

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

MOBILE HOMES, WALES

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

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.

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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) —

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

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

- (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) 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

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

6 January 2014

(1) S.I. 1983/748.