



# Mobile Homes (Wales) Act 2013

2013 anaw 6

## PART 6 **E+W**

### SUPPLEMENTARY AND GENERAL

#### **58 Consequential amendments and transitionals etc. **E+W****

- (1) Schedule 4 contains consequential amendments.
- (2) Schedule 5 contains transitional and transitory provisions and savings.
- (3) The Welsh Ministers may by order—
  - (a) make any other amendments (including repeals or revocations) of any enactment or instrument which are consequential on any provision made by this Act, and
  - (b) make any other transitional or transitory provision, or savings, which appear appropriate in connection with the coming into force of any provision of this Act.

#### **59 Liability of officers of bodies corporate **E+W****

- (1) Where a body corporate commits an offence under this Act and it is proved that—
  - (a) the offence was committed with the consent or connivance of an officer of the body corporate, or
  - (b) the offence was attributable to neglect on the part of an officer of the body corporate,the officer, as well as the body corporate, is guilty of the offence and is liable to be proceeded against and punished accordingly.
- (2) In subsection (1) “officer” means—
  - (a) a director, manager, secretary or similar officer of the body corporate,
  - (b) in the case of a body corporate whose affairs are managed by its members, a member of the body corporate, or
  - (c) a person purporting to act in a capacity mentioned in paragraph (a) or (b).

*Status: Point in time view as at 05/11/2013.*

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## 60 Meaning of “mobile home” **E+W**

- (1) In this Act “mobile home” means any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle designed or adapted for human habitation, but does not include—
- (a) any railway rolling stock which is for the time being on rails forming part of a railway system, or
  - (b) any tent.
- (2) A structure designed or adapted for human habitation which—
- (a) is composed of not more than 2 sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices, and
  - (b) is, when assembled, physically capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer),
- is not to be regarded as not being (or as not having been) a mobile home for the purposes of this Act by reason only that it cannot lawfully be moved on a highway when assembled.
- (3) For the purposes of this Act “mobile home” does not include a structure designed or adapted for human habitation which falls within subsection (2)(a) and (b) if its dimensions when assembled exceed any of the following limits, namely—
- (a) length (exclusive of any drawbar): 20 metres,
  - (b) width: 6.8 metres, and
  - (c) overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level): 3.05 metres.
- (4) The Welsh Ministers may by order substitute for any figure mentioned in subsection (3) such other figure as may be specified in the order.

## 61 Meaning of “qualifying residents' association” **E+W**

- (1) For the purposes of this Act an association is a “qualifying residents' association”, in relation to a site, if—
- (a) it is an association representing the occupiers of mobile homes on the site,
  - (b) occupiers of at least 50 per cent of those mobile homes are members of the association,
  - (c) it is independent from the owner of the site who, together with any agent or employee of the owner, is excluded from membership,
  - (d) subject to paragraph (c), membership is open to occupiers of all mobile homes on the site,
  - (e) its rules and constitution are open to public inspection and it maintains a list of members,
  - (f) it has a chairman, secretary and treasurer who are elected by and from among the members, and
  - (g) with the exception of administrative decisions taken by the chairman, secretary and treasurer acting in their official capacities, decisions are taken by voting and there is only 1 vote for each mobile home.
- (2) Only 1 occupier of each mobile home may be a member of the association; and, where there is more than 1 occupier of a mobile home, the one who is to be the member of the

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- association is whichever of them the occupiers agree or, in default of agreement, the one whose name appears first on the agreement to station the mobile home on the site.
- (3) An association is not a qualifying residents' association in relation to a site unless an up to date list of members has been lodged with the local authority in whose area the site is situated.
- (4) When a copy of the list of members of an association is lodged with a local authority, the local authority—
- (a) must take reasonable steps to ascertain whether occupiers of at least 50 per cent of the mobile homes on the site are members of the association, and
  - (b) must give notice in writing to the association and the owner stating whether or not it is satisfied that occupiers of at least 50 per cent of the mobile homes on the site are members of the association.
- (5) Where an association is given notice that the local authority is satisfied that occupiers of at least 50 per cent of the mobile homes on the site are members of the association, the duty to lodge an up to date copy of its list of members requires it to do so as soon as is reasonably practicable after any changes in its membership.
- (6) If it appears to the local authority at any time that the membership of a qualifying residents' association no longer includes occupiers of at least 50 per cent of the mobile homes on the site, the local authority must immediately give notice in writing to the association and the owner of the site that the association is no longer a qualifying residents' association.
- (7) In this section—
- “arbitration agreement” (“*cytundeb cymrodeddu*”) means an agreement in writing to submit to arbitration a question as to whether an association is a qualifying residents' association;
  - “occupier” (“*meddiannydd*”), in relation to a mobile home and a site, means a person who is entitled—
    - (a) to station the mobile home on the site, and
    - (b) to occupy the mobile home as the person's only or main residence; and
  - “tribunal” (“*tribiwnlys*”), in relation to the owner of a site and an association representing the occupiers of mobile homes on the site, means a residential property tribunal or, where the owner and the association have entered into an arbitration agreement that applies to any question whether the association is a qualifying residents' association arising before the arbitration agreement was made, the arbitrator.
- (8) The disclosure by a local authority to the public of a list of members of a qualifying residents' association which has been lodged with the local authority is to be treated for the purposes of section 41(1) of the Freedom of Information Act 2000 as a breach of confidence actionable by the members of the association; but nothing in this subsection applies to the disclosure of details of the chairman, secretary or treasurer.

## 62 Other interpretation **E+W**

In this Act, unless the context otherwise requires—

“Gypsies and Travellers” (“*Sipsiwn a Theithwyr*”) means persons of nomadic habit of life, whatever their race or origin, but does not include

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members of an organised group of travelling showpeople, or persons engaged in travelling circuses, travelling together as such;

“local authority” (“*awdurdod lleol*”) means the council of a Welsh county or county borough;

“local authority Gypsy and Traveller site” (“*safle Sipsiwn a Theithwyr awrdurdod lleol*”) has the meaning given by section 2(5);

“owner” (“*perchennog*”) is to be construed in accordance with section 3 (but see also sections 39(2), 42 and 55(2)) and related expressions are to be construed accordingly;

“pitch fee” (“*ffi am y llain*”) means the amount which the occupier of a mobile home is required by an agreement to pay for the right to station the mobile home on the pitch and for use of the common areas of the protected site and their maintenance, but does not include amounts due in respect of gas, electricity, water and sewerage or other services, unless the agreement expressly provides that the pitch fee includes such amounts;

“planning permission” (“*caniatâd cynllunio*”) means permission under Part 3 of the Town and Country Planning Act 1990;

“protected site” (“*safle gwarchoddedig*”) has the meaning given by section 2(2);

“regulated site” (“*safle rheoleiddiedig*”) has the meaning given by section 2(1);

“site licence” (“*trwydded safle*”) has the meaning given by section 5(1).

### 63 Orders and regulations etc. **E+W**

- (1) Any power of the Welsh Ministers to make an order or regulations under this Act is exercisable by statutory instrument.
- (2) Subsection (1) does not apply to the power in paragraph 14 of Schedule 1.
- (3) No order may be made under section 51 unless the Welsh Ministers have consulted—
  - (a) such organisations as appear to them to be representative of interests substantially affected by the order, and
  - (b) such other persons as they consider appropriate.
- (4) No order may be made under section 60(4) unless the Welsh Ministers have consulted such persons or bodies as appear to them to be concerned.
- (5) None of the following may be made unless a draft of the statutory instrument containing it or them has been laid before, and approved by a resolution of, the National Assembly for Wales—
  - (a) regulations under section 29(5),
  - (b) an order under section 51, or
  - (c) any order or regulations under this Act, other than an order under section 60(4), containing an amendment of an enactment.
- (6) A statutory instrument containing—
  - (a) regulations under section 49 or 52 or paragraph 9, 10, 12 or 13 of Schedule 2,
  - (b) the first regulations to be made under paragraph 11 or 23 of that Schedule,
  - (c) an order under section 58(3)(a), or
  - (d) an order under section 60(4),

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is subject to annulment in pursuance of a resolution of the National Assembly for Wales unless a draft of the statutory instrument has been approved in accordance with subsection (5).

- (7) A statutory instrument containing regulations under any provision of this Act other than paragraph 11 or 23 of Schedule 2 which is subject to annulment in pursuance of a resolution of the National Assembly for Wales may also contain regulations made under paragraph 11 or 23 of Schedule 2.
- (8) Any order or regulations under this Act may make different provision with respect to different cases or descriptions of case, including different provision for different areas or (in the case of regulations under paragraph 9 or 10 of Schedule 2) sales at different prices.
- (9) Any order or regulations under this Act may contain such incidental, supplementary, consequential, transitional or saving provisions as the Welsh Ministers consider appropriate.
- (10) Any guidance issued under this Act by the Welsh Ministers may be varied or withdrawn by them.

#### **64 Commencement** **E+W**

- (1) This Part comes into force on the day after the day on which this Act receives Royal Assent.
- (2) The other provisions of this Act come into force on a day appointed by order made by the Welsh Ministers.
- (3) An order under subsection (2) may appoint different days for different purposes.

#### **65 Short title** **E+W**

The short title of this Act is the Mobile Homes (Wales) Act 2013.

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