



Mobile Homes (Wales) Act 2013

2013 anaw 6

PART 4

MOBILE HOME AGREEMENTS

48 Agreements to which Part applies

- (1) This Part applies to any agreement under which a person is entitled—
 - (a) to station a mobile home on a protected site, and
 - (b) to occupy the mobile home as the person's only or main residence.
- (2) In this Part "occupier", in relation to a mobile home and a protected site, means the person entitled as mentioned in subsection (1) in relation to a mobile home and the protected site (but see also section 55(2)(b)).

49 Particulars of agreements

- (1) Before making an agreement to which this Part applies, the owner of the protected site must give to the proposed occupier under the agreement a written statement which—
 - (a) specifies the names and addresses of the parties,
 - (b) includes particulars of the land on which the proposed occupier is to be entitled to station the mobile home that are sufficient to identify that land,
 - (c) sets out the express terms to be contained in the agreement (including any site rules),
 - (d) sets out the terms to be implied by section 50(1), and
 - (e) complies with such other requirements as may be prescribed by regulations made by the Welsh Ministers.
- (2) The written statement required by subsection (1) must be given—
 - (a) no later than 28 days before the date on which any agreement for the sale of the mobile home to the proposed occupier is made, or

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- (b) (if no such agreement is made before the making of the agreement to which this Part applies) no later than 28 days before the date on which the agreement to which this Part applies is made.
- (3) But if the proposed occupier consents in writing to that statement being given by a date (“the chosen date”) which is less than 28 days before the date mentioned in subsection (2)(a) or (b), the statement must be given to the proposed occupier not later than the chosen date.
- (4) If any express term other than a site rule—
 - (a) is contained in an agreement to which this Act applies, but
 - (b) was not set out in a written statement given to the proposed occupier in accordance with subsections (1) to (3),
 the term is unenforceable by the owner or any person within section 53(1); but this is subject to any order made by the appropriate judicial body under section 50(3).
- (5) If the owner has failed to give the occupier a written statement in accordance with subsections (1) to (3) the occupier may, at any time after the making of the agreement, apply to the appropriate judicial body for an order requiring the owner—
 - (a) to give the occupier a written statement which complies with paragraphs (a) to (e) of subsection (1) (read with any modifications necessary to reflect the fact that the agreement has been made), and
 - (b) to do so not later than such date as is specified in the order.
- (6) A statement required to be given to a person under this section may be either delivered to the person personally or sent to the person by post.
- (7) Any reference in this section to the making of an agreement to which this Part applies includes a reference to any variation of an agreement by virtue of which the agreement becomes one to which this Part applies.
- (8) Subsections (2), (3) and (5) do not apply in relation to a person occupying or proposing to occupy a transit pitch on a local authority Gypsy and Traveller site; and in such a case the reference in subsection (4) to subsections (1) to (3) is to be treated as a reference to subsection (1).

50 Terms of agreements

- (1) The applicable terms set out in Part 1 of Schedule 2 are implied in any agreement to which this Part applies; and this subsection has effect despite any express term of the agreement.
- (2) The appropriate judicial body may, on the application of either party made within the relevant period, order that terms concerning the matters mentioned in Part 2 of Schedule 2 are to be implied in the agreement.
- (3) The appropriate judicial body may, on the application of either party made within the relevant period, make an order—
 - (a) varying or deleting any express term of the agreement other than a site rule,
 - (b) in the case of any express term to which section 49(4) applies other than a site rule, providing for the term to have full effect or to have such effect subject to any variation specified in the order.

- (4) In subsections (2) and (3) “the relevant period” means the period beginning with the date on which the agreement is made and ending—
- (a) 6 months after that date, or
 - (b) where a written statement relating to the agreement is given to the occupier after that date (whether or not in compliance with an order under section 49(5)), 6 months after the date on which the statement is given;
- and subsection (7) of section 49 applies for the purposes of this subsection as it applies for the purposes of that section.
- (5) On an application under this section, the appropriate judicial body must make such provision as it considers just and equitable in the circumstances.
- (6) Subsections (2) to (4) do not apply in relation to a person occupying or proposing to occupy a transit pitch on a local authority Gypsy and Traveller site.

51 Power to amend implied terms

- (1) The Welsh Ministers may by order make such amendments of Schedule 2, apart from paragraph 11, as they consider appropriate.
- (2) Without prejudice to the generality of subsection (1), an order under this section may—
- (a) make provision for or in connection with the determination by the court or a tribunal of such questions, or the making by the court or a tribunal of such orders, as are specified in the order, or
 - (b) make such amendments of any other provision of this Part as the Welsh Ministers consider appropriate in consequence of any amendment made in Schedule 2 by the order.

52 Site rules

- (1) In the case of a protected site, other than a local authority Gypsy and Traveller site, for which there are site rules, each of the rules is to be an express term of each agreement to which this Part applies that relates to a pitch on the site (including an agreement made before commencement or one made before the making of the rules).
- (2) The “site rules” for a protected site are rules made by the owner, in accordance with such procedure as may be prescribed by regulations made by the Welsh Ministers, which relate to—
- (a) the management and conduct of the site, or
 - (b) such other matters as may be prescribed by regulations made by the Welsh Ministers.
- (3) Any rules made by the owner before the coming into force of this section which relate to a matter mentioned in subsection (2) cease to have effect at the end of such period beginning with the day on which this section comes into force as may be prescribed by regulations made by the Welsh Ministers.
- (4) Site rules come into force at the end of such period beginning with the first consultation day as may be prescribed by regulations made by the Welsh Ministers, if before the end of that period a copy of the rules is deposited with the local authority in whose area the protected site is situated.

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- (5) Where a site rule is varied, the rule as varied comes into force at the end of such period beginning with the first consultation day as may be prescribed by regulations made by the Welsh Ministers, if—
- (a) the rule is varied in accordance with the procedure prescribed by regulations made by the Welsh Ministers, and
 - (b) a copy of the rule as varied is before the end of that period deposited with the local authority in whose area the protected site is situated.
- (6) Where a site rule is deleted, the deletion comes into force at the end of such period beginning with the first consultation day as may be prescribed by regulations made by the Welsh Ministers, if—
- (a) the rule is deleted in accordance with such procedure as may be prescribed by regulations made by the Welsh Ministers, and
 - (b) notice of the deletion is deposited before the end of that period deposited with the local authority in whose area the protected site is situated.
- (7) The Welsh Ministers may by regulations provide that a site rule may not be made, varied or deleted unless a proposal to make, vary or delete the rule is notified to the occupiers of mobile homes on the site in question in accordance with the regulations.
- (8) The Welsh Ministers may by regulations provide that site rules, or rules such as are mentioned in subsection (3), are of no effect in so far as they make provision in relation to matters prescribed by the regulations.
- (9) The Welsh Ministers may by regulations make provision as to the resolution of disputes—
- (a) relating to a proposal to make, vary or delete a site rule,
 - (b) as to whether the making, variation or deletion of a site rule was in accordance with the applicable procedure prescribed by the regulations,
 - (c) as to whether a deposit required to be made by virtue of subsection (4), (5) or (6) was made before the end of the relevant period.
- (10) Provision under subsection (9) may confer functions on a tribunal.
- (11) The Welsh Ministers may by regulations—
- (a) require a local authority to establish and keep up to date a register of site rules in respect of protected sites in its area,
 - (b) require a local authority to publish the up-to-date register,
 - (c) provide that any deposit required to be made by virtue of subsection (4), (5) or (6) must be accompanied by a fee of such amount as the local authority may determine.
- (12) In this section “first consultation day” means the day on which a proposal made under regulations under subsection (7) is notified to the occupiers of mobile homes on the site in accordance with the regulations.

53 Successors in title

- (1) An agreement to which this Part applies is binding on, and has effect for the benefit of, any successor in title of the owner and any person claiming through or under the owner or any such successor.

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- (2) Where an agreement to which this Part applies is lawfully assigned to any person, the agreement has effect for the benefit of, and is binding on, that person.
- (3) Where a person entitled to the benefit of and bound by an agreement to which this Part applies dies, the agreement has effect for the benefit of, and is binding on—
 - (a) any person residing in the mobile home as that person's only or main residence at that time, being—
 - (i) the widow, widower or surviving civil partner of the deceased or the surviving partner of an enduring family relationship of the deceased, or
 - (ii) in default of a person within sub-paragraph (i) residing in the mobile home as that person's only or main residence at that time, any member of the deceased's family, or
 - (b) in default of any such person residing in the mobile home as that person's only or main residence at that time, the person entitled to the mobile home by virtue of the deceased's will or under the law relating to intestacy, but subject to subsection (4).
- (4) An agreement to which this Act applies does not have effect for the benefit of, and is not binding on, a person by virtue of subsection (3)(b) in so far as—
 - (a) it would, but for this subsection, enable or require that person to occupy the mobile home, or
 - (b) it includes terms implied by virtue of paragraph 6, 12, 13, 39 or 41 of Schedule 2.

54 Jurisdiction of a tribunal or the court

- (1) A tribunal has jurisdiction—
 - (a) to determine any question arising under this Part or any agreement to which it applies, and
 - (b) to entertain any proceedings brought under this Part or any such agreement, subject to subsections (2) to (6).
- (2) Subsection (1) applies in relation to a question irrespective of anything contained in an arbitration agreement which has been entered into before that question arose.
- (3) The court has jurisdiction—
 - (a) to determine any question arising by virtue of paragraph 5, 6, 7(1)(b), 38, 39 or 40(1)(b) of Schedule 2 under this Part or any agreement to which it applies, and
 - (b) to entertain any proceedings arising by virtue of any of those provisions brought under this Part or any such agreement, subject to subsections (4) to (6).
- (4) Subsection (5) applies if the owner and occupier have entered into an arbitration agreement before the question mentioned in subsection (3)(a) arises and the agreement applies to that question.
- (5) A tribunal has jurisdiction to determine the question and entertain any proceedings arising instead of the court.

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- (6) Subsection (5) applies irrespective of anything contained in the arbitration agreement mentioned in subsection (4).

55 Interpretation

- (1) In this Part—

“the appropriate judicial body” (*“corff barnwrol priodol”*) means whichever of the court or a tribunal has jurisdiction under section 54;

“arbitration agreement” (*“cytundeb cymrodeddu”*) means an agreement in writing to submit to arbitration any question arising under this Part or any agreement to which it applies;

“the court” (*“y llys”*) means the county court for the district in which the protected site is situated or, where the parties have entered into an arbitration agreement that applies to the question to be determined, the arbitrator;

“occupier” (*“meddiannydd”*) has the meaning given by section 48(2) (but see also subsection (2)(b));

“permanent pitch” (*“llain barhaol”*) means a pitch which is not a transit pitch;

“pitch” (*“llain”*) means the land, forming part of a protected site and including any garden area, on which an occupier is entitled to station a mobile home under the terms of an agreement;

“transit pitch” (*“llain dramwy”*) means a pitch on which a person is entitled to station a mobile home under the terms of an agreement for a fixed period of up to 3 months;

“tribunal” (*“tribiwnlys”*) means a residential property tribunal or, where the parties have entered into an arbitration agreement that applies to the question to be determined and that question arose before the agreement was made, the arbitrator;

“site rules” (*“rheolau safle”*) has the meaning given by section 52(2).

- (2) In relation to an agreement to which this Part applies—

- (a) any reference in this Part to the owner includes a reference to any person who is bound by and entitled to the benefit of the agreement by virtue of subsection (1) of section 53, and
- (b) subject to subsection (4) of that section, any reference in this Part to the occupier includes a reference to any person who is entitled to the benefit of and bound by the agreement by virtue of subsection (2) or (3) of that section.

- (3) For the purposes of this Part the following are members of a person’s family—

- (a) the person’s spouse or civil partner or any person who lives together with the person as a partner in an enduring family relationship,
- (b) the person’s parents, grandparents, children and grandchildren (including any person who is in that relationship by virtue of a marriage or civil partnership or an enduring family relationship) and any other person treated by the person as a child of the person’s family, and
- (c) the person’s brothers, sisters, uncles, aunts, nephews and nieces (including any person who is in that relationship by virtue of a marriage or civil partnership or an enduring family relationship).