

## HOLIDAY CARAVAN SITES (WALES) BILL

### TABLE OF DERIVATIONS

#### Introduction

1. This document is intended as an informal aid to consideration of the Holiday Caravan Sites (Wales) Bill in the National Assembly for Wales. While care has been taken to ensure that the document is accurate, it does not purport to be, and should not be relied on as, authoritative.
2. For a complete understanding of the derivations, readers are referred to the 1960 and 2013 Acts. Also, pages 43 - 49 of the Explanatory Memorandum set out a summary of the main differences between the Bill and the 2013 Act, which may be useful.
3. The table uses a combination of phrases to indicate from where a provision of the Bill has derived. As a general rule:

*'based on'* means that the wording has largely been copied word for word (but with some exceptions to remove extraneous and old-fashioned wording). However, there may still be additional wording included in the Bill, indicated by a comment in the 'substantive change' column.

*'based partly on'* means that only some of the wording has been copied word for word, but some wording has been omitted as it is unsuitable to be included in the Bill. Again, there may still be additional wording included in the Bill, indicated by a comment in the 'substantive change' column.

*'based partly on the 1960 Act, but modified to reflect the 2013 Act'* means that whilst the origin of the law is in the 1960 Act, the Bill uses the wording of the 2013 Act (because the 2013 Act modified the wording used in the 1960 Act). A comment in the 'substantive change' column indicates any additional wording included in the Bill.

4. One substantive change not specifically referred to in the table relates to the appeals process under the Bill. The 1960 Act provides for certain appeals to be made to the magistrates' court and for other appeals (relating to residential sites only) to be made to the residential property tribunal. The 2013 Act provides that such appeals are made to the residential property tribunal only. The Bill provides that all such appeals are made to the magistrates' court only. Given the intricate nature of these substantive changes, they are not specifically referred to in the table in order to aid clarity.

#### **Definitions used in the table**

**1960 Act** Caravan Sites and Control of Development Act 1960

**1968 Act** Caravan Sites Act 1968

**2011 Act** Caravans Act (Northern Ireland) 2011

**2013 Act** Mobile Homes (Wales) Act 2013

<b>TABLE OF DERIVATIONS</b>		
<b>SECTION / SCHEDULE</b>	<b>CORRESPONDING REFERENCE IN EXISTING LEGISLATION</b>	<b>SUBSTANTIVE CHANGE?</b>
<b>PART 1: INTRODUCTION</b>		
1	New.	
2	Meaning of “holiday caravan” is the same as the meaning of “caravan” in section 29 of the 1960 Act and section 13 of the 1968 Act. Same meaning also used for “mobile home” in section 60 of the 2013 Act.	No.
3	New, but based partly on section 1(4) of the 1960 Act. Similar wording also used in the definition of “regulated site” in section 2 of the 2013 Act.	Yes (narrows the definition to sites used for holiday purposes only).
4	New.	
5	Meaning of “owner” based on section 1(3) of the 1960 Act, and section 3 of the 2013 Act.  Meaning of “occupier” is new.	No.
<b>PART 2: LICENSING</b>		
6	New.	
7	Based on sections 1(1) and 1(2) of the 1960 Act, and section 5 of the 2013 Act.	Yes (increased fine level, reflecting the 2013 Act).
8	Based partly on section 3 (1) and (2) of the 1960 Act, but modified to reflect section 6 of the 2013 Act.	Yes, regarding the 1960 Act. No, regarding the 2013 Act.
9	New.	
10	Based partly on sections 3 (4), (5) and (6) of the 1960 Act, but modified to reflect section 7 of the 2013 Act.	Yes, regarding the 1960 Act. No, regarding the 2013 Act.
11	Based on section 4 of the 1960 Act.	No.

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12	Based on section 5 of the 1960 Act, but modified to reflect section 9 of the 2013 Act.	Yes, regarding the 1960 Act. No, regarding the 2013 Act.
13	Based on sections 5(6), (6A), (7) and (8) of the 1960 Act, and section 13 of the 2013 Act.	No.
14	Based on sections 5(3A), (3B) and (3C) of the 1960 Act, and section 14 of the 2013 Act.	No.
15	New.	
16	New.	
17	Based partly on section 7 of the 1960 Act, but modified to reflect section 12 of the 2013 Act.	Yes, regarding the 1960 Act. No, regarding the 2013 Act.
18	Based on section 8(1), (1A), (4), (5) and (5A) of the 1960 Act, but modified to reflect section 13 of the 2013 Act.	Yes (regarding the duty to consult on flood risk management).
19	Based on sections 8(2), (3) and (4) of the 1960 Act, but modified to reflect section 14 of the 2013 Act.	No.
20	Based on section 15 of the 2013 Act (since replicated to a great extent in section 9A of the 1960 Act for residential sites).	Yes, regarding the 1960 Act. No, regarding the 2013 Act.
21	Based on section 16 of the 2013 Act.	Yes (regarding the maximum level of fine and the Welsh Ministers' duty to issue guidance).  There is no equivalent provision in the 1960 Act.
22	Based on section 17 of the 2013 Act (since replicated in section 9A of the 1960 Act for residential sites).	No.
23	Based on section 18 of the 2013 Act (since replicated in section 9B of the 1960 Act for residential sites).	No.

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24	Based on section 19 of the 2013 Act (since replicated in section 9C of the 1960 Act for residential sites).	No.
25	Based on section 20 of the 2013 Act (since replicated in section 9D of the 1960 Act for residential sites).	No.
26	Based on section 21 of the 2013 Act (since replicated in section 9E of the 1960 Act for residential sites).	No.
27	Based on section 22 of the 2013 Act (since replicated in section 9F of the 1960 Act for residential sites).	No.
28	Based on section 23 of the 2013 Act (since replicated in section 9G of the 1960 Act for residential sites).	No.
29	Based on section 24 of the 2013 Act (since replicated in section 9H of the 1960 Act for residential sites).	No.
30	Based on section 25 of the 2013 Act (since replicated in section 9I of the 1960 Act for residential sites).	No.
31	Based partly on section 10 of the 1960 Act.	No.
32	Based on section 11 of the 1960 Act, but modified to reflect section 27 of the 2013 Act.	No.
33	Based on section 28 of the 2013 Act.	Yes (regarding application of the test to the most senior persons responsible for managing the site).  There is no equivalent provision in the 1960 Act, though the 1960 Act provides for a 'fit and proper person' regime to be introduced by regulations.
34	Based on section 29 of the 2013 Act.	Yes (regarding additional evidence

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		to be considered by local authority relating to breach of trading standards law).
35	Based on section 30 of the 2013 Act.	No.  There is no equivalent provision in the 1960 Act.
36	Based on section 31 of the 2013 Act.	No.  There is no equivalent provision in the 1960 Act.
37	Based on section 26 of the 1960 Act, but modified to reflect section 32 of the 2013 Act.	No.
38	Based on section 33 of the 2013 Act.	No.  There is no equivalent provision in the 1960 Act.
39	Based on sections 5A(1), (2), (3) and (4) of the 1960 Act.	No.
40	Based on section 10A of the 1960 Act, but modified to reflect section 36 of the 2013 Act.	No.
41	Based on section 25 of the 1960 Act, but modified to reflect section 37 of the 2013 Act.	No.
42	Based on section 28 of the 1960 Act, but modified to reflect section 38 of the 2013 Act.	No.
43	Based on sections 1(3) and 29 of the 1960 Act, but modified to reflect section 39 of the 2013 Act.	No.
<b>PART 3: RESIDENCE TEST</b>		
44	New.	

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45	New.	
46	New.	
47	New.	
48	New.	
49	New.	
50	New.	
51	New.	
52	New.	
53	New.	
<b>PART 4: HOLIDAY CARAVAN AGREEMENTS</b>		
54	New.	
55	Based partly on section 49 of the 2013 Act, and section 8 of the 2011 Act.	Yes (relating to specifying the details to be provided in a written statement and the timing of giving written statements).
56	New (but sections 56(3)(d) and (e) based on paragraph 22 of Schedule 2 to the 2013 Act, and section 9 of the 2011 Act).	No.
57	Based on section 53(1) of the 2013 Act.	No.  There is no equivalent provision in the 1960 Act.
58	Based on section 54(3) of the 2013 Act, and section 10 of the 2011 Act.	No.  There is no equivalent provision in the 1960 Act.
<b>PART 5: PROTECTION FROM HARASSMENT</b>		
59	New.	
60	Based partly on section 42 of the 2013 Act, and section 12 of the 2011 Act.	Yes (provisions relating to

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		protection from eviction have been limited in the holiday context).
61	Based partly on section 43 of the 2013 Act, and section 12 of the 2011 Act.	No.
62	Based on sections 45(2) and (3) of the 2013 Act.	No.
63	Based on section 46 of the 2013 Act.	No.
<b>PART 6: SUPPLEMENTAL AND GENERAL</b>		
64	Based on section 34 of the 2013 Act.	Yes (by clarifying that it is an offence to fail to provide information or notifications required under the Bill).
65	Based on section 35 of the 2013 Act.	No.
66	Based on section 58 of, and Schedule 4 to, the 2013 Act.	Yes (all consequential amendments to be made by order).
67	Based on section 59 of the 2013 Act.	No.
68	Based on section 62 of the 2013 Act.	No.
69	Based on section 63 of the 2013 Act.	No.
70	Based on section 64 of the 2013 Act.	No.
71	New.	
<b>SCHEDULES</b>		
Schedule 1	Based on Schedule 1 to the 1960 Act, and Schedule 1 to the 2013 Act.	Yes (relating to the continuation of certificates of exemption already granted when the Bill comes into force).
Schedule 2	New.	
Schedule 3	Based on Schedule 5 to the 2013 Act.	No (but the main transitional arrangement has been put in the



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		main body of the Bill, see section 9).
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