

2011 No. 1004

HOUSING, ENGLAND AND WALES

**The Housing and Regeneration Act 2008 (Consequential
Amendments to the Mobile Homes Act 1983) Order 2011**

Made - - - - *4th April 2011*

Coming into force - - *30th April 2011*

The Secretary of State, in exercise of the powers conferred by sections 320 and 321 of the Housing and Regeneration Act 2008(a), makes the following Order.

A draft of this instrument has been laid before, and approved by a resolution of, each House of Parliament in accordance with section 320(3) of the Housing and Regeneration Act 2008.

Citation, commencement, extent and application

1.—(1) This Order may be cited as the Housing and Regeneration Act 2008 (Consequential Amendments to the Mobile Homes Act 1983) Order 2011 and comes into force on 30th April 2011.

(2) This Order extends to England and Wales only.

(3) The amendments made by this Order do not apply in relation to any agreement to which the Mobile Homes Act 1983(b) (“the 1983 Act”) applies before the coming into force of section 318 of the Housing and Regeneration Act 2008.

Consequential amendments

2.—(1) The 1983 Act is amended as follows.

(2) In section 1 (particulars of agreements) after subsection (8) insert—

“(8A) Subsections (3), (4) and (6) do not apply in relation to a person occupying or proposing to occupy a transit pitch in England on a local authority gypsy and traveller site or a county council gypsy and traveller site and in such cases, the reference in subsection (5) to subsections (2) to (4) is to be treated as a reference to subsection (2).

(8B) In subsection (8A) “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.”.(c)

(3) In section 2 (terms of agreements) after subsection (5) insert—

(a) 2008 c. 17.
(b) 1983 c. 34. In England and Wales, section 1 was substituted, and section 2 was amended, by sections 206 and 265 of, and paragraph 9 of Schedule 15 to, the Housing Act 2004 (c. 34).
(c) Paragraph 1(4) of Chapter 1 of Part 1 of Schedule 1 to the 1983 Act was inserted by the Mobile Homes Act 1983 (Amendment of Schedule 1 and Consequential Amendments) (England) Order 2011 (S.I. 2011/1003).

“(6) Subsections (2) to (4) do not apply in relation to a person occupying or proposing to occupy a transit pitch in England 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.”

Signed by authority of the Secretary of State for Communities and Local Government

Grant Shapps
Minister of State

4th April 2011

Department for Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Order)

Section 318 of the Housing and Regeneration Act 2008 (c.17) amends section 5 of the Mobile Homes Act 1983 (“the 1983 Act”) so as to bring land occupied by a local authority as a caravan site providing accommodation for gypsies and travellers within the definition of protected sites for the purposes of the 1983 Act. The purpose of this Order is to make amendments to the 1983 Act which are consequential on the coming into force of section 318 of the Housing and Regeneration Act 2008 and on the making of related transitional provisions made under section 322 of that Act.

The consequential amendments set out in article 2 of this Order provide for—

- (a) an amendment to section 1 of the 1983 Act so that the right of an occupier to apply to the court or a tribunal if the owner fails to provide a written statement is disapplied for occupiers of transit pitches on local authority gypsy and traveller sites; and
- (b) an amendment to section 2 of the 1983 Act so that the right of a party to the agreement to apply to the court or a tribunal as to the terms of the agreement within 6 months of it being made or of the written statement being given is disapplied for transit pitches.

An impact assessment has been prepared in respect of this Order. It has been deposited in the Library of each House of Parliament and is available from the Department for Communities and Local Government, Eland House, Bressenden Place, London SW1E 5DU or email gypsies@communities.gsi.gov.uk

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