



OFFERYNNAU STATUDOL  
CYMRU

WELSH STATUTORY  
INSTRUMENTS

**2014 Rhif 11 (Cy. 1) (C. 1)**

**2014 No. 11 (W. 1) (C. 1)**

**CARTREFI SYMUDOL,  
CYMRU**

**MOBILE HOMES, WALES**

Gorchymyn Deddf Cartrefi  
Symudol (Cymru) 2013 (Cychwyn,  
Darpariaethau Trosiannol ac Arbed)  
2014

The Mobile Homes (Wales) Act  
2013 (Commencement, Transitional  
and Saving Provisions) Order 2014

**NODYN ESBONIADOL**

*(Nid yw'r nodyn hwn yn rhan o'r Gorchymyn)*

Mae'r Gorchymyn hwn, a wnaed gan Weinidogion Cymru, yn dwyn gweddill Deddf Cartrefi Symudol (Cymru) 2013 ("Deddf 2013") i rym mewn dau gam. Mae'r Gorchymyn hefyd yn gwneud darpariaethau trosiannol ac arbed o dan Ddeddf 2013.

Mae erthygl 2 yn cychwyn darpariaethau penodol yn Neddf 2013 ar 7 Ionawr 2014, at ddibenion gwneud rheoliadau.

Mae erthygl 3(1) yn dwyn gweddill Deddf 2013, h.y. Rhannau 1 i 5 (ac Atodlenni 1 i 3) i rym ar 1 Hydref 2014. Mae erthygl 3(2) yn gwneud darpariaeth drosiannol mewn perthynas ag Atodlen 4 i Ddeddf 2013.

Mae erthygl 4 yn gwneud darpariaethau arbed mewn perthynas â gwerthu cartref symudol neu roi cartref symudol yn anrheg o dan Bennod 2 o Ran 1 o Atodlen 1 i Ddeddf Cartrefi Symudol 1983 sy'n golygu, pan fo meddiannydd cartref symudol, cyn 1 Hydref 2014, wedi cyflwyno cais i berchennog safle am gymeradwyo'r person y mae'r meddiannydd yn bwriadu gwerthu'r cartref symudol iddo, neu roi'r cartref symudol yn anrheg iddo, y caiff y trafodiad fynd rhagddo (os mai hynny yw dymuniad y meddiannydd) o dan y darpariaethau statudol presennol.

Daeth Rhan 6 o Ddeddf 2013 i rym drannoeth y diwrnod y cafodd Deddf 2013 y Cydsyniad Brenhinol.

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order, made by the Welsh Ministers, brings into force the remainder of the Mobile Homes (Wales) Act 2013 ("the 2013 Act") in two stages. The Order also makes transitional and saving provisions under the 2013 Act.

Article 2 commences certain provisions of the 2013 Act on 7 January 2014, for the purposes of making regulations.

Article 3(1) brings the remainder of the 2013 Act, i.e. Parts 1 to 5 (and Schedules 1 to 3) into force on 1 October 2014. Article 3(2) makes a transitional provision in respect of Schedule 4 to the 2013 Act.

Article 4 makes saving provisions in respect of the sale or gift of a mobile home under Chapter 2 of Part 1 of Schedule 1 to the Mobile Homes Act 1983 so that where, prior to 1 October 2014, an occupier of a mobile home has served a request on a site owner for the approval of the person to whom the occupier proposes to sell or gift the mobile home, the transaction may proceed (if the occupier so wishes) under the existing statutory provisions.

Part 6 of the 2013 Act came into force on the day after the 2013 Act received Royal Assent.

**2014 Rhif 11 (Cy. 1) (C. 1)**

**CARTREFI SYMUDOL,  
CYMRU**

Gorchymyn Deddf Cartrefi  
Symudol (Cymru) 2013 (Cychwyn,  
Darpariaethau Trosiannol ac Arbed)  
2014

*Gwnaed*

*6 Ionawr 2014*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd iddynt gan adrannau 58(3)(b), 63(1), 63(9), 64(2) a (3) o Ddeddf Cartrefi Symudol (Cymru) 2013(1), yn gwneud y Gorchymyn a ganlyn.

**Enwi a dehongli**

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Cartrefi Symudol (Cymru) 2013 (Cychwyn, Darpariaethau Trosiannol ac Arbed) 2014.

(2) Yn y Gorchymyn hwn—

ystyr “Deddf 1983” (“*the 1983 Act*”) yw Deddf Cartrefi Symudol 1983(2);

ystyr “Deddf 2013” (“*the 2013 Act*”) yw Deddf Cartrefi Symudol (Cymru) 2013; a

mae i “tribiwnlys” (“*tribunal*”) yr ystyr a roddir yn adran 55(1) o Ddeddf 2013.

**Y darpariaethau sy'n dod i rym ar 7 Ionawr 2014**

2. At ddibenion gwneud rheoliadau, y diwrnod penodedig i ddarpariaethau canlynol Rhan 4 o Ddeddf 2013, ac Atodlen 2 iddi, ddod i rym yw 7 Ionawr 2014—

(a) adran 52 (rheolau safle);

(b) ym Mhennod 2 o Ran 1 o Atodlen 2 (cytundebau cartrefi symudol)—

**2014 No. 11 (W. 1) (C. 1)**

**MOBILE HOMES, WALES**

The Mobile Homes (Wales) Act  
2013 (Commencement, Transitional  
and Saving Provisions) Order 2014

*Made*

*6 January 2014*

The Welsh Ministers, in exercise of the powers conferred upon them by sections 58(3)(b), 63(1), 63(9), 64(2) and (3) of the Mobile Homes (Wales) Act 2013(1), make the following Order.

**Title and interpretation**

1.—(1) The title of this Order is the Mobile Homes (Wales) Act 2013 (Commencement, Transitional and Saving Provisions) Order 2014.

(2) In this Order—

“the 1983 Act” (“*Deddf 1983*”) means the Mobile Homes Act 1983(2);

“the 2013 Act” (“*Deddf 2013*”) means the Mobile Homes (Wales) Act 2013; and

“tribunal” (“*tribiwnlys*”) has the meaning given in section 55(1) of the 2013 Act.

**Provisions coming into force on 7 January 2014**

2. For the purposes of making regulations, the appointed day for the coming into force of the following provisions of Part 4 of, and Schedule 2 to, the 2013 Act is 7 January 2014—

(a) section 52 (site rules);

(b) in Chapter 2 of Part 1 of Schedule 2 (mobile home agreements) —

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(1) 2013 decc 6.  
(2) 1983 p.34.

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(1) 2013 anaw 6.  
(2) 1983 c.34.

- (i) paragraffau 9 i 13 (gwerthu cartref symudol a rhoi cartref symudol yn anrheg); a
- (ii) paragraff 23 (dogfen mewn perthynas â chynyddu'r ffi am y llain).

#### **Y darpariaethau sy'n dod i rym ar 1 Hydref 2014**

3.—(1) Y diwrnod penodedig i ddarpariaethau canlynol Deddf 2013 ddod i rym yw 1 Hydref 2014—

- (a) Rhan 1 o Ddeddf 2013 (cyflwyniad), ac Atodlen 1 iddi;
- (b) Rhan 2 o Ddeddf 2013 (trwyddedu safleoedd cartrefi symudol, etc.);
- (c) Rhan 3 o Ddeddf 2013 (amddiffyn rhag troi allan);
- (d) Rhan 4 o Ddeddf 2013 (cytundebau cartrefi symudol), ac Atodlen 2 iddi, gan gynnwys gweddill adran 52 o Ran 4 a pharagraffau 9 i 13 a pharagraff 23 o Bennod 2 o Ran 1 o Atodlen 2; ac
- (e) Rhan 5 o Ddeddf 2013 (pwerau'r awdurdodau lleol), ac Atodlen 3 iddi.

(2) Mae'r diwygiadau canlyniadol yn Atodlen 4 i Ddeddf 2013 i gael eu trin, felly, fel rhai nad ydynt yn cael effaith hyd 1 Hydref 2014.

#### **Darpariaethau Arbed - gwerthu cartref symudol neu roi cartref symudol yn anrheg**

4.—(1) Daw'r erthygl hon i rym ar 1 Hydref 2014.

(2) Mae'r erthygl hon yn gymwys pan fo meddiannydd cartref symudol, cyn 1 Hydref 2014, wedi cyflwyno cais i berchennog o dan baragraff 8(1A) o Bennod 2 o Ran 1 o Atodlen 1 i Ddeddf 1983 (gwerthiannau) (gan gynnwys o dan y ddarpariaeth honno fel y'i cymhwysir gan baragraff 9(2) o'r Bennod honno (anrhegion)).

(3) Er gwaethaf erthygl 3—

- (a) nid yw paragraffau 9 i 13 o Bennod 2 o Ran 1 o Atodlen 2 i Ddeddf 2013 yn gymwys mewn perthynas â'r cais; a
- (b) bydd paragraff 8 neu 9 (yn ôl fel y digwydd) o Bennod 2 o Ran 1 o Atodlen 1 i Ddeddf 1983 yn parhau i fod yn gymwys mewn perthynas â'r cais.

(4) Mae'r tribiwnlys i barhau i fod ag awdurdodaeth i ystyried unrhyw achosion a gyflwynir o dan baragraff 8(1E) o Bennod 2 o Ran 1 o Atodlen 1 i Ddeddf 1983 ac mae adran 4 o Ddeddf 1983 (awdurdodaeth y tribiwnlys neu'r llys: Cymru a Lloegr) i barhau i gael effaith ar gyfer yr achosion hynny.

- (i) paragraphs 9 to 13 (sale and gift of mobile home); and

- (ii) paragraph 23 (document in respect of increasing the pitch fee).

#### **Provisions coming into force on 1 October 2014**

3.—(1) The appointed day for the coming into force of the following provisions of the 2013 Act is 1 October 2014—

- (a) Part 1 of, and Schedule 1 to, the 2013 Act (introduction);
- (b) Part 2 of the 2013 Act (licensing of mobile home sites, etc.);
- (c) Part 3 of the 2013 Act (protection from eviction);
- (d) Part 4 of, and Schedule 2 to, the 2013 Act (mobile home agreements) including the remainder of section 52 of Part 4 and paragraphs 9 to 13 and paragraph 23 of Chapter 2 of Part 1 of Schedule 2; and
- (e) Part 5 of, and Schedule 3 to, the 2013 Act (powers of local authorities).

(2) The consequential amendments in Schedule 4 to the 2013 Act are therefore to be treated as not having effect until 1 October 2014.

#### **Saving Provisions – sale or gift of a mobile home**

4.—(1) This article comes into force on 1 October 2014.

(2) This article applies where, before 1 October 2014, the occupier of a mobile home has served on the owner a request under paragraph 8(1A) of Chapter 2 of Part 1 of Schedule 1 to the 1983 Act (sales) (including under that provision as applied by paragraph 9(2) of that Chapter (gifts)).

(3) Notwithstanding article 3—

- (a) paragraphs 9 to 13 of Chapter 2 of Part 1 of Schedule 2 to the 2013 Act do not apply in relation to the request; and
- (b) paragraph 8 or 9 (as the case may be) of Chapter 2 of Part 1 of Schedule 1 to the 1983 Act is to continue to apply in relation to the request.

(4) The tribunal is to continue to have jurisdiction to entertain any proceedings brought under paragraph 8(1E) of Chapter 2 of Part 1 of Schedule 1 to the 1983 Act and section 4 of the 1983 Act (jurisdiction of the tribunal or court: England and Wales) is to continue to have effect for those proceedings.

(5) Mae'r arbediad ym mharagraff (3) yn peidio â bod yn gymwys mewn perthynas â'r cais—

- (a) os yw'r meddiannydd, ar ôl gwneud cais o'r math a grybwyllir ym mharagraff 8(1E) o Bennod 2 o Ran 1 o Atodlen 1 i Ddeddf 1983 bod y person y bwriedir gwerthu'r cartref symudol iddo neu ei roi iddo yn anrheg yn cael ei gymeradwyo—
  - (i) yn tynnu'r cais yn ôl; a
  - (ii) yn cyflwyno hysbysiad ysgrifenedig i'r perchennog yn tynnu'r cais yn ôl; neu
- (b) mewn unrhyw achos arall, os yw'r meddiannydd yn cyflwyno hysbysiad ysgrifenedig i'r perchennog yn tynnu'r cais yn ôl.

(6) Yn achos gwerthiant, os yw gwerthiant y cartref symudol ac aseiniad y cytundeb yn digwydd ar 1 Hydref 2014 neu wedi hynny, yna er gwaethaf erthygl 3—

- (a) nid yw paragraffau 9 i 13 o Ddeddf 2013 yn gymwys mewn perthynas â chomisiwn ar y gwerthiant; a
- (b) mae Gorchymyn Cartrefi Symudol (Comisiynau) 1983(1) i barhau i gael effaith at ddiben penderfynu swm y comisiwn sy'n ddyladwy i'r perchennog.

(5) The saving in paragraph (3) ceases to apply in relation to the request if—

- (a) the occupier, having made an application of the kind mentioned in paragraph 8(1E) of Chapter 2 of Part 1 of Schedule 1 to the 1983 Act, that the person to whom it is proposed to sell or give the mobile home is approved—
  - (i) withdraws the application; and
  - (ii) serves a notice in writing on the owner withdrawing the request; or
- (b) in any other case, the occupier serves a notice in writing on the owner withdrawing the request.

(6) If, in the case of a sale, the sale of the mobile home and the assignment of the agreement take place on or after 1 October 2014, then notwithstanding article 3—

- (a) paragraphs 9 to 13 of the 2013 Act do not apply in relation to commission on the sale; and
- (b) the Mobile Homes (Commissions) Order 1983(1) is to continue to have effect for the purpose of determining the amount of commission due to the owner.

*Carl Sargeant*

Y Gweinidog Tai ac Adfywio, un o Weinidogion Cymru

6 Ionawr 2014

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The Minister for Housing and Regeneration, one of the Welsh Ministers

6 January 2014

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