

MOBILE HOMES ACT 2013

EXPLANATORY NOTES

COMMENTARY

Licensing

Section 4: Compliance notices

17. This section amends section 9 of the CSCDA 1960 so that it applies only to sites other than relevant protected sites in England. New sections 9A to 9C are introduced into the Act to replace the provisions of section 9 for relevant protected sites in England.
18. Section 9A deals with the breach of a licence condition in relation to a relevant protected site in England. Under the existing provisions in section 9 of the CSCDA 1960, an occupier of land who fails to comply with a site licence condition is guilty of an offence. However, new section 9A provides that where it appears to a local authority that an occupier is failing to comply with a licence condition, the local authority may serve a compliance notice on the occupier, which contains the information specified in subsection (2) of section 9A, including the steps that the occupier must take to ensure that the licence condition is complied with. The new provisions provide the occupier with a right of appeal against the compliance notice to a residential property tribunal. They also provide the local authority with power to revoke a compliance notice or to vary it by extending the time period specified for compliance with the notice. This power is exercisable by the local authority on an application made by the occupier on whom the notice was served or on the local authority's own initiative.
19. Section 9B sets out that an occupier of land who has been served with a compliance notice which has become operative under section 9H, is guilty of an offence if he fails to take the steps specified in the notice within the period provided. Subsection (2) sets out the penalty that applies where a person is guilty of the offence. Subsection (3) provides a defence, where an occupier had reasonable excuse for failing to take the steps set out in the notice within the time period specified. Subsections (4) and (5) set out the circumstances in which a local authority can make an application to court for an occupier's site licence to be revoked. These provisions essentially replicate the existing provisions in section 9 of the CSCDA 1960 dealing with multiple offences and the revocation of the site licence, which set out that 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 which convicted the occupier, for the site licence to be revoked.
20. Section 9C provides the power to demand expenses where a compliance notice has been served under section 9A. Subsection (1) sets out that where a local authority serves a compliance notice on an occupier of land, the local authority may impose a charge on the occupier as a means of recovering the expenses they have incurred in relation to this. Subsection (2) provides further information about what the expenses may include. Subsection (3) specifies that a local authority's power to recover expenses under subsection (1) is exercised by serving the compliance notice together with a demand, setting out the information specified in paragraphs (a) to (c) of this

*These notes refer to the Mobile Homes Act 2013 (c.14)
which received Royal Assent on 26 March 2013*

subsection. Subsection (4) sets out the orders which the tribunal may make about an expenses demand where it allows an appeal against the underlying compliance notice.