

Mobile Homes (Wales) Act 2013

2013 anaw 6

PART 3

PROTECTION FROM EVICTION

44 Provision for suspension of eviction orders

- (1) If in proceedings by the owner of a protected site the court makes an order for enforcing in relation to the site any such right as is mentioned in section 42(3), the court may (without prejudice to any power apart from this section to postpone the operation or suspend the execution of an order) suspend the enforcement of the order for such period not exceeding 12 months from the date of the order as the court thinks reasonable.
- (2) Where the court by virtue of this section suspends the enforcement of an order, it may impose such terms and conditions, including conditions as to the payment of rent or other periodical payments or of arrears of such rent or payments, as the court thinks reasonable.
- (3) The court may from time to time, on the application of either party, extend, reduce or terminate the period of suspension ordered, or vary any terms or conditions imposed, but may not extend the period of suspension for more than 12 months at a time.
- (4) In considering whether or how to exercise its powers under this section, the court must have regard to all the circumstances which include (but are not limited to) the questions—
 - (a) whether the occupier of the mobile home has failed, whether before or after the expiry or determination of the relevant residential contract, to observe any terms or conditions of that contract, any conditions of the site licence, or any reasonable rules made by the owner of the protected site for the management and conduct of the site or the maintenance of mobile homes on it,
 - (b) whether the occupier of the mobile home has unreasonably refused an offer by the owner to renew the residential contract or make another residential contract for a reasonable period and on reasonable terms, and

Changes to legislation: There are currently no known outstanding effects for the Mobile Homes (Wales) Act 2013, Section 44. (See end of Document for details)

- (c) whether the occupier of the mobile home has failed to make reasonable efforts to obtain elsewhere other suitable accommodation for the mobile home or another suitable mobile home and accommodation for it.
- (5) Where the court makes an order such as is mentioned in subsection (1) but suspends the enforcement of the order, the court may not make any order for costs unless it appears to the court, having regard to the conduct of the owner of the protected site or of the occupier of the mobile home, that the circumstances of the case are exceptional.
- (6) The court may not suspend the enforcement of an order by virtue of this section if—
- (a) no site licence is in force in respect of the site, and
 - (b) the site is not owned by a local authority;
- and where a site licence in respect of the site is expressed to expire at the end of a specified period, the period for which enforcement may be suspended by virtue of this section does not extend beyond the expiry of the site licence.

Commencement Information

II S. 44 in force at 1.10.2014 by S.I. 2014/11, art. 3(1)(c) (with art. 4)

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