



# Mobile Homes (Wales) Act 2013

2013 anaw 6

## PART 2

### LICENSING OF MOBILE HOME SITES ETC.

#### *Conditions of site licences*

#### **9 Power to attach conditions to site licence**

- (1) A site licence issued by a local authority in respect of any land may be issued subject to such conditions as the local authority may consider it necessary or desirable to impose on the owner of the land in the interests of—
  - (a) persons dwelling on the land in mobile homes,
  - (b) any other class of persons, or
  - (c) the public at large.
- (2) The conditions subject to which a site licence may be issued include (but are not limited to) conditions—
  - (a) for restricting the occasions on which mobile homes are stationed on the land for the purposes of human habitation, or the total number of mobile homes which are stationed on the land for those purposes at any one time,
  - (b) for controlling (whether by reference to their size, the state of their repair or, subject to subsection (3), any other feature) the types of mobile home which are stationed on the land,
  - (c) for regulating the positions in which mobile homes are stationed on the land for the purposes of human habitation (in particular in order to minimise risk from flooding and coastal erosion) and for prohibiting, restricting or otherwise regulating the placing or erection on the land, at any time when mobile homes are stationed on the land for those purposes, of structures and vehicles of any description and of tents,
  - (d) for securing the taking of any steps for preserving or enhancing the amenity of the land, including the planting and replanting of the land with trees and bushes,

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- (e) for securing that, at all times when mobile homes are stationed on the land, appropriate measures are taken for preventing and detecting the outbreak of fire and adequate means of fighting fire are provided and maintained,
  - (f) for securing that, at all times when mobile homes are stationed on the land, appropriate measures are taken for guarding against risk from flooding and coastal erosion and for communicating any known risk from flooding or coastal erosion to persons dwelling on the land in mobile homes,
  - (g) for securing that adequate sanitary facilities, and such other facilities, services or equipment as may be specified, are provided for the use of persons dwelling on the land in mobile homes and that, at all times when mobile homes are stationed on the land for the purposes of human habitation, any facilities and equipment provided for their use are properly maintained, and
  - (h) for requiring that where there is a change in the person by whom the site is managed, a declaration is made by the holder of the site licence to the local authority that the new manager is a fit and proper person to manage the site.
- (3) No condition may be imposed controlling the types of mobile homes which are stationed on the land by reference to the materials used in their construction.
- (4) Where the Regulatory Reform (Fire Safety) Order 2005 applies to land, no condition may be imposed in a site licence relating to the land in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under that Order.
- (5) A site licence issued in respect of any land must, unless it is issued subject to a condition restricting to 3 or fewer the total number of mobile homes which may be stationed on the land at any one time, contain a condition that, at all times when mobile homes are stationed on the land for the purposes of human habitation, a copy of the site licence as for the time being in force, together with copies of the most recent utility bills relating to the site and of any current certificate of public liability insurance relating to the site, must be displayed on the land in a prominent place.
- (6) In subsection (5) “utility bills” means bills for the provision of gas, electricity, water, sewerage or other similar services.
- (7) A condition of a site licence may, if it requires the carrying out of any works on the land in respect of which the site licence is issued, prohibit or restrict the bringing of mobile homes on to the land for the purposes of human habitation until such time as the local authority has certified in writing that the works have been completed to its satisfaction.
- (8) Where the land to which the site licence relates is at the time in use as a mobile home site, a condition requiring the carrying out of any works on the land may, whether or not it contains any prohibition or restriction mentioned in subsection (7), require the works to be completed to the satisfaction of the local authority within a stated period.
- (9) A condition of a site licence is valid even if it can be complied with only by the carrying out of works which the holder of the site licence is not entitled to carry out as of right.

**Commencement Information**

**II** S. 9 in force at 1.10.2014 by S.I. 2014/11, art. 3(1)(b) (with art. 4)

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## 10 Model standards

- (1) The Welsh Ministers may specify for the purposes of section 9 model standards with respect to the layout of, and the provision of facilities, services and equipment for, regulated sites or particular types of regulated sites.
- (2) In deciding what (if any) conditions to impose in a site licence, a local authority must have regard to any model standards which have been specified.
- (3) No model standards may be specified in relation to land to which the Regulatory Reform (Fire Safety) Order 2005 applies in so far as the standards relate to any matter in relation to which requirements or prohibitions are or could be imposed by or under that Order.
- (4) The duty of a local authority to have regard to standards specified under this section is to be construed, as regards standards relating to fire precautions, as a duty to have regard to them subject to any advice given by the fire and rescue authority under section 11.
- (5) In this section and section 11 “fire precautions” means precautions to be taken for any of the purposes specified in section 9(2)(e).

### Commencement Information

**I2** S. 10 in force at 1.10.2014 by S.I. 2014/11, art. 3(1)(b) (with art. 4)

## 11 Fire precautions

- (1) The local authority must, in considering what conditions to impose in a site licence relating to any land, consult the fire and rescue authority as to the extent to which any model standards relating to fire precautions which have been specified under section 10 are appropriate to the land.
- (2) If—
  - (a) no such standards have been specified, or
  - (b) any standard that has been specified appears to the fire and rescue authority to be inappropriate to the land,the local authority must consult the fire and rescue authority as to what conditions relating to fire precautions ought to be imposed instead.
- (3) This section does not apply where the Regulatory Reform (Fire Safety) Order 2005 applies to the land.

### Commencement Information

**I3** S. 11 in force at 1.10.2014 by S.I. 2014/11, art. 3(1)(b) (with art. 4)

## 12 Appeal against conditions of site licence

- (1) Where a local authority decides to issue a site licence subject to conditions (other than the condition required by section 9(5)), the local authority must notify the applicant of the reasons for doing so and of the applicant's right of appeal under subsection (2).

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- (2) The applicant may, within the period of 28 days beginning with the day on which the decision is made, appeal to a residential property tribunal against the decision.
- (3) The tribunal may vary or cancel the condition if satisfied (having regard, among other things, to any standards which may have been specified by the Welsh Ministers under section 10) that the condition is unduly burdensome.
- (4) In a case where a residential property tribunal varies or cancels a condition under subsection (3), it may also attach a new condition to the site licence.
- (5) In so far as the effect of a condition subject to which a site licence is issued in respect of any land is to require the carrying out on the land of any works, the condition does not have effect—
  - (a) during the period within which the person to whom the site licence is issued is entitled to appeal against the condition, or
  - (b) while an appeal against the condition is pending.

#### **Commencement Information**

**I4** S. 12 in force at 1.10.2014 by S.I. 2014/11, art. 3(1)(b) (with art. 4)

### **13 Power of local authority to vary conditions of site licence**

- (1) The conditions of a site licence may be varied at any time (whether by the variation or cancellation of existing conditions, by the addition of new conditions, or by a combination of any such methods) by the local authority if—
  - (a) the holder of the site licence makes an application to the local authority for it to do so, or
  - (b) the local authority discovers new information or considers that there has been a change of circumstances.
- (2) Before varying the conditions of a site licence under subsection (1)(b), the local authority must give to the holder of the site licence an opportunity to make representations.
- (3) Where the Regulatory Reform (Fire Safety) Order 2005 applies to the land to which the site licence relates, no new condition may be added to a site licence under subsection (1) in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under that Order.
- (4) A local authority may require an application for a variation of the conditions of the site licence to be accompanied by a fee fixed by the local authority (on which see section 36).
- (5) The variation by a local authority of the conditions of site licence is not to have effect until written notification of it has been received by the holder of the site licence.
- (6) In exercising the powers conferred by subsection (1), a local authority must have regard (among other things) to any standards which may have been specified by the Welsh Ministers under section 10.

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- (7) The local authority must consult the fire and rescue authority before exercising the powers conferred by subsection (1) in relation to a condition of a site licence imposed for the purposes set out in section 9(2)(e).
- (8) Subsection (7) does not apply where the Regulatory Reform (Fire Safety) Order 2005 applies to the land.

#### Commencement Information

**I5** S. 13 in force at 1.10.2014 by S.I. 2014/11, art. 3(1)(b) (with art. 4)

### 14 Appeal against variation of conditions of site licence

- (1) Where the holder of a site licence is aggrieved by any variation of the conditions of the site licence under section 13(1)(b) or by the refusal of the local authority of an application for the variation of those conditions, the holder may, within the period of 28 days beginning with the day following that on which notification of the alteration or refusal is received by the holder, appeal to a residential property tribunal.
- (2) The tribunal, may, if it allows the appeal, give to the local authority such directions as may be necessary to give effect to the tribunal's decision.
- (3) In so far as a variation of a site licence imposes a requirement on the holder of the site licence to carry out on the land to which the site licence relates any works which the holder of the site licence would not otherwise be required to carry out, the variation is not to have effect during the period within which the holder is entitled to appeal against the variation or while an appeal against the variation is pending.
- (4) In exercising the powers conferred by subsection (2) a residential property tribunal must have regard amongst other things to any standards which may have been specified by the Welsh Ministers under section 10.

#### Commencement Information

**I6** S. 14 in force at 1.10.2014 by S.I. 2014/11, art. 3(1)(b) (with art. 4)

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