

# **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.

#### ***Section 13: Increase in penalties for certain offences under the 1960 Act***

47. This section makes two amendments to the CSCDA 1960. The first amendment is to section 1(2) of the Act and the effect of the amendment is to increase the level of fine 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 amendment increases the fine from level 4 to level 5 on the standard scale. The second amendment is to section 26(5) of the CSCDA 1960 and the effect of the amendment is to increase the penalty for a person wilfully obstructing any person exercising the power of entry under this section or entering land by authorisation of a warrant under this section. The amendment increases the penalty from a level 1 to a level 4 fine on the standard scale.

***Section 14: Offences by bodies corporate under the 1960 Act***

48. This section inserts section 26A as a new section into the CSCDA 1960. The section applies to any offence under the CSCDA 1960 committed in relation to land in England. It mirrors the provision already included in section 14 of the CSA 1968, which deals with where an offence has been committed by a body corporate. The section provides where a body corporate commits an offence under the CSCDA 1960 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. Proceedings can be brought against this person as well as the body corporate and they may be punished accordingly. Subsection (3) of the new section defines what is meant by an officer of a body corporate.