Draft Order laid before Parliament under section 49(5) of the Tribunals, Courts and Enforcement Act 2007, for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2014 No. XXXX

TRIBUNALS AND INQUIRIES, ENGLAND AND WALES

The Transfer of Tribunal Functions (Mobile Homes Act 2013 and Miscellaneous Amendments) Order 2014

Made - - - - ***

Coming into force in accordance with article 1

The Lord Chancellor makes the following order in the exercise of the powers conferred by sections 30(1)(e) and (4), 31(9) and 42(1) of the Tribunals, Courts and Enforcement Act 2007(**a**).

The Lord Chancellor has, as regards the provisions of the Order made under section 42(1) of that Act, consulted the Senior President of Tribunals in accordance with section 42(5) of that Act and has obtained the consent of the Treasury in accordance with section 42(6) of that Act.

A draft of this Order was laid before Parliament and approved by a resolution of each House of Parliament in accordance with section 49(5) of that Act.

Citation and commencement

1. This Order may be cited as the Transfer of Tribunal Functions (Mobile Homes Act 2013 and Miscellaneous Amendments) Order 2014 and comes into force on the day after the date on which the Order is made.

Amendments to the jurisdiction of residential property tribunal

2. The functions conferred by and under the Caravan Sites and Control of Development Act 1960(**b**) on a residential property tribunal are transferred to the First-tier Tribunal or, where determined by or under Tribunal Procedure Rules in relation to any particular case, the Upper Tribunal.

Consequential and miscellaneous provisions

3.—(1) Schedule 1 (consequential amendments of primary legislation) has effect.

(2) Schedule 2 (consequential and miscellaneous amendments of subordinate legislation) has effect.

(**a**) 2007 c.15
(**b**) 1960 c. 62

Signed by the authority of the Lord Chancellor

Name
Parliamentary Under Secretary of State
Ministry of Justice

Date

We consent,

Name
Name
Two of the Lords Commissioners of Her Majesty's Treasury

Date

SCHEDULE 1

Article 3(1)

Consequential Amendments of Primary Legislation

Caravan Sites and Control of Development Act 1960

1. The Caravan Sites and Control of Development Act 1960(**a**) is amended as follows.

2. In section 3 (application for site licence), in subsection (5C)(a)(**b**), for "a residential property tribunal" substitute "the tribunal".

3. In section 5A (relevant protected sites: annual fee)(**c**)—

(a) in subsection (3), for "a residential property tribunal" substitute "the tribunal";

(b) in subsection (4), for "a residential property tribunal" substitute "the tribunal".

4. In section 7 (appeals against conditions attached to site licence)(**d**)—

(a) in subsection (1), for "a residential property tribunal" substitute "the tribunal";

(b) in subsection (1A), for "a residential property tribunal" substitute "the tribunal".

5. In section 8 (power of local authority to alter conditions attached to site licences)(**e**)—

(a) in subsection (2), for "a residential property tribunal" substitute "the tribunal";

(b) in subsection (4), for "a residential property tribunal" substitute "the tribunal".

6. In section 9A (breach of condition: relevant protected sites in England)(**f**), in subsection (3), for "a residential property tribunal" substitute "the tribunal".

7. In section 9E (power to take emergency action)(**g**), in subsection (9), for "a residential property tribunal" substitute "the tribunal".

8. In section 9F (action under section 9D or 9E: power to demand expenses), in subsection (7), for "a residential property tribunal" substitute "the tribunal".

(**a**) 1960 c. 62
(**b**) Section 3(5C) was inserted by section 2(2) of the Mobile Homes Act 2013 (c. 14).
(**c**) Section 5A was inserted by section 1(3) of the Mobile Homes Act 2013 (c. 14).
(**d**) Section 7 and its heading was amended, and section 7(1A) was inserted by, section 3 of the Mobile Homes Act 2013 (c. 14).
(**e**) Section 8(2) and (4) were amended by section 3(3) of the Mobile Homes Act 2013 (c. 14).
(**f**) Section 9A was inserted by section 4(2) of the Mobile Homes Act 2013 (c. 14).
(**g**) Sections 9E and 9F were inserted by section 5 of the Mobile Homes Act 2013 (c. 14).

9. In section 9G (appeals under section 9A, 9E or 9F)(**a**), in subsection (3), for "A residential property tribunal" substitute "The tribunal".

10. In section 10 (transfer of site licence), in subsection (1E)(**b**), in paragraph (a), for "a residential property tribunal" substitute "the tribunal".

11. In section 29 (Interpretation of Part 1), at the end of subsection (1), after the definition of "the Minister" insert—

> ""tribunal" means the First-tier Tribunal or where determined by or under Tribunal Procedure Rules, the Upper Tribunal.".

Housing Act 2004

12. The Housing Act 2004(**c**) is amended as follows.

13. In section 231A (additional powers of First-tier Tribunal and Upper Tribunal)—

(a) in subsection (1), after "by or under" insert "the Caravan Sites and Control of Development Act 1960,";

(b) after subsection (3), insert—

"(3A) When exercising jurisdiction under the Caravan Sites and Control of Development Act 1960, the directions which may be given by a tribunal under its general power include (where appropriate) directions requiring the payment of money by one party to the proceedings to another by way of compensation, damages or otherwise.".

14. In section 231B (transfer from court to First-tier Tribunal), in subsection (4) after "in this Act" insert ", in the Caravan Sites and Control of Development Act 1960".

15. In section 231C (appeals from the First-tier Tribunal), before paragraph (a) of subsection (1) insert—

"(za) the Caravan Sites and Control of Development Act 1960,".

16. In section 231D (enforcement), after "in connection with" insert "the Caravan Sites and Control of Development Act 1960,".

Mobile Homes Act 2013

17. In section 8 (requirement for manager of site to be fit and proper person)(**d**) of the Mobile Homes Act 2013, in the inserted new sections 12A to 12E of the Caravan Sites and Control of Development Act 1960—

(a) in section 12A(2) (requirement for fit and proper person), for "a residential property tribunal" substitute "the tribunal";

(b) in section 12C(7) (application for inclusion in register), for "a residential property tribunal" substitute "the tribunal";

(c) in section 12D(5)(a) (removal from register, variation of conditions etc), for "a residential property tribunal" substitute "the tribunal".

(**a**) Section 9G was inserted by section 6 of the Mobile Homes Act 2013 (c. 14).
(**b**) Section 10(1E) was inserted by section 2(3) of the Mobile Homes Act 2013 (c. 14).
(**c**) 2004 c. 34. Sections 231A to 231D of the Housing Act 2004 were inserted by paragraph 176 of Schedule 1 to the Transfer of Tribunal Functions Order 2013, S.I. 2013/1036.
(**d**) Section 8, which inserts sections 12A to 12E of the Caravan Sites and Control of Development Act 1960 (c. 62), is not yet in force.

SCHEDULE 2

Article 3(2)

Consequential and Miscellaneous Amendments of Subordinate Legislation

The Assured Tenancies and Agricultural Occupancies (Forms) Regulations 1997

1. The Assured Tenancies and Agricultural Occupancies (Forms) Regulations 1997(**a**) are amended as follows.

2. In regulation 3 (prescribed forms), in paragraph (b), for "rent assessment committee" substitute "tribunal".

3.—(1) The Schedule (forms prescribed for the purposes of Part 1 of the Housing Act 1988) is amended as follows.

(2) In Form No. 1—

(a) in the instructions preceding paragraph 1, for "a rent assessment panel" substitute "the tribunal";

(b) after the final instruction preceding paragraph 1, insert—

"Note: If your property is in England, "tribunal" means the First-tier Tribunal or the Upper Tribunal. If your property is in Wales, "tribunal" means a rent assessment committee.";

(c) in the instructions headed "What to do if this notice is served on you"—

(i) for "your local rent assessment committee" substitute "the tribunal";

(ii) for "to a Rent Assessment Committee" substitute "to a Tribunal";

(iii) for "a rent assessment panel" substitute "the tribunal";

(iv) for "The rent assessment committee" substitute "The tribunal".

(3) In the heading to Form No. 2, for "Rent Assessment Committee" substitute "Tribunal".

(4) In Form No. 2—

(a) in the instructions preceding paragraph 1—

(i) for "your local rent assessment panel" substitute "the tribunal";

(ii) at the end of those instructions, insert—

"Note: If your property is in England, "tribunal" means the First-tier Tribunal or the Upper Tribunal. If your property is in Wales, "tribunal" means a rent assessment committee.";

(b) in paragraph 11(a) and (b) for "rent assessment committee" substitute "tribunal".

(5) In Form No. 4B(**b**)—

(a) in the Guidance notes for tenants—

(i) in paragraph 3, for "your local rent assessment committee" substitute "the tribunal";

(ii) for paragraph 4, substitute—

"To refer the notice to the tribunal, you must use the form *Application referring a notice proposing a new rent under an Assured Periodic Tenancy or Agricultural Occupancy to a Tribunal*. You can obtain this from the tribunal or a legal stationer.";

(iii) in paragraph 5—

(aa) for "rent assessment committee" substitute "tribunal";

(bb) for "committee", in both places, substitute "tribunal";

(iv) after paragraph 5, insert—

(**a**) S.I. 1997/194, as amended by S.I. 2002/337, S.I. 2003/260, S.I. 2003/307 and S.I. 2013/1036.
(**b**) Form 4B was inserted by S.I. 2003/260.

"5A In these Guidance notes for agricultural occupants, the "tribunal" means the First-tier Tribunal or the Upper Tribunal.";

(b) in the Guidance notes for landlords, in paragraph 9, for "a rent assessment panel" substitute "the First-tier Tribunal".

(6) In Form No. 4C—

(a) in the Guidance notes for agricultural occupants—

(i) in paragraph 3, for "your local rent assessment committee" substitute "the tribunal";

(ii) for paragraph 4 substitute—

"To refer the notice to the tribunal, you must use the form *Application referring a notice proposing a new rent under the Assured Periodic Tenancy or Agricultural Occupancy to a Tribunal*. You can obtain this from the tribunal or a legal stationer.";

(iii) in paragraph 5—

(aa) for "rent assessment committee" substitute "tribunal";

(bb) for "committee", in both places, substitute "tribunal";

(iv) after paragraph 5 insert—

"5A In these Guidance notes for agricultural occupants, the "tribunal" means the First-tier Tribunal or the Upper Tribunal.";

(b) in the Guidance notes for landlords, in paragraph 9, for "a rent assessment panel" substitute "the First-tier Tribunal".

(7) In Form No. 5, in paragraph 12(a) and (b), for "rent assessment committee", in both places substitute "tribunal".

The First-tier Tribunal (Property Chamber) Fees Order 2013

4. Schedule 1 (fees to be taken) to the First-tier Tribunal (Property Chamber) Fees Order 2013(**a**) is amended as follows.

5. For entry 3 in the left hand column substitute "Applications and appeals in respect of mobile homes and caravan sites".

6. After entry 3.1B(**b**), insert—

"3.1C On an appeal under section 7(1) of the Caravan Sites and Control of Development Act 1960 (appeal against conditions attached to a site licence)	£155
3.1D On an appeal under section 8(2) of the Caravan Sites and Control of Development Act 1960 (appeal against alteration of conditions attached to site licence or a refusal of a local authority to vary conditions)	£155
3.1E On an appeal under section 9A(3) of the Caravan Sites and Control of Development Act 1960 (appeal against a compliance notice)	£155
3.1F On an appeal under section 9E(9) of the Caravan Sites and Control of Development Act 1960 (appeal against local authority taking emergency action)	£155
3.1G On an appeal under section 9F(7) of the Caravan Sites and Control of Development Act	£155

(**a**) S.I. 2013/1179, as amended by S.I. 2013/2302 and S.I. 2014/182.
(**b**) Fees 3.1A and 3.1B were inserted by S.I. 2014/182.

1960 (appeal against a demand for recovery of expenses in connection with emergency action or works in default)	
3.1H On an appeal under regulation 6 of the Mobile Homes (Site Licensing) (England) Regulations 2014(**a**) (appeal against a local authority's decision not to issue, or consent to the transfer of, a caravan site licence in respect of a relevant protected site)	£155"

EXPLANATORY NOTE

(This note is not part of the Order)

This Order transfers into the unified tribunal structure further jurisdiction conferred on a residential property tribunal in England by the Mobile Homes Act 2013 (c. 14). Residential property tribunals were constituted from rent assessment committees which were added as scheduled tribunals in 2013 by the Amendments to Schedule 6 to the Tribunals, Courts and Enforcement Act 2007 Order 2013 (S.I. 2013/1034) and transferred into the unified tribunal structure by the Transfer of Tribunal Functions Order 2013 (S.I. 2013/1036).

Schedule 1 makes consequential amendments to the Caravan Sites and Control of Development Act 1960 (c. 62) ("the 1960 Act"), which the Mobile Homes Act 2013 amended. The effect is that as regards land in England, the jurisdiction and powers of a residential property tribunal are transferred to the First-tier Tribunal or, if Tribunal Procedure Rules so determine, the Upper Tribunal.

Schedule 2 makes further consequential amendments to the Assured Tenancies and Agricultural Occupancies (Forms) Regulations 1997 (S.I. 1997/194), which were omitted from the Transfer of Tribunal Functions Order 2013. It also amends the First-tier Tribunal (Fees) Order 2013 (S.I. 2013/1179) to prescribe the fees payable in the First-tier Tribunal in certain appeals under the 1960 Act.

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