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STATUTORY INSTRUMENTS

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**2013 No. 1168**

**MOBILE HOMES, ENGLAND**

**The Mobile Homes Act 2013 (Saving Provisions) (England) Order 2013**

*Made* - - - - 20th May 2013

*Coming into force* - - 26th May 2013

The Secretary of State, in exercise of the powers conferred by section 15(4) of the Mobile Homes Act 2013(1), makes the following Order:

**Application, citation, commencement and interpretation**

1.—(1) This Order, which applies in relation to England only, may be cited as the Mobile Homes Act 2013 (Saving Provisions) (England) Order 2013 and comes into force on 26th May 2013.

(2) In this Order—

“the Act” means the Mobile Homes Act 2013;

“the 1983 Act” means the Mobile Homes Act 1983(2); and

“commencement date” means 26th May 2013.

**Saving provisions – sale or gift of a mobile home**

2.—(1) This article applies where, before the commencement date, the occupier of a mobile home has served on the owner a request under paragraph 8(1A) of Chapter 2 of Part 1 of Schedule 1 to the 1983 Act (sales) (including under that provision as applied by paragraph 9(2) of that Chapter (gifts)).

(2) Notwithstanding the commencement of section 10 of the Act (implied terms: removal of requirement for owner to consent to sale or gift)—

(a) the amendments made by that section to Schedule 1 to the 1983 Act do not apply in relation to the request; and

(b) paragraph 8 or 9 (as the case may be) of Chapter 2 of Part 1 of that Schedule is to continue to apply in relation to the request without being subject to those amendments.

(3) The saving in paragraph (2) ceases to apply in relation to the request if—

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(1) 2013 c.14.  
(2) 1983 c.34.

- (a) the occupier, having made an application of the kind mentioned in paragraph 8(1E) of Chapter 2 of Part 1 of Schedule 1 to the 1983 Act, or an application to a tribunal for a determination under section 4(1) of the 1983 Act (jurisdiction of the tribunal or a court: England and Wales) that the person to whom it is proposed to sell or give the mobile home is approved—
    - (i) withdraws the application; and
    - (ii) serves a notice in writing on the owner withdrawing the request;
  - (b) in any other case, the occupier serves a notice in writing on the owner withdrawing the request.
- (4) If, in the case of a sale, the sale of the mobile home and the assignment of the agreement take place on or after the commencement date, notwithstanding the commencement of section 10 of the Act—
- (a) the amendments made by that section to Chapter 2 of Part 1 of Schedule 1 to the 1983 Act do not apply in relation to commission on the sale; and
  - (b) the Mobile Homes (Commissions) Order 1983<sup>(3)</sup> is to continue to have effect for the purpose of determining the amount of commission due to the owner.

Signed by authority of the Secretary of State

*Mark Prisk*  
Minister of State  
Department for Communities and Local  
Government

20th May 2013

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

Section 10 of the Mobile Homes Act 2013 (implied terms: removal of requirement for site owner consent to sale of gift), which amends Chapter 2 of Part 1 of Schedule 1 to the Mobile Homes Act 1983 (and makes a consequential amendment to section 3 of that Act), comes into force on 26th May 2013. This Order makes saving provisions in relation to Chapter 2 of Part 1 of Schedule 1 to the 1983 Act so that where, prior to 26th May, an occupier of a mobile home has served a request on a site owner for the approval of the person to whom the occupier proposes to sell or gift the mobile home, the transaction may proceed (if the occupier so wishes) under the existing statutory provisions.