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.

DRAFT STATUTORY INSTRUMENTS

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(**1**).

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(**2**) 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.

(**1**) 2007 c.15
(**2**) 1960 c. 62

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.

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(**3**) is amended as follows.

2. In section 3 (application for site licence), in subsection (5C)(a)(**4**), for "a residential property tribunal" substitute "the tribunal".

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

(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)(**6**)—

(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)(**7**)—

(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)(**8**), in subsection (3), for "a residential property tribunal" substitute "the tribunal".

7. In section 9E (power to take emergency action)(**9**), 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".

9. In section 9G (appeals under section 9A, 9E or 9F)(**10**), in subsection (3), for "A residential property tribunal" substitute "The tribunal".

10. In section 10 (transfer of site licence), in subsection (1E)(**11**), 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(**12**) is amended as follows.

(**3**) 1960 c. 62
(**4**) Section 3(5C) was inserted by section 2(2) of the Mobile Homes Act 2013 (c. 14).
(**5**) Section 5A was inserted by section 1(3) of the Mobile Homes Act 2013 (c. 14).
(**6**) Section 7 and its heading was amended, and section 7(1A) was inserted by, section 3 of the Mobile Homes Act 2013 (c. 14).
(**7**) Section 8(2) and (4) were amended by section 3(3) of the Mobile Homes Act 2013 (c. 14).
(**8**) Section 9A was inserted by section 4(2) of the Mobile Homes Act 2013 (c. 14).
(**9**) Sections 9E and 9F were inserted by section 5 of the Mobile Homes Act 2013 (c. 14).
(**10**) Section 9G was inserted by section 6 of the Mobile Homes Act 2013 (c. 14).
(**11**) Section 10(1E) was inserted by section 2(3) of the Mobile Homes Act 2013 (c. 14).
(**12**) 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.