

# MOBILE HOMES ACT 2013

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## EXPLANATORY NOTES

### COMMENTARY

#### *Offences*

#### *Section 12: Protection against eviction and harassment, false information etc.*

45. This section makes amendments to section 3 of the CSA 1968. Subsection (2) makes an amendment to subsection (1)(c) of section 3 of the CSA 1968 by removing the word ‘persistently’ in relation to protected sites in England, so that an offence is committed under this subsection if a person withdraws or withholds services or facilities reasonably required for the occupation of the caravan as a residence on the site. Subsection (3) makes the same amendment for the offence in subsection (1A)(b) of section 3 of the CSA 1968, so that an offence is committed if the owner of a protected site or his agent, either during the subsistence or after the expiration or determination of a residential contract, withdraws or withholds services or facilities reasonably required for the occupation of the caravan as a residence on the site.
46. Subsection (4) inserts a new offence into section 3 of the CSA 1968, at subsection (1AA). This provides that the owner of a protected site in England, or his agent, commits an offence if, during the subsistence of a residential contract, he knowingly or recklessly provides information or makes a representation to a person which is false or misleading in a material respect. In addition, the owner or agent must know, or have reasonable cause to believe, that taking this action is likely to cause the occupier to abandon occupation of the caravan or remove it from the site, or to not exercise any right or pursue any remedy in relation to this; or that taking the action is likely to cause a person who is considering whether to purchase or occupy the caravan in question to decide not to do so. The penalty for this offence is the same as for the existing offences under this section – on summary conviction a level 5 fine, six months’ imprisonment or both and on indictment, a fine, two years’ imprisonment or both.