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*Changes to legislation: There are currently no known outstanding effects for the Mobile Homes Act 1983, Cross Heading: Gift of mobile home. (See end of Document for details)*

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# SCHEDULES

## SCHEDULE 1

### AGREEMENTS UNDER ACT

#### PART I

#### TERMS IMPLIED BY ACT

#### [<sup>F1</sup>CHAPTER 2

#### AGREEMENTS RELATING TO PITCHES <sup>F2</sup>... EXCEPT PITCHES <sup>F3</sup>... ON LOCAL AUTHORITY GYPSY AND TRAVELLER SITES AND COUNTY COUNCIL GYPSY AND TRAVELLER SITES ]

#### Textual Amendments

- F1** Sch. 1 Pt. 1 renumbered as Sch. 1 Pt. 1 Ch. 2 (E.) (30.4.2011) by [The Mobile Homes Act 1983 \(Amendment of Schedule 1 and Consequential Amendments\) \(England\) Order 2011 \(S.I. 2011/1003\)](#), art. 1(1), **Sch. 1 para. 2** (with art. 1(3))
- F2** Words in Sch. 1 Pt. 1 Ch. 2 heading omitted (W.) (1.10.2014) by virtue of [Mobile Homes \(Wales\) Act 2013 \(anaw 6\)](#), s. 64(1), **Sch. 4 para. 4(9)(b)** (with Sch. 5 para. 7); S.I. 2014/11, art. 3(2)
- F3** Words in Sch. 1 Pt. 1 Ch. 2 heading omitted (10.7.2013) by virtue of [The Mobile Homes Act 1983 \(Amendment of Schedule 1 and Consequential Amendments\) \(Wales\) Order 2013 \(S.I. 2013/1723\)](#), arts. 1(1), **2(3)(a)** (with art. 1(3))

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[<sup>F4</sup>8A<sup>F5</sup>(1).....

- (2) Where the agreement is a new agreement (as defined by paragraph 7A(3)), provided that the occupier has supplied the owner with the relevant evidence, the occupier is entitled to give the mobile home, and to assign the agreement, to a member of the occupier's family (referred to in this paragraph as the “new occupier”) without the approval of the owner.
- (3) The relevant evidence is—
- evidence, or evidence of a description, prescribed in regulations made by the Secretary of State that the person to whom the occupier proposes to give the mobile home, and to assign the agreement, is a member of the occupier's family, or
  - any other satisfactory evidence that the person concerned is a member of the occupier's family.

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- (4) The new occupier must, as soon as reasonably practicable, notify the owner of the receipt of the mobile home and assignment of the agreement.
- (5) The owner may not require any payment to be made (whether to the owner or otherwise) in connection with the gift of the mobile home, and the assignment of the agreement, as mentioned in sub-paragraph (2).
- (6) The Secretary of State may by regulations prescribe procedural requirements to be complied with by the owner, the occupier or the new occupier in connection with the gift of the mobile home, and assignment of the agreement, as mentioned in sub-paragraph (2).

#### Textual Amendments

- F4** Sch. 1 Pt. 1 Ch. 2 paras. 8A-8C inserted (E.W.) (27.5.2013) by [Mobile Homes Act 2013 \(c. 14\)](#), **ss. 10(5), 15(3)** (with savings in [S.I. 2013/1168](#), reg. 2)
- F5** Sch. 1 Pt. 1 Ch. 2 para. 8A(1) omitted (W.) (1.10.2014) by virtue of [Mobile Homes \(Wales\) Act 2013 \(anaw 6\)](#), s. 64(1), **Sch. 4 para. 4(9)(e)** (with [Sch. 5 para. 7](#)); [S.I. 2014/11](#), art. 3(2)

- 8B (1) Where the agreement is not a new agreement (as defined by paragraph 7A(3)), the occupier is entitled to give the mobile home, and assign the agreement, to a member of the occupier's family (referred to in this paragraph as the “proposed occupier”) without the approval of the owner if—
  - (a) the occupier serves on the owner a notice (a “notice of proposed gift”) that the occupier proposes to give the mobile home to the proposed occupier, and
  - (b) the first or second condition is satisfied.
- (2) The first condition is that, within the period of 21 days beginning with the date on which the owner received the notice of proposed gift (“the 21-day period”), the occupier does not receive a notice from the owner that the owner has applied to a tribunal for an order preventing the occupier from giving the mobile home, and assigning the agreement, to the proposed occupier (a “refusal order”).
- (3) The second condition is that—
  - (a) within the 21-day period—
    - (i) the owner applies to a tribunal for a refusal order, and
    - (ii) the occupier receives a notice of the application from the owner, and
  - (b) the tribunal rejects the application.
- (4) If the owner applies to a tribunal for a refusal order within the 21-day period but the occupier does not receive notice of the application from the owner within that period—
  - (a) the application is to be treated as not having been made, and
  - (b) the first condition is accordingly to be treated as satisfied.
- (5) A notice of proposed gift must include—
  - (a) the relevant evidence (as defined by paragraph 8A(3)), and
  - (b) such other information as may be prescribed in regulations made by the Secretary of State.
- (6) A notice of proposed gift or notice of an application for a refusal order—
  - (a) must be in writing, and

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- (b) may be served by post.
- (7) An application for a refusal order may be made only on one or more of the grounds prescribed in regulations made by the Secretary of State; and a notice of an application for a refusal order must specify the ground or grounds on which the application is made.
- (8) The owner may not require any payment to be made (whether to the owner or otherwise) in connection with the gift of the mobile home, and the assignment of the agreement, as mentioned in sub-paragraph (1).
- (9) The Secretary of State may by regulations prescribe procedural requirements to be complied with by the owner, the occupier, a proposed occupier or the person to whom the mobile home is given in connection with the gift of the mobile home, and assignment of the agreement, as mentioned in sub-paragraph (1).

**Textual Amendments**

**F4** Sch. 1 Pt. I Ch. 2 paras. 8A-8C inserted (E.W.) (27.5.2013) by [Mobile Homes Act 2013 \(c. 14\)](#), **ss. 10(5), 15(3)** (with savings in [S.I. 2013/1168](#), reg. 2)

- 8C (1) Regulations under paragraph 8A or 8B must be made by statutory instrument and may—
- (a) make different provision for different cases or descriptions of case, including different provision for different areas;
  - (b) contain incidental, supplementary, transitional or saving provisions.
- (2) Regulations under paragraph 8A or 8B are subject to annulment in pursuance of a resolution of either House of Parliament.]

**Textual Amendments**

**F4** Sch. 1 Pt. I Ch. 2 paras. 8A-8C inserted (E.W.) (27.5.2013) by [Mobile Homes Act 2013 \(c. 14\)](#), **ss. 10(5), 15(3)** (with savings in [S.I. 2013/1168](#), reg. 2)

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