

# MOBILE HOMES (WALES) ACT 2013

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 3 - Protection from eviction**

96. This Part derives from the Caravan Sites Act 1968 (“the 1968 Act”) and has been amended to provide additional clarity and consistency.

#### ***Section 40 – Application of Part***

97. This section is derived from section 1(1) of the 1968 Act and ensures that the protection in Part 3 is applied to anyone who has a licence or a contract under which a person is entitled to:
- a. station a mobile home on a protected site to occupy it as the person’s residence, or,
  - b. move into a mobile home that was already on site.

#### ***Section 41 – Minimum length of notice***

98. This section provides that where a residential contract requires notice of termination that notice must be not less than 4 weeks notice before the date it is to take effect must be given.

#### ***Sections 42 - Protection of occupiers against eviction and harassment, false information etc.***

99. **Section 42** restates section 3 of the 1968 Act with some amendments. In subsection (4), the word “persistently” has been removed so that an offence is committed under this subsection if a person withdraws or withholds services or facilities reasonably required for the occupation of the mobile home. The same amendment is reflected in subsection (5), so that an offence is committed if the owner of a protected site or his or her agent withdraws or withholds services or facilities reasonably required for the occupation of the mobile home as a residence on the site.
100. Subsection (6) creates a new offence. The owner of a protected site, or their agent, commits an offence if, during the lifetime of a residential contract, they knowingly or recklessly provide information or make a representation to a person which is false or misleading. In addition, the owner or agent must know, or have reasonable cause to believe, that taking this action is likely to:-
- cause the occupier to abandon occupation of the mobile home or remove it from the site,
  - cause the occupier not to exercise any right or pursue any remedy in relation to that; or
  - cause a person who is considering whether to purchase or occupy the mobile home to decide not to do so.

***Section 43 – Offences under Section 42 supplementary***

101. Under subsection (1), it is a defence in proceedings for an offence of contravening section 42(2) or (3) to prove that the accused believed and had reasonable cause to believe that the occupier of the mobile home ceased to reside there. In subsection (2), in proceedings for an offence contravening section 42(5) it is a defence to prove that the accused had reasonable grounds for withdrawing or withholding services or facilities.
102. Under subsection (3), the penalty for an offence under section 42 is on summary conviction (magistrates court) is to a fine, or to imprisonment for a term not exceeding 12 months, or to both and on conviction on indictment (crown court), to a fine or two years' imprisonment or to both.

***Section 44 – Provision for suspension of eviction orders***

103. [Section 44](#) sets out the circumstances when a court can suspend the enforcing of an order it has made to evict the occupier from a site for a period not exceeding 12 months.