



# Mobile Homes Act 1983

## 1983 CHAPTER 34

### 2 Terms of agreements.

- (1) In any agreement to which this Act applies there shall be implied the <sup>F1</sup>[<sup>F2</sup>applicable] terms set out in Part I of Schedule 1 to this Act; and this subsection shall have effect notwithstanding any express term of the agreement.
- (2) The [<sup>F3</sup>court][<sup>F3</sup>appropriate judicial body] may, on the application of either party made [<sup>F4</sup>within [<sup>F5</sup>the relevant period]], order that there shall be implied in the agreement terms concerning the matters mentioned in Part II of Schedule 1 to this Act.
- <sup>F6</sup>(3) The [<sup>F7</sup>appropriate judicial body] may, on the application of either party made within the relevant period, make an order—
  - (a) varying or deleting any express term of the agreement [<sup>F8</sup>other than a site rule (see section 2C)];
  - (b) in the case of any express term to which section 1(6) above applies [<sup>F9</sup>other than a site rule (see section 2C)], provide for the term to have full effect or to have such effect subject to any variation specified in the order.
- (3A) In subsections (2) and (3) above “the relevant period” means the period beginning with the date on which the agreement is made and ending—
  - (a) six months after that date, or
  - (b) where a written statement relating to the agreement is given to the occupier after that date (whether or not in compliance with an order under section 1(6) above), six months after the date on which the statement is given;and section 1(8) above applies for the purposes of this subsection as it applies for the purposes of section 1.]
- <sup>F10</sup>(3) The court may, on the application of either party made within the relevant period, make an order—
  - (a) varying or deleting any express term of the agreement;
  - (b) in the case of any express term to which section 1(6) above applies, provide for the term to have full effect or to have such effect subject to any variation specified in the order.

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*Changes to legislation: There are currently no known outstanding effects for the Mobile Homes Act 1983, Section 2. (See end of Document for details)*

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- (3A) In subsections (2) and (3) above “the relevant period” means the period beginning with the date on which the agreement is made and ending—
- (a) six months after that date; or
  - (b) where a written statement relating to the agreement is given to the occupier after that date (whether or not in compliance with an order under section 1(7) above), six months after the date on which the statement is given;
- and section 1(9) above applies for the purposes of this subsection as it applies for the purposes of section 1.]
- (4) On an application under this section, the <sup>[F11]</sup>court<sup>[F11]</sup>appropriate judicial body] shall make such provision as the <sup>[F11]</sup>court<sup>[F11]</sup>appropriate judicial body] considers just and equitable in the circumstances.
- <sup>[F12]</sup>(5) The supplementary provisions in Part 3 of Schedule 1 to this Act have effect for the purposes of paragraphs 8 and 9 <sup>F13</sup><sup>[F14]</sup>of Chapter 2] of Part 1 of that Schedule.]
- <sup>[F15]</sup>(6) Subsections (2) to (4) do not apply in relation to a person occupying or proposing to occupy a transit pitch <sup>F16</sup>... on a local authority gypsy and traveller site or a county council gypsy and traveller site.
- (7) In subsection (6) “county council gypsy and traveller site”, “local authority gypsy and traveller site” and “transit pitch” all have the same meanings as in paragraph 1(4) of Chapter 1 of Part 1 of Schedule 1 to this Act.]

#### Textual Amendments

- F1** Word in s. 2(1) inserted (W.) (10.7.2013) by [The Mobile Homes Act 1983 \(Amendment of Schedule 1 and Consequential Amendments\) \(Wales\) Order 2013 \(S.I. 2013/1723\)](#), arts. 1(1), **4(2)(a)** (with art. 1(3))
- F2** Word in s. 2(1) inserted (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. 2 para. 1(2)(a)** (with art. 1(3))
- F3** Words in s. 2(2) substituted (E.) (30.4.2011) by [The Mobile Homes Act 1983 \(Jurisdiction of Residential Property Tribunals\) \(England\) Order 2011 \(S.I. 2011/1005\)](#), arts. 1(1), **3(3)** and (W.) (21.3.2012) by [The Mobile Homes Act 1983 \(Jurisdiction of Residential Property Tribunals\) \(Wales\) Order 2012 \(S.I. 2012/899\)](#), arts. 1(1), **3(3)** (with art. 5)
- F4** S. 2(2): the words "within the relevant period" substituted (E.W.) (18.1.2005) for the words "within six months of the giving of the statement under section 1(2) above" by [Housing Act 2004 \(c. 34\)](#), **ss. 206(2)(a), 270(3)(a)** (with s. 206(4))
- F5** S. 2(2): the words "the relevant period" substituted (S.) (28.5.2007) for the words "six months of the giving of the statement under section 1(2) above" by [Housing \(Scotland\) Act 2006 \(asp 1\)](#), **ss. 168(a), 195(3)** (with s. 193); [S.S.I. 2007/270](#), art. 3
- F6** S. 2(3)(3A) substituted for s. 2(3) (E.W.) (18.1.2005) by [Housing Act 2004 \(c. 34\)](#), **ss. 206(2)(b), 270(3)(a)** (with s. 206(4))
- F7** Words in s. 2(3) substituted (E.) (30.4.2011) by [The Mobile Homes Act 1983 \(Jurisdiction of Residential Property Tribunals\) \(England\) Order 2011 \(S.I. 2011/1005\)](#), arts. 1(1), **3(3)** and (W.) (21.3.2012) by [The Mobile Homes Act 1983 \(Jurisdiction of Residential Property Tribunals\) \(Wales\) Order 2012 \(S.I. 2012/899\)](#), arts. 1(1), **3(3)** (with art. 5)
- F8** Words in s. 2(3)(a) inserted (E.W.) (27.5.2013) by [Mobile Homes Act 2013 \(c. 14\)](#), **ss. 9(4)(a), 15(3)**
- F9** Words in s. 2(3)(b) inserted (E.W.) (27.5.2013) by [Mobile Homes Act 2013 \(c. 14\)](#), **ss. 9(4)(b), 15(3)**
- F10** S. 2(3)(3A) substituted for s. 2(3) (S.) (28.5.2007) by [Housing \(Scotland\) Act 2006 \(asp 1\)](#), **ss. 168(b), 195(3)** (with s. 193); [S.S.I. 2007/270](#), art. 3

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- F11** Words in s. 2(4) substituted (E.) (30.4.2011) by The Mobile Homes Act 1983 (Jurisdiction of Residential Property Tribunals) (England) Order 2011 (S.I. 2011/1005), arts. 1(1), **3(3)** and (W.) (21.3.2012) by The Mobile Homes Act 1983 (Jurisdiction of Residential Property Tribunals) (Wales) Order 2012 (S.I. 2012/899), arts. 1(1), **3(3)** (with art. 5)
- F12** S. 2(5) inserted (E.W.) (6.4.2006 for E., 16.6.2006 for W.) by Housing Act 2004 (c. 34), s. 270(4)(5) (f), **Sch. 15 para. 9**; S.I. 2006/1060, art. 2(1)(d) (with Sch.); S.I. 2006/1535, art. 2(b) (with Sch.)
- F13** Words in s. 2(5) inserted (W.) (10.7.2013) by The Mobile Homes Act 1983 (Amendment of Schedule 1 and Consequential Amendments) (Wales) Order 2013 (S.I. 2013/1723), arts. 1(1), **4(2)(b)** (with art. 1(3))
- F14** Words in s. 2(5) inserted (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. 2 para. 1(2)(b)** (with art. 1(3))
- F15** S. 2(6)(7) inserted (E.) (30.4.2011) by The Housing and Regeneration Act 2008 (Consequential Amendments to the Mobile Homes Act 1983) Order 2011 (S.I. 2011/1004), arts. 1(1), **2(3)** (with art. 1(3))
- F16** Words in s. 2(6) omitted (W.) (1.10.2014) by virtue of Mobile Homes (Wales) Act 2013 (anaw 6), s. 64(1), **Sch. 4 para. 4(3)** (with Sch. 5 para. 7); S.I. 2014/11, art. 3(2)

**Changes to legislation:**

There are currently no known outstanding effects for the Mobile Homes Act 1983, Section 2.