

MOBILE HOMES ACT 2013

EXPLANATORY NOTES

SUMMARY AND BACKGROUND

3. The Mobile Homes Act 2013 amends the Caravan Sites and Control of Development Act 1960 (“the CSCDA 1960”), the Caravan Sites Act 1968 (“the CSA 1968”) and the Mobile Homes Act 1983 (“the MHA 1983”). It brings the licensing regime that applies to mobile home sites in England under the CSCDA 1960 more closely in line with other local authority licensing regimes and also includes a power to enable the Secretary of State to introduce by way of secondary legislation a “fit and proper” person requirement for managers of sites. The Act amends section 3 of the CSA 1968 by extending the scope of the offences under that section. It amends 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) and makes new provisions instead for sales, gifts and assignments under the MHA 1983. It also introduces new requirements about site rules and provides a framework for greater transparency on pitch fee reviews. Details of these provisions are contained in the commentary to the sections below.
4. The policy rationale for the new provisions is that the law relating to mobile homes is ineffective and outdated. The problems were highlighted in the Communities and Local Government select committee report published in June 2012 following an inquiry into the industry. The committee found that “malpractice is widespread across the park home¹ sector” and the current law is inadequate because it “neither deters the unscrupulous park home site owner from exploiting residents nor provides local authorities with effective powers to monitor or improve site conditions”². The committee identified that sale blocking and site conditions were significant problems in the sector and it made recommendations to improve the licensing regime and to remove the opportunity for site operators to block sales. The findings of the committee were mirrored by many of the 600 responses to the Department for Communities and Local Government’s public consultation which ran from 16 April to 28 May 2012.
5. The Act addresses the problems identified by the committee and through the consultation. It is intended that the Act will raise standards in the industry so that it delivers a more professional service to home owners and to ensure the opportunity for blocking sales is removed and effective enforcement action can be taken against those operators who fail to comply with their licence obligations. Through these measures unscrupulous operators will no longer be able to profiteer in this sector by ignoring their responsibilities and exploiting home owners. Those operators that choose to remain in the sector without reforming their practices may in the future find themselves unable to do so by the introduction of a “fit and proper” requirement.

¹ “Mobile Home” is the term used in the MHA 1983 to describe what are commonly called park homes. the CSCDA 1960 and the CSA 1968 both use the term “caravan” but the definitions of “caravan” and “mobile home” are the same. See section 29 of the CSCDA 1960. These notes use the term “mobile home”.

² The Report is available on <http://www.parliament.uk/business/committees/committees-a-z/commons-select/communities-and-local-government-committee/publications/>