

## SCHEDULE 2

### TERMS OF MOBILE HOME AGREEMENTS

#### PART 1

#### TERMS IMPLIED BY ACT

#### CHAPTER 2

#### AGREEMENTS RELATING TO PITCHES EXCEPT THOSE ON LOCAL AUTHORITY GYPSY AND TRAVELLER SITES

##### *The pitch fee*

- 18 (1) When determining the amount of the new pitch fee particular regard is to be had to—
- (a) any sums expended by the owner since the last review date on improvements—
    - (i) which are for the benefit of the occupiers of mobile homes on the protected site,
    - (ii) which were the subject of consultation in accordance with paragraph 22(1)(e) and (f), and
    - (iii) to which a majority of the occupiers have not disagreed in writing or which, in the case of such disagreement, a tribunal, on the application of the owner, has ordered should be taken into account when determining the amount of the new pitch fee,
  - (b) any deterioration in the condition, and any decrease in the amenity, of the site or any adjoining land which is occupied or controlled by the owner since the date on which this sub-paragraph came into force (in so far as regard has not previously been had to that deterioration or decrease for the purposes of this sub-paragraph),
  - (c) any reduction in the services that the owner supplies to the site, pitch or mobile home, and any deterioration in the quality of those services, since the date on which this sub-paragraph came into force (in so far as regard has not previously been had to that reduction or deterioration for the purposes of this sub-paragraph), and
  - (d) any direct effect on the costs payable by the owner in relation to the maintenance or management of the site of an enactment which has come into force since the last review date.
- (2) But no regard is to be had, when determining the amount of the new pitch fee, to any costs incurred by the owner since the last review date for the purpose of complying with provisions contained in this Part which were not contained in the Mobile Homes Act 1983 in its application in relation to Wales before the coming into force of this Part.
- (3) When calculating what constitutes a majority of the occupiers for the purposes of sub-paragraph (1)(a)(iii) each mobile home is to be taken to have only 1 occupier and, in the event of there being more than 1 occupier of a mobile home, its occupier

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*Status: This is the original version (as it was originally enacted).*

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is to be taken to be whichever of them the occupiers agree or, in default of agreement, the one whose name appears first on the agreement.

- (4) In a case where the pitch fee has not been previously reviewed, references in this paragraph to the last review date are to be read as references to the date when the agreement commenced.