in England more closely in line with other local authority licensing regimes.
 - section 3 of the Caravan Sites Act 1968 by extending the scope of the offences under that section; and
 - the Mobile Homes Act 1983 ("the MHA 1983") by removing the requirement for site owners to approve a purchaser of a mobile home (or a person to whom a mobile home has been gifted). It also introduced new procedure for sales, and gifts under the MHA 1983.
18. The Act introduced new requirements about site rules and provided a framework for greater transparency on pitch fee reviews.
19. The Act was commenced in two phases during the periods specified in paragraph 21 and on the dates specified in one commencement order. All the Act's provisions have been commenced with the exception of section 8, the requirement for a manager of a site to be a fit and proper person.
20. Section 8 of the Act gave the Secretary of State an enabling power to introduce a fit and proper person scheme. During the Bill stages, the Government gave a commitment to review the legislation no less than three years after its introduction. At that point, it would assess

whether the introduction of the fit and proper person provisions was required, measured against the success of the industry improving standards and compliance with the law.

21. The commencement order and a full list of secondary legislation issued under the enabling provisions of the Act are provided below.

Commencement

22. Section 15 of the MHA 2013 specifies various provisions of the Act which were to come into force on:

- (i) 1 April 2014 (Sections 1 to 7);
- (ii) such day as the Secretary of State may by order made by statutory instrument appoint (Sections 8, 13 and 14); and
- (iii) two months after Royal Assent (Sections 9 to 12 and 15)

23. Sections 13 and 14 which are required to be brought in by Order, came into force on 1 April 2014 by The Mobile Homes Act 2013 (Commencement and Saving Provision) (England) Order 2014 (SI 2014/816) and commenced provisions in section 13 relating to the increase in penalties for certain offences under the 1960 Act and section 14 relating to offences by bodies corporate under the 1960 Act.

Powers to Make Secondary Legislation

24. The 2013 Act amended the CSCDA 1960 and the MHA 1983 to provide 10 distinct powers to make secondary legislation, details of which are given in **Annex B**. The powers are set out in Sections 5A and 10(1B) of the CSCDA 1960 and in Sections 2C, 2D and Chapter 2, part 1 of schedule 1 of the 1983 Act. The associated secondary legislation and dates they came into force are listed in paragraphs [26] to [33].

25. All the powers have been used at least once. There would also be a power to make secondary legislation under section 8 of the MHA 2013 if that provision was brought into force in the future. Further information on the regulation making powers is provided in **Annex B**.

Secondary Legislation made under powers conferred by the Act

26. *The Mobile Homes Act 2013 (Commencement and Saving Provision) (England) Order 2014 (SI 2014/816)*. The Order brought into force sections 13 and 14 of the Act on 1 April 2014.

27. Section 13 of the Act increases the penalty for the offence in section 1(2) of the CSCDA 1960, of operating a caravan site without a licence and the offence in section 26(5) of obstructing a person exercising a power of entry. Section 14 of the Act amends the CSCDA 1960 to provide that where any offence under the CSCDA 1960 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.

28. *The Transfer of Tribunal Functions (Mobile Homes Act 2013 and Miscellaneous Amendments) Order 2014 (SI 2014/1900)*. The Order came into force on 18 July 2014 and was made by the Lord Chancellor in exercise of powers conferred by sections 30(1) (e) and (4), 31(9) and 42(1) of the Tribunals, Courts and Enforcement Act 2007. The Order transfers into the unified tribunal structure further jurisdiction conferred on a residential property tribunal in England by the Act and makes consequential amendments to the CSCDA 1960.

29. *The Mobile Homes (Selling and Gifting) (England) Regulations 2013 (SI 2013/981)*. The Regulations came into force on 26 May 2013 and were made by the exercise of powers conferred by section 2C(3) and (8) of, paragraphs 7A(5) and (7), 7B(5), (7), (8) and (10), 7C(1), 8A(3) and (6), 8B(5), (7) and (9) and 8C(1) of Chapter 2 of Part 1 of Schedule 1 to, and paragraph A1(2), (4) and (7) of Part 3 of Schedule 1 to, the Mobile Homes Act 1983. The Regulations make detailed provision in relation to the selling and gifting of mobile homes and the assignment of agreements under provisions which have been inserted into the Mobile Homes Act 1983 by sections 9 and 10 of the Act.
30. *The Mobile Homes Act 2013 (Saving Provisions) (England) Order 2013 (SI 2013/1168)*. The Order came into force on 26 May 2013 and was made by the exercise of powers under section 15(4) of the Mobile Homes Act 2013. It makes saving provisions in relation to Chapter 2 of Part 1 of Schedule 1 to the 1983 Act so that where, prior to 26th May, an occupier of a mobile home has served a request on a site owner for the approval of the person to whom the occupier proposes to sell or gift the mobile home, the transaction may proceed (if the occupier so wishes) under the existing statutory provisions.
31. *The Mobile Homes (Pitch Fees) (Prescribed Form) (England) Regulations 2013 (SI 2013/1505)*. The Regulations came into force on 26 July 2013 and were made by the exercise of powers conferred by paragraph 25A (1) of Chapter 2 of Part 1 of Schedule 1 to the Mobile Homes Act 1983. The Regulations prescribe the form of the document that must accompany a pitch fee review notice which proposes an increase in the pitch fee.
32. *The Mobile Homes (Site Rules) (England) Regulations 2014 (SI 2014/5)*. The Regulations came into force on 4 February 2014 and were made by the exercise of powers conferred by subsection 1(2) (e), subsection 1(9) (a), section 2C, subsections (3), (6) and (7) of section 2D of, and paragraphs 7B (7), 7C, 8B (7) and 8C of Chapter 2 of Part 1 of Schedule 1 to, the Mobile Homes Act 1983. The Regulations prescribe the procedure for the making, variation and deletion of site rules, prescribe the matters to which site rules may and may not relate and grant appeal rights in relation to these matters, under provisions which have been inserted into the Mobile Homes Act 1983 by section 9 of the Mobile Homes Act 2013. They also make amendments to the Mobile Homes (Selling and Gifting) (England) Regulations 2013 and make consequential amendments to the Mobile Homes (Written Statement) (England) Regulations 2011.
33. *The Mobile Homes (Site Licensing) (England) Regulations 2014 (SI 2014/442)*. The Regulations came into force on 1 April 2014 and were made in exercise of the powers conferred by section 3(5A) to 3(5D) and section 10(1B) to 10(1F) of the Caravan Sites and Control of Development Act 1960, and paragraphs 7B (7), 7C (1), 8B (7) and 8C (1) of Chapter 2 of Part 1 of Schedule 1 to the Mobile Homes Act 1983. The Regulations prescribe the detail of how local authorities shall exercise their discretion when deciding whether to issue or consent to the transfer of a site licence in respect of a relevant protected site. The owner of land which is used as a caravan site is required by section 1 of the Caravan Sites and Control of Development Act 1960 to hold a site licence. These Regulations apply to relevant protected sites only, which are sites which are at least partly residential (not purely holiday sites).

Guidance

34. In 2013, the Department invited 8 local authorities, 2 national trade bodies and 3 national residents' associations to join a working group to devise a framework/toolkit for local authorities to use in setting their fee policies and to examine the new licensing enforcement regime and recommend best practice in taking enforcement action. The toolkit was made available in 2014.
35. A series of guidance and factsheets were also published by the Department for residents to help them understand and exercise their rights (items 1-5 in Table 1). Guidance (items 6-10 in Table 1), primarily for local authorities and site owners on the new enforcement regime, were also published on the Department's website at <https://www.gov.uk/government/collections/park-homes>.

Table 1 - Guidance published by MHCLG

	Title	Date published
1	Factsheet: Park home qualifying residents' associations	15 Nov 2012
2	Consolidated implied terms in park home pitch agreements	23 May 2013
3	Factsheet: Selling or gifting a park home	1 June 2013
4	Factsheet: Buying a park home	19 July 2013
5	Leaflet: Know your rights	17 June 2013
6	Definition of a relevant protected site	January 2014
7	Mobile Homes Act 2013: new licensing enforcement tools - a guide for park home site owners	1 March 2014
8	Mobile Homes Act 2013: a guide for local authorities on setting licence fees	1 March 2014
9	Mobile Homes Act 2013: advice to local authorities on the new regime for applications for the grant or transfer of a site licence	13 March 2015
10	Mobile Homes Act 2013: a best practice guide for local authorities on enforcement of new site licensing regime	13 March 2015

36. The Department attended seminars across the country in 2013/14 to explain the changes being introduced by the Act. The events were mainly for local authorities, but some were jointly held for residents and site owners. The events were organised by North Lincolnshire Council, Rushcliffe Borough Council, Tonbridge and Malling Borough Council, Purbeck Borough Council, Epping Forest District Council, Stafford Borough Council and North Somerset District Council. The final event was organised by the Chartered Institute of Environmental Health (CIEH) for its members.
37. The Department also funded the Leasehold Advisory Service (LEASE²) to provide free independent advice mainly to residents, to help them understand their rights under the new legislation and feel empowered to exercise them. Advice is provided through a dedicated telephone line (020 7832 2525), emails or through their website (<http://parkhomes.lease-advice.org>). The evidence from the Government's 2017 review of the park homes legislation indicated that most respondents were aware of LEASE and had found their advice very helpful.

² LEASE was set up by the Government in 1994 to provide free information, initial advice and guidance to members of the public about residential leasehold.

Chapter 4. Legal issues

38. There were no legal challenges of the 2013 Act or its implementation.
39. The Upper Tribunal raised some concerns in a determination in 2017, about the clarity of the process for paying the commission on the sale of a home to the site owner as currently drafted in the Mobile Homes (Selling and Gifting)(England) Regulations 2013 and the forms which they prescribe.
40. We are considering the details of the tribunal's decision and will determine what, if any, amendments are required. If we consider that it is necessary to amend the forms and guidance we will consider including the changes in the proposals set out in the Government's response at Annex C to introduce legislation (primary and secondary).

Chapter 5. Other reviews

41. In 2017, the Government carried out a two-part review to assess the effectiveness of the park homes legislation. Part 1 of the review sought evidence on the fairness of charges, the transparency of site ownership and on experience of harassment. The summary of responses to Part 1 is available at: <https://www.gov.uk/government/consultations/review-of-park-homes-legislation-call-for-evidence>.
42. Part 2 of the review sought evidence on how well the Act had worked. The summary of responses to the Part 2 is available at: <https://www.gov.uk/government/consultations/review-of-park-homes-legislation-call-for-evidence-part-2>.
43. The Government published its response to both parts of the review on 22 October 2018. A copy of the response (**Annex C**) is available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/749770/Park_homes_Review_Government_response.pdf.

Chapter 6. Preliminary assessment of the Act

44. It was intended that the Act would ensure the opportunity for blocking sales was removed and effective enforcement action could be taken against those operators who failed to comply with their licence obligations. We have assessed the effectiveness of the Act on the changes made to the contractual terms (the sales process, site rules, pitch fee reviews) and the local authority site licensing regime.

Sales process

45. The Act removed the site owner's right of approval to a sale by a resident and introduced a new statutory process and forms when selling a home. To object to a sale going ahead, where the agreement existed prior to the Act coming into force, a site owner must now apply to the First Tier Tribunal for a refusal order on specific grounds. This does not apply to agreements made or assigned after commencement.

46. Prior to the Act, site owners had a right to approve the buyer of a mobile home. This provided an opportunity for a site owner to interfere with the sale by putting off a potential buyer off. As result, residents who needed to sell their homes quickly would agree to sell the home to the site owner at a fraction of its market value. The site owner would then sell the home at a significantly higher price.
47. We sought evidence during the Government's 2017 review of park homes legislation about whether the procedures introduced by the Act for selling mobile homes had reduced or eliminated the blocking of sales, how well the procedures worked and whether the process could be improved. The majority of residents, site owners and local authorities said the procedures for selling mobile homes had reduced or eliminated the blocking of sales but could be improved.
48. A number of examples were given of other ways in which some site owners had tried to interfere in the sales process, including asking estate agents to inform them of the purchaser's details. There was however no evidence to show such practices were widespread. What was evident was that the sales process was not always well understood by those involved, including estate agents and solicitors. In a small number of cases the statutory forms were not used or completed accurately.
49. To ensure that the sales procedures introduced in the Act continue to work effectively we have set up a working group of representatives from across the sector. The working group will explore how messages about the legislation can be disseminated more widely and examine how the administrative processes for selling mobile homes could be streamlined.

Site rules

50. The Act introduced procedures designed to increase the openness and transparency for the implementation of new site rules. This included preventing site owners from having site rules which could aid sale blocking and prevent open market sales by residents to complement the new sales procedure. Site owners were further prevented from using other site rules to circumvent residents' rights, by being required to make new site rules (if they wanted rules for their site), using a new statutory procedure and forms.
51. We sought evidence during the review of whether the process was open and transparent and how the process could be improved.
52. The majority of residents said site owners had made new rules but views on the process were mixed. Some respondents suggested that the process was not always open or transparent, with some site owners ignoring the procedures and residents' concerns. Others had not experienced any issues and had successfully challenged the site owners at the Tribunal. The vast majority of site owners confirmed that they had made new rules and thought the new regulations and procedures had been a success. Fewer than half of local authorities said site owners had made new rules and the process had not always been open and transparent.
53. Some local authorities raised concerns that they had no powers to challenge any incorrectly made or banned rules which were deposited with them - and which they were nonetheless required to publish. Though there had been some challenges, the evidence did not suggest that the new process had been unworkable or that a significant number of cases had to be referred to the Tribunal.
54. Overall, the evidence highlighted the need to ensure that all parties had a better

understanding of their rights and responsibilities and how to enforce them. The working group that we have set up will explore how this can be achieved effectively and how the processes for making site rules can be streamlined.

Pitch fees

55. Another significant change introduced by the Act was a new process for reviewing pitch fees. The process requires site owners to use a statutory form which specifies how the new pitch fee has been calculated.
56. A new pitch fee cannot be imposed on a resident. The pitch fee review form must be served on the resident with the pitch fee review notice at least 28 days before the date on which it is proposed to change the pitch fee. The proposed fee must be agreed by the resident or determined as reasonable by a tribunal. Also, where residents were paying variable service charges, those site owners had included express terms in agreements which residents had agreed.
57. To assess the impact of these changes we sought evidence during the review of whether the process was more open and transparent and whether it could be improved. The majority of residents and site owners who responded said the use of the pitch fee review form had made the process more open and transparent. Most local authorities suggested that the process was not transparent because some site owners increased pitch fees without carrying out a review or required residents to pay variable service charges in addition to the pitch fee. Where variable service charges have been used, they have had a significant negative impact on residents' finances, their wellbeing and their health.
58. The Government wants to ensure that residents only pay for services that should be included the pitch fee. As set out in **Annex C**, the Government will bring forward legislation, subject to Parliamentary time, to amend and clarify the definition of a pitch fee and prevent the use of variable service charges in written agreements.
59. There was evidence of a need to ensure residents understand their rights and how to enforce them. There were suggestions that the pitch fee review process could be improved by making the form shorter and more user friendly. The working group we have set up (referred to in paragraph 47) will explore how these requirements can be achieved effectively.

Site licensing

60. The Act introduced a new site licensing regime which gave local authorities the power to recover the cost of performing their licensing functions; charge an annual licence fee for monitoring licence compliance on park home sites; issue compliance notices and prosecute site owners who failed to comply.
61. To assess the impact of these changes we sought evidence during the review on: the introduction of an annual licence fee by local authorities; the number of compliance notices issued; the number of prosecutions for breach of the licensing provisions pursued by local authorities; and the main barriers to local authority enforcement.
62. Just under half of the residents who responded said their local authority had introduced an annual licence fee. They were aware of 22 compliance notices that had been issued by local authorities, and 6 prosecutions for breach of licensing provisions. The majority of site owners who responded also said their local authorities had introduced an annual licence fee and were

aware of 2 compliance notices issued against members of trade bodies (one of which was later withdrawn). None of those responding had however faced any prosecutions under the Act. Most local authorities who responded said they had introduced an annual licence fee. They reported a total of 47 compliance notices issued, and 8 prosecutions pursued for breach of licensing conditions.

63. The main barriers to local authority enforcement that were identified by all respondents, included a lack of resources and legal expertise, a reluctance of residents to provide evidence, and a lack of skills and knowledge by local authority officers.
64. From our assessment of the evidence, we have concluded that some local authorities have been more successful in using their powers to tackle site owners who breach their site licence conditions. Sharing these successes as best practice could have assisted other authorities to better understand their existing powers and take more proactive enforcement action.
65. To tackle these issues, we will engage with local authorities to raise awareness about their existing powers and support them to develop and share best practice on enforcement and dealing with harassment cases. We are also working with the Department for Business, Energy and Industrial Strategy (BEIS) to set up a Primary Authority that will provide expert advice to the trade bodies and other local authorities on licensing issues.

Chapter 7. Conclusion

66. Overall, the Act has had a positive impact on the sector and has largely achieved its objectives which were to remove interference by site owner in the sales process; to make the processes for pitch fee reviews and making new site rules fair and transparent; and to strengthen local authorities' enforcement powers.
67. However, there is scope for further improvement. The proposals set out to in the Government's response to the review of park homes legislation at **Annex C**, are intended to tackle these problems and will build on the success already achieved by the Act.
68. The evidence indicates that the new statutory processes for selling mobile homes, making site rules and reviewing pitch fees have brought improvements to the sector. Local authorities that responded welcomed the provision of new powers and the resources granted by the Act, but some had faced barriers in carrying out their enforcement duties. We will continue to support existing and prospective residents to understand their rights and responsibilities and encourage all local authorities by engaging with them to support their development and share best practice.
69. However, there was also evidence that some site owners were exploiting residents by including express terms in agreements which require residents to pay a variable service charge. Some site owners also had complex ownership and management structures which reduced residents' security of tenure and enabled the site owner to avoid enforcement action by local authorities. These practices have had a significant negative impact on the finances and health of the mostly elderly and vulnerable residents and are unacceptable.
70. We propose to tackle these issues by clarifying and strengthening the existing legislation. We propose also to give local authorities additional powers by introducing a fit and proper test for site owners. This will be subject to Parliamentary time and approval as well as a consultation to ensure the proposals work effectively and remove unscrupulous and criminal site owners from the park homes sector.

Annex A - Sections under the Mobile Homes Act 2013

1. Sections 1-6 amended the licensing provisions in the Caravan Sites and Control of Development Act 1960 to bring the licensing regime for mobile home sites in England more closely into line with other local authority licensing regimes, as follows: -
 - a) Section 1: (Fees) gives local authorities a power to charge fees in relation to the licensing functions of “relevant protected sites” in England and to enable them to recover the costs incurred in operating licensing schemes. Local authorities must prepare and publish a fees policy before charging any fee.
 - b) Section 2: (discretion to issue or transfer licence) gives local authorities the discretion to accept or refuse to grant or transfer a licence. When making a decision, a local authority must have regard certain prescribed matters set out in regulations by the Secretary of State.
 - c) Section 3: (Site licence conditions appeals) - Where a person appeals against a condition attached to a site licence they must do so to a First-tier tribunal who can vary, cancel or attach a new condition to the licence.
 - d) Section 4:(Compliance notices) gives local authorities a power to serve a compliance notice setting out the steps the occupier must take to ensure the condition is complied with. If they fail to take the steps specified in the notice within the period provided, they will be guilty of an offence. Where an occupier has two or more previous convictions for breach of a licence condition, the local authority can make an application to the court for the site licence to be revoked. A local authority can also demand expenses where a compliance notice has been served by imposing a charge on the occupier.
 - e) Section 5: (Powers to carry out works) gives local authorities a power to enter and carry out works on a site where an occupier is convicted of the offence of failing to comply with a compliance notice. In an emergency a local authority can take emergency action to remove an imminent risk of serious harm to health and safety.
 - f) Section 6: (appeals) sets out the processes for dealing with appeals and recovering expenses regarding the issue of compliance notices or where the local authority carries out works. It sets out when compliance notices or demands for expenses become operative. It also deals with the recovery of expenses including a power to charge interest at a rate fixed by the local authority until all sums due under the operative demand are recovered. The expenses and interest can be registered as a charge on the land. A local authority can also force the sale of the land.
2. Section 7 (Jurisdiction of tribunals under the 1960 Act) amends s.230 of the Housing Act 2004 and sets out certain directions which may be given by a residential property tribunal when exercising jurisdiction under the CSCDA 1960.
3. Section 8 (fit and proper person) introduced a power on the Secretary of State (not yet in force) to make regulations for the occupier (or a person appointed by the occupier) to be a fit and proper person to manage the site and the consequences for not so being.
4. Sections 9–11 made changes to the pitch agreement, through amendments to the Mobile Homes Act 1983 as follows: -
 - a) Section 9 (Site rules) makes provision for site rules to be part of the express terms of the pitch agreement between the site owner and occupier. It also confers a power on the Secretary of State to make regulations about the procedure to be followed by a site owner

who is proposing to amend site rules, provides for dispute resolution and requires local authorities to publish an up to date register of site rules in their area.

- b) Section 10 (sale or gift of a home) introduced a new procedure for selling or gifting a mobile home including the removal of the requirement for the site owner to approve the person to whom the mobile home is being sold.
 - c) Section 11 (pitch fees) requires a site owner, when serving a pitch fee review notice, to use a prescribed form. Where the site owner fails to provide that document, the notice will have no effect. Where the resident has begun to pay the increased pitch fee to the owner, the tribunal may on the application of the occupier order the owner to repay the overpayment. The section also sets out the matters to which site owners must have particular regard when setting pitch fees, including, the costs to be disregarded when determining the amount of the new pitch fee and how to calculate the fee by reference to the retail price index.
5. Sections 12 – 14 strengthen the offences in the Caravan Sites Act 1968 and Caravan Sites and Control of Development Act 1960 (the 1960 Act) as follows: -
- a) Section 12 (Protection against eviction and harassment, false information etc.) makes it an offence if a site owner or his agent withdraws or withholds services or facilities reasonably required for the occupation of the caravan as a residence on the site. A site owner or his agent also commits an offence if they 1) knowingly or recklessly provide information or makes a representation which is false or misleading and 2) that owner knows or has reasonable cause to believe that in so doing it would cause the other party to not purchase or occupy the caravan, or causes the other party to abandon occupation or remove the caravan from the site or refrain from exercising their rights or remedies.
 - b) Section 13 (Increase in penalties for certain offences under the 1960 Act) provides for an increase in the level of fine from level 4 to level 5 on the standard scale for an occupier of land who commits the offence of causing or permitting any part of the land to be used as a caravan site without holding a site licence in respect of the land. The section also increases the penalty for a person wilfully obstructing any person exercising the power of entry or entering land by authorisation of a warrant from a level 1 to a level 4 fine on the standard scale.
 - c) Section 14 (Offences by bodies corporate under the 1960 Act) provides that where a body corporate commits an offence under the 1960 Act and it is proved that the offence was committed with the consent or connivance of an officer of the body corporate, or the offence was attributable to neglect on the part of this person, then this person is guilty of the offence as well as the body corporate.

Annex B - Regulation making powers inserted into statute by amendment from the Act

1. Section 5A of the Caravan Sites and Control of Development Act 1960 (inserted by s.2 (2) of the Act) confers a power on the Secretary of State to make regulations (subject to the negative resolution procedure) requiring a local authority in England to have regard to the prescribed matters when deciding whether to issue a site licence; may require local authorities to notify the application of the reasons and right of appeal to tribunal where they refuse to issue a licence; may provide a right of appeal to the applicant and may provide no right to compensation.
2. Section 10(1B) of the Caravan Sites and Control of Development Act 1960 (inserted by s.2(3) of the Act):- The Secretary of State may by regulations provide that a person applying to a local authority in England for consent to the transfer of a site licence in respect of a relevant protected site in their area must, either at the time of making the application or subsequently, give to the local authority such information as they may require; may require the local authority to have regard to prescribed matters when deciding whether to give their consent to the transfer of a licence; may require a local authority to notify the licence holder of reasons and right of appeal when refusing consent; may provide a right of appeal against refusal of decision to tribunal and may provide no right to compensation.
3. Section 2C and 2D of the Mobile Homes Act 1983 (inserted by s.9 of the Act) confer a power on the Secretary of State to make regulations about the procedure to be followed by a site owner who is proposing to make new site rules or to vary or delete existing site rules and regulations to provide for resolution of disputes. There is also a power to make regulations requiring the local authority to keep and publish a register of site rules in their area and make provision regarding deposits.
4. Chapter 2, part 1 of Schedule 1 of the Mobile Homes Act 1983 (amended by s.10 of the Act) confers a power on the Secretary of State to make provision in regulations (subject to the negative resolution procedure) as follows: -
 - a) Paragraph 7A - specifying procedural requirements to be followed by the parties in connection with the sale of home and assignment of agreement, and in connection with the payment of commission.
 - b) Paragraph 7B - prescribing the grounds on which an owner may apply to the tribunal for a refusal order, specifying the procedural requirements to be followed by the parties in connection with the sale of a home, assignment of agreement, and payment and rate of commission payable upon sale. Regulations may also prescribe information that must be included in any notice of sale.
 - c) Paragraph A1 - prescribing what documents/information is to be provided by the occupiers before completion of sale of the home or assignment of the agreement.
 - d) Paragraph 8A - specifying what constitutes “relevant evidence” and specifying procedural requirements to be followed by the parties in connection with the gift of a mobile home and assignment of the agreement in relation to new agreements
 - e) Paragraph 8B - prescribing the grounds on which an owner may apply to the tribunal for a refusal order and specifying the procedural requirements to be followed by the occupier or proposed occupier in connection with the gift of a home in relation to agreements that are not defined ‘new’.

5. Paragraph 25A (inserted by the Act) confers a power on the Secretary of State to make regulations (subject to the negative resolution procedure) prescribing the form of the document a site owner must use when serving a pitch fee review notice.

Potential regulation making powers under the Act

6. Section 8 of the Act has not been commenced but would provide further powers if it was in force.
7. Section 8 would insert a new section 12A into the Caravan Sites and Control of Development Act 1960. This would confer a power on the Secretary of State to make regulations (subject to the affirmative resolution procedure) requiring a manager of a site to be a fit and proper person.
8. Section 8 would insert a new section 12B into the Caravan Sites and Control of Development Act 1960. This would confer a power on the Secretary of State to make regulations (subject to the affirmative resolution procedure) requiring local authorities to keep and publish up-to-date registers of fit and proper persons.
9. Section 8 would insert a new section 12C into the Caravan Sites and Control of Development Act 1960. This would confer a power on the Secretary of State to make regulations (subject to the affirmative resolution procedure) about the making of applications and the payment of fees for inclusion in a register.
10. Section 8 would insert a new section 12D into the Caravan Sites and Control of Development Act 1960. This would confer a power on the Secretary of State to make regulations (subject to the affirmative resolution procedure) about the removal of persons from a register.

