

Status: Point in time view as at 05/11/2013.

Changes to legislation: There are currently no known outstanding effects for the Mobile Homes (Wales) Act 2013. (See end of Document for details)

VALID FROM 01/10/2014

SCHEDULE 1

(introduced by section 2)

SITES WHICH ARE NOT REGULATED SITES

.....

VALID FROM 07/01/2014

SCHEDULE 2

(introduced by section 50)

TERMS OF MOBILE HOME AGREEMENTS

.....

VALID FROM 01/10/2014

SCHEDULE 3

(introduced by section 57)

FURTHER PROVISIONS ABOUT ORDERS RELATING TO COMMONS

Duty to consult conservators

- 1 Before making an order under section 57(2) with respect to land which is or forms part of a common of which conservators have been appointed under any local Act, or under any order made under an Act of Parliament, the local authority must consult the conservators.

Procedure for making orders imposing prohibitions

- 2 Before making any order under section 57(2), other than an order the sole effect of which is to revoke or vary a previous order, the local authority must publish in 1 or more local newspapers circulating in the locality in which the land is situated a notice—
- (a) stating the general effect of the order,
 - (b) specifying a place in that locality where a copy of the draft order may be inspected by any person free of charge at all reasonable hours during a period of 28 days from the date of the first publication of the notice, and
 - (c) stating that, within that period, any person may by notice to the local authority object to the making of the order.

- 3 (1) Not later than the date on which notice under paragraph 2 is first published, the local authority must serve a copy of it on every person entitled as lord of the manor

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or otherwise to the soil of the land unless the local authority is satisfied that the persons entitled to the soil of the land are numerous or cannot after diligent inquiry be ascertained.

- (2) A notice under sub-paragraph (1) may be served on any person by sending it in a registered letter addressed to the person at the person's usual or last known address.
- 4 (1) If, before the end of the period of 28 days beginning with the date of the first publication of a notice under paragraph 2, an objection to the making of the order to which the notice relates is duly made to the local authority by any person entitled to the soil of the land, and the notice is not subsequently withdrawn, the local authority must not proceed with the making of the order.
- (2) Subject to that, the local authority may, at any time within 1 year after the end of that period, make an order in the terms of the draft order.
- (3) But if any objection to the making of the order was duly made within that period by a person who was not entitled to the soil of the land, and the objection has not been withdrawn at the date on which the order is made, the order does not take effect until it is confirmed by the Welsh Ministers.
- (4) Where the local authority submits an order to the Welsh Ministers for confirmation, it must send to the Welsh Ministers a copy of every such objection as is referred to in the sub-paragraph (3).
- (5) The Welsh Ministers, after considering every such objection and (if they think fit) causing a local inquiry to be held, may confirm or refuse to confirm the order and, if they confirm it, may do so subject to such modifications (if any) as they think desirable.

Notice to lord of manor of other orders

- 5 Where the sole effect of an order under section 57(2) is to revoke or vary a previous order (so that paragraphs 2 to 4 do not apply with respect to the making of the order) the local authority must serve such notices, and take such other steps, as appear to it to be appropriate for informing the persons entitled to the soil of the land of the effect of the order.

Crown land

- 6 (1) Where it is proposed to make an order of the kind described in paragraph 2 with respect to land in which there is a Crown or Duchy interest, and the nature of that interest is such that, but for this paragraph, the person to whom the interest belongs would be entitled under paragraph 3 to a copy of the notice referred to in that paragraph—
- (a) paragraph 3 has effect as if it required the copy to be served instead on the appropriate authority, and
- (b) paragraph 4(1) does not apply in relation to the order but the local authority must not make the order unless and until it has obtained the consent in writing of the appropriate authority.
- (2) In this paragraph “Crown or Duchy interest” means an interest belonging to Her Majesty in right of the Crown or of the Duchy of Lancaster, or belonging to the Duchy of Cornwall, or belonging to a government department, or held in trust for Her Majesty for the purposes of a government department.

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- (3) In this paragraph “the appropriate authority”—
- (a) in relation to land belonging to Her Majesty in right of the Crown and forming part of the Crown Estate, means the Crown Estate Commissioners, and, in relation to any other land belonging to Her Majesty in right of the Crown, means the government department having the management of that land,
 - (b) in relation to land belonging to Her Majesty in right of the Duchy of Lancaster, means the Chancellor of the Duchy,
 - (c) in relation to land belonging to the Duchy of Cornwall, means such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints, and
 - (d) in relation to land belonging to a government department or held in trust for Her Majesty for the purposes of a government department, means that department.
- (4) If any question arises as to what authority is the appropriate authority in relation to any land, that question is to be referred to the Treasury, whose decision is final.

SCHEDULE 4

(introduced by section 58)

CONSEQUENTIAL AMENDMENTS

Caravan Sites and Control of Development Act 1960 (c. 62)

- 1 (1) The Caravan Sites and Control of Development Act 1960 is amended as follows.
- (2) In section 1, after subsection (1) insert—
- “(1A) Subsection (1) does not apply in relation to a regulated site within the meaning of the Mobile Homes (Wales) Act 2013.”
- (3) In section 23—
- (a) in subsection (1), after “any land” insert “ in England ”, and
 - (b) omit subsection (9).
- (4) In section 24—
- (a) in subsection (1), after “local authority” insert “ in England ”, and
 - (b) in subsection (8), omit “in England”.

Caravan Sites Act 1968 (c. 52)

- 2 (1) The Caravan Sites Act 1968 is amended as follows.
- (2) In section 1(2), after “any land” insert “ in England ”.
- (3) In section 3—
- (a) in subsections (1)(c) and (1A)(b), omit “or, if the site concerned is in Wales, persistently withdraws or withholds”,
 - (b) in subsection (1AA), omit “in England”.
- (4) In section 13(3), for “Minister” substitute “ Secretary of State ”.

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- (5) In section 16, omit the definition of “the Minister”.

Rating (Caravan Sites) Act 1976 (c. 15)

- 3 In section 6 of the Rating (Caravan Sites) Act 1976—
- (a) in paragraph (b)—
 - (i) for “that Act” substitute “ the Caravan Sites and Control of Development Act 1960 or Part 2 of the Mobile Homes (Wales) Act 2013 ”, and
 - (ii) for “the Act” substitute “ the Caravan Sites and Control of Development Act 1960 or paragraph 4 and paragraph 11 of Schedule 1 to the Mobile Homes (Wales) Act 2013 ”, and
 - (b) in paragraph (d)—
 - (i) for “that Act” substitute “ the Caravan Sites and Control of Development Act 1960 ”, and
 - (ii) insert at the end “ or is for purposes of the Mobile Homes (Wales) Act 2013 the owner of the caravan site ”.

Mobile Homes Act 1983 (c. 34)

- 4 (1) The Mobile Homes Act 1983 is amended as follows.
- (2) In section 1—
- (a) in subsection (2)(e), for “appropriate national authority” substitute “ Secretary of State ”,
 - (b) in subsection (8A), omit “in England and Wales”, and
 - (c) in subsection (9)(b), omit “if made by the Secretary of State”.
- (3) In section 2(6), omit “in England and Wales”.
- (4) In section 2A—
- (a) in subsection (1), for—
 - (i) “appropriate national authority” and
 - (ii) “authority” (in the second place),
 substitute “Secretary of State”,
 - (b) in subsection (5)—
 - (i) omit “by the appropriate national authority”, and
 - (ii) for “the authority” and for “it” (in both places) substitute “ the Secretary of State ”, and
 - (c) in subsection (6), omit “by the Secretary of State”.
- (5) In section 2C(1), for “in England (other than a gypsy and traveller site)” substitute “ , other than a gypsy and traveller site, ”.
- (6) In section 3(4)—
- (a) in paragraph (b), omit “in relation to a protected site in England; or”, and
 - (b) omit paragraph (c).
- (7) In section 4—
- (a) in the heading omit “: England and Wales”, and
 - (b) in subsections (1) and (3), omit “in England or in Wales”.

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- (8) In section 5—
- (a) omit the definition of “the appropriate national authority”, and
 - (b) in the definition of “the court”, omit “and Wales”.
- (9) In Part 1 of Schedule 1—
- (a) in Chapter 1, in paragraph 1(1), (2) and (3), omit “in England and Wales”,
 - (b) in the heading of Chapter 2 omit “IN ENGLAND AND WALES”,
 - (c) in Chapter 2, in paragraph 7A, omit sub-paragraph (1),
 - (d) in Chapter 2, omit paragraph 8,
 - (e) in Chapter 2, in paragraph 8A, omit sub-paragraph (1),
 - (f) in Chapter 2, omit paragraph 9,
 - (g) in Chapter 2, in paragraph 17—
 - (i) in sub-paragraph (2A), for “In the case of a protected site in England, a” substitute “ A ”,
 - (ii) in sub-paragraph (4)(a), omit “or (in the case of a protected site in England)”,
 - (iii) in sub-paragraph (6A), for “In the case of a protected site in England, a” substitute “ A ”,
 - (iv) in sub-paragraph (8)(a), omit “(in the case of a protected site in England)”, and
 - (v) in sub-paragraph (11), omit “in England”,
 - (h) in Chapter 2, in paragraph 18—
 - (i) in paragraphs (aa) and (ab) of sub-paragraph (1), omit “in the case of a protected site in England,”,
 - (ii) omit paragraph (b) of that sub-paragraph,
 - (iii) in sub-paragraph (ba) of that sub-paragraph, omit “in the case of a protected site in England,”,
 - (iv) omit paragraph (c) of that sub-paragraph,
 - (v) in sub-paragraph (1A), omit “, in the case of a pitch in England,”,
 - (i) in Chapter 2, in paragraph 19(3) and (4), for “In the case of a protected site in England, when” substitute “ When ”,
 - (j) in Chapter 2, in paragraph 20—
 - (i) in sub-paragraph (A1), for “In the case of a protected site in England, unless” substitute “ Unless ”, and
 - (ii) omit sub-paragraphs (1) and (2),
 - (k) in the headings of Chapters 3 and 4, omit “IN ENGLAND AND WALES”,
 - (l) in Chapter 4, omit paragraphs 6A and 6B,
 - (m) in Chapter 4, in paragraph 8, omit sub-paragraph (1A),
 - (n) in Chapter 4, in paragraph 16—
 - (i) in sub-paragraph (2), for “In the case of a protected site in England, when” substitute “ When ”, and
 - (ii) omit sub-paragraph (2A),
 - (o) in Chapter 4, in paragraph 18—
 - (i) in sub-paragraph (2), for “In the case of a protected site in England, there” substitute “ There ”, and
 - (ii) omit sub-paragraphs (1A) and (1B),
 - (p) in Chapter 4, in paragraph 26—

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- (i) in sub-paragraph (2), for “In the case of a protected site in England, when” substitute “ When ”, and
 - (ii) omit sub-paragraph (2A), and
 - (q) in Chapter 4, paragraph 27, omit the definition of “consumer prices index”.
- (10) Omit Part 3 of Schedule 1.

Modifications etc. (not altering text)

- C2** Sch. 4 para. 4: consequential amendments to be treated as not having effect until 1.10.2014 by virtue of [The Mobile Homes \(Wales\) Act 2013 \(Commencement, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/11\)](#), **art. 3(2)**

Local Government Finance Act 1988 (c. 41)

- 5 In paragraph 2B(5) of Schedule 6 to the Local Government Finance Act 1988, in the definition of “caravan site”—
- (a) for “that Act” substitute “ the Caravan Sites and Control of Development Act 1960 or Part 2 of the Mobile Homes (Wales) Act 2013 ”, and
 - (b) for “the Act” substitute “ the Caravan Sites and Control of Development Act 1960 or paragraph 4 and paragraph 11 of Schedule 1 to the Mobile Homes (Wales) Act 2013 ”.

Town and Country Planning Act 1990 (c. 8)

- 6 (1) The Town and Country Planning Act 1990 is amended as follows.
- (2) In section 71(4), after “caravan site” insert “ or under Part 2 of the Mobile Homes (Wales) Act 2013 authorising the use of the land as a site for mobile homes (within the meaning of that Act) ”.
 - (3) In section 191(7)(a), after “1960” insert “ or section 7(1) of the Mobile Homes (Wales) Act 2013; ”.

Local Government (Wales) Act 1994 (c. 19)

- 7 In Schedule 16 to the Local Government (Wales) Act 1994, omit paragraph 16(1) and (2).

Environment Act 1995 (c.25)

- 8 (1) Schedule 9 to the Environment Act 1995 is amended as follows.
- (2) In paragraph 1(2)(c), after “commons)” insert “ or section 57 of and Schedule 3 to the Mobile Homes (Wales) Act 2013 (power of local authority in Wales to prohibit caravans on commons) ”.
 - (3) After paragraph 4 insert—
 - “4A In the Mobile Homes (Wales) Act 2013—
 - (a) section 56 (power of local authority to provide mobile home sites), and

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(b) paragraph 11 of Schedule 1 (no site licence required by land owned by local authority),
shall have effect as if a National Park Authority were a local authority for the purposes of that Act and as if the relevant Park were that Authority's area."

Housing Act 2004 (c. 34)

- 9 (1) The Housing Act 2004 is amended as follows.
- (2) In section 230—
- (a) in subsection (5ZA), after “the Caravan Sites and Control of Development Act 1960” insert “ or Part 2 of the Mobile Homes (Wales) Act 2013 ”,
 - (b) in subsection (5A), after “1983” insert “ or Part 4 of the Mobile Homes (Wales) Act 2013 ”, and
 - (c) in subsection (5B)—
 - (i) in the definition of “mobile home” and “protected site”, after “Act” insert “ or the Mobile Homes (Wales) Act 2013 (see sections 2 and 60 of that Act) ”,
 - (ii) in the definition of “pitch”, for “that Act” substitute “ the Mobile Homes Act 1983 or section 55 of the Mobile Homes (Wales) Act 2013 ”, and
 - (iii) in the definition of “pitch fee”, for “that Act, as the case may be” substitute “ the Mobile Homes Act 1983 (as the case may be) or section 60 of the Mobile Homes (Wales) Act 2013 ”.
- (3) In Schedule 13—
- (a) in paragraph 3(6), for “or the Mobile Homes Act 1983” substitute “ , the Mobile Homes Act 1983 or the Mobile Homes (Wales) Act 2013 ”, and
 - (b) in paragraph 8(2), for “or of the Mobile Homes Act 1983” substitute “ , any provision of the Mobile Homes Act 1983 or any provision of the Mobile Homes (Wales) Act 2013 ”.

Regulatory Enforcement and Sanctions Act 2008 (c. 13)

- 10 In Schedule 3 to the Regulatory Enforcement and Sanctions Act 2008, after the entry relating to the Mines and Quarries (Tips) Act 1969 insert— “ Mobile Homes (Wales) Act 2013 ”.

Equality Act 2010 (c. 15)

- 11 In paragraph 30D(5) of Schedule 3 to the Equality Act 2010—
- (a) in the definition of “mobile home agreement”, after “1983” insert “ or Part 4 of the Mobile Homes (Wales) Act 2013 ”, and
 - (b) in the definition of “owner”, “protected site” and “mobile home”, after “Act” insert “ or that Part of that Act ”.

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SCHEDULE 5

(introduced by section 58)

TRANSITIONAL AND TRANSITORY PROVISIONS AND SAVINGS

Pending applications for site licences

- 1 An application for a site licence under the Caravan Sites and Control of Development Act 1960 in respect of a regulated site which has been made to, but not determined by, a local authority before Part 2 comes into force is to be treated after the coming into force of that Part as an application to the local authority for a site licence under that Part in respect of the regulated site.

Temporary continuation of existing site licences

- 2 (1) The coming into force of Part 2 and paragraph 1(2) of Schedule 4 does not affect the continuing operation of the provisions of the Caravan Sites and Control of Development Act 1960 in relation to site licences continued in force under this paragraph.
- (2) A site licence under the Caravan Sites and Control of Development Act 1960 which is in force on the coming into force of Part 2 in respect of a regulated site continues in force until the end of the initial period unless—
- (a) it is revoked during the initial period, or
 - (b) an application for a site licence in respect of the regulated site under Part 2 has been made during the initial period.
- (3) If the site licence under the Caravan Sites and Control of Development Act 1960 is revoked during the initial period it continues in force until its revocation.
- (4) If an application for a site licence in respect of the regulated site under Part 2 is made during the initial period, the site licence under the Caravan Sites and Control of Development Act 1960 continues in force until it is determined (whether during or after the end of the initial period).
- (5) In this paragraph and paragraph 3, “the initial period” means the period of 6 months beginning with the day on which Part 2 comes into force.

Time for determining site licence

- 3 Where an application for a site licence in respect of a regulated site is made under Part 2 before the end of the initial period and at a time when a site licence under the Caravan Sites and Control of Development Act 1960 is in force in respect of the regulated site, section 7(2) has effect in relation to the application as if for “2 months” there were substituted “6 months”.

Continuation of existing model standards

- 4 Any model standards made by the Welsh Ministers under section 5(6) of the Caravan Sites and Control of Development Act 1960 which are in force immediately before the coming into force of Part 2 have effect after that time (until they are replaced) as if made under section 10.

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Pre-commencement revocations

- 5 The reference in section 7(5) to the revocation of a site licence under section 18 or 28 includes a revocation of a site licence under the Caravan Sites and Control of Development Act 1960 under section 9 of that Act.

Pre-commencement offences to count for certain purposes

- 6 The reference in subsection (4)(b) of section 18 to the offence under subsection (1) of that section includes an offence under section 9 of the Caravan Sites and Control of Development Act 1960 in relation to a site licence under that Act in relation to the same land.

Prosecution of pre-commencement offences

- 7 Nothing in any provision of this Act affects the operation of any enactment in relation to offences committed before that provision comes into force.

Old transitionals and savings

- 8 Any transitional provision or saving relating to the coming into force of any provision reenacted in this Act which is capable of having effect in relation to the provision as so reenacted has the same effect in relation to the provision as so reenacted as it had in relation to the provision that it re-enacts.

Temporary reduction of maximum penalty for either way offence tried summarily

- 9 In the case of an offence committed before section 154(1) of the Criminal Justice Act 2003 comes into force, section 43(3)(a) has effect as if for “12 months” there were substituted “ 6 months ”.

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