

Status: Point in time view as at 01/10/2014.

Changes to legislation: There are currently no known outstanding effects for the Mobile Homes (Wales) Act 2013, SCHEDULE 1. (See end of Document for details)

SCHEDULE 1

(introduced by section 2)

SITES WHICH ARE NOT REGULATED SITES

Use within curtilage of dwelling house

- 1 A site is not a regulated site by virtue of being used in a way which is incidental to the enjoyment of a dwelling house within the curtilage of which the land is situated.

Commencement Information

- II** Sch. 1 para. 1 in force at 1.10.2014 by S.I. 2014/11, art. 3(1)(a) (with art. 4)

Use by a person travelling with a mobile home for 1 or 2 nights

- 2 Subject to paragraph 14, a site is not a regulated site by virtue of being used by a person travelling with a mobile home who brings the mobile home on to the land for a period which includes not more than 2 nights—
- (a) if during that period no other mobile home is stationed for the purposes of human habitation on that land or any adjoining land in the same ownership, and
 - (b) if, in the period of 12 months ending with the day on which the mobile home is brought on to the land, the number of days on which a mobile home was stationed anywhere on that land or that adjoining land for the purposes of human habitation did not exceed 28.

Commencement Information

- I2** Sch. 1 para. 2 in force at 1.10.2014 by S.I. 2014/11, art. 3(1)(a) (with art. 4)

Use of holdings of 20,000 m² or more in certain circumstances

- 3 (1) Subject to paragraph 14, a site is not a regulated site on any day if it comprises, together with any adjoining land which is in the same ownership and has not been built on, not less than 20,000 square metres and in the period of 12 months preceding that day—
- (a) the number of days on which a mobile home was stationed anywhere on that land or on that adjoining land for the purposes of human habitation did not exceed 28, and
 - (b) not more than 3 mobile homes were stationed anywhere on that land or on that adjoining land for the purposes of human habitation at any one time.
- (2) The Welsh Ministers may by order provide that in any such area as may be specified in the order this paragraph is to have effect as if—
- (a) for the reference in the sub-paragraph (1) to 20,000 square metres there were substituted a reference to such smaller area as is specified in the order, or
 - (b) for the condition specified in paragraph (a) of that sub-paragraph there were substituted a condition that the use in question falls between such dates in any year as may be specified in the order.

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- (3) The Welsh Ministers may make different orders under sub-paragraph (2) in relation to different areas.
- (4) An order under sub-paragraph (2) is to come into force on the date specified in the order, being a date not less than 3 months after the order is made.
- (5) The Welsh Ministers must publish notice of an order under sub-paragraph (2) in a local newspaper circulating in the locality affected by the order and in such other ways as appear to them appropriate for the purpose of drawing the attention of the public to the order.

Commencement Information

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

Sites owned and supervised by exempted organisations

- 4 Subject to paragraph 14, a site is not a regulated site if it is owned by an organisation which holds a certificate of exemption granted under paragraph 13 (an “exempted organisation”) and it is used for purposes of recreation under the supervision of the exempted organisation.

Commencement Information

I4 Sch. 1 para. 4 in force at 1.10.2014 by S.I. 2014/11, art. 3(1)(a) (with art. 4)

Sites approved by exempted organisations

- 5 (1) Subject to paragraph 14, a site is not a regulated site if there is in force in respect of it a certificate issued under this paragraph by an exempted organisation and not more than 5 mobile homes are at the time stationed for the purposes of human habitation on the land to which the certificate relates.
- (2) For the purposes of this paragraph an exempted organisation may issue as respects any land a certificate stating that the land has been approved by the exempted organisation for use by its members for the purposes of recreation.
- (3) The certificate must be issued to the owner of the land to which it relates, and the exempted organisation must send particulars to the Welsh Ministers of all certificates issued by the exempted organisation under this paragraph.
- (4) A certificate issued by an exempted organisation under this paragraph must specify the date on which it is to come into force and the period for which it is to continue in force, being a period not exceeding a year.

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I5 Sch. 1 para. 5 in force at 1.10.2014 by S.I. 2014/11, art. 3(1)(a) (with art. 4)

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Meetings organised by exempted organisations

- 6 Subject to paragraph 14, a site is not a regulated site if the use of the site is under the supervision of an exempted organisation and is in pursuance of arrangements made by that organisation for a meeting for its members lasting not more than 5 days.

Commencement Information

I6 Sch. 1 para. 6 in force at 1.10.2014 by S.I. 2014/11, art. 3(1)(a) (with art. 4)

Agricultural and forestry workers

- 7 Subject to paragraph 14, a site is not a regulated site if it is agricultural land used for the accommodation during a particular season of a person or persons employed in farming operations on land in the same ownership.

Commencement Information

I7 Sch. 1 para. 7 in force at 1.10.2014 by S.I. 2014/11, art. 3(1)(a) (with art. 4)

- 8 Subject to paragraph 14, a site is not a regulated site if it is used for the accommodation during a particular season of a person employed on land in the same ownership, being land used for the purposes of forestry (including afforestation).

Commencement Information

I8 Sch. 1 para. 8 in force at 1.10.2014 by S.I. 2014/11, art. 3(1)(a) (with art. 4)

Building and engineering sites

- 9 Subject to paragraph 14, a site is not a regulated site if it forms part of, or adjoins, land on which building or engineering operations are being carried out (being operations for the carrying out of which planning permission has, if required, been granted) and is used is for the accommodation of a person or persons employed in connection with the operations.

Commencement Information

I9 Sch. 1 para. 9 in force at 1.10.2014 by S.I. 2014/11, art. 3(1)(a) (with art. 4)

Travelling showmen

- 10 (1) Subject to paragraph 14, a site is not a regulated site by virtue of being used by a travelling showman who is a member of an organisation of travelling showmen which holds a certificate granted under this paragraph and who is, at the time, travelling for the purposes of business or who has taken up winter quarters on the land with equipment for some period falling between the beginning of October in any year and the end of March in the following year.

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- (2) For the purposes of this paragraph the Welsh Ministers may grant a certificate to any organisation recognised by them as confining its membership to bona fide travelling showmen; and a certificate may be withdrawn by the Welsh Ministers at any time.

Commencement Information

I10 Sch. 1 para. 10 in force at 1.10.2014 by S.I. 2014/11, art. 3(1)(a) (with art. 4)

Sites owned by local authority

- 11 A site is not a regulated site if it is owned by the local authority.

Modifications etc. (not altering text)

C1 Sch. 1 para. 11 modified by 1995 c. 25, Sch. 9 para. 4A(b) (as inserted (5.11.2013) by *Mobile Homes (Wales) Act 2013 (anaw 6)*, s. 64(1), **Sch. 4 para. 8(3)** (with **Sch. 5 para. 7**) (this amendment is to be treated as not having effect until 1.10.2014 by virtue of S.I. 2014/11, art. 3(2)))

Commencement Information

I11 Sch. 1 para. 11 in force at 1.10.2014 by S.I. 2014/11, art. 3(1)(a) (with art. 4)

Temporary exemption after death of, or other change in, owner

- 12 (1) Where the holder of a site licence for a regulated site dies, or there is a change in who is the owner of a site in respect of which a site licence is in force for any other reason, the site is not a regulated site during the period of 3 months beginning with the day of the death or change of owner (the “initial exempt period”).
- (2) If at any time during the initial exempt period, or any subsequent period specified under this sub-paragraph, the personal representatives of the dead owner or the new owner applies to the local authority in whose area the site is, the local authority may by notice issued to the applicant provide that the site is not to be a regulated site during the period specified in the notice.
- (3) If a local authority decides to refuse an application under sub-paragraph (2) the local authority must give the applicant notice of that decision and the reasons for it.

Commencement Information

I12 Sch. 1 para. 12 in force at 1.10.2014 by S.I. 2014/11, art. 3(1)(a) (with art. 4)

Certification of exempted organisations

- 13 (1) For the purposes of paragraphs 4, 5 and 6 the Welsh Ministers may grant a certificate of exemption to any organisation as to which they are satisfied that its objects include the encouragement or promotion of recreational activities.
- (2) A certificate granted under this paragraph may be withdrawn by the Welsh Ministers at any time.

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I13 Sch. 1 para. 13 in force at 1.10.2014 by S.I. 2014/11, art. 3(1)(a) (with art. 4)

Power to withdraw exceptions

- 14 (1) The Welsh Ministers may, on the application of a local authority, by order provide that, in relation to such land situated in its area as may be specified in the order, this Schedule is to have effect as if paragraphs 2 to 10, or such one or more of those paragraphs as is specified in the order, were omitted from this Schedule.
- (2) An order under this paragraph—
- (a) comes into force on the date specified in it, and
 - (b) may be varied or revoked by a subsequent order only on the application of the local authority on whose application it was made.
- (3) Not less than 3 months before an order under this paragraph comes into force, the local authority on whose application it was made must cause a notice setting out the effect of the order and the date on which it comes into force to be published in a local newspaper circulating in the locality in which the land to which the order relates is situated.
- (4) Sub-paragraph (3) does not apply in the case of an order the sole effect of which is to revoke in whole or part a previous order.

Commencement Information

I14 Sch. 1 para. 14 in force at 1.10.2014 by S.I. 2014/11, art. 3(1)(a) (with art. 4)

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