

MOBILE HOMES (WALES) ACT 2013

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2 - Licensing of Mobile Home Sites etc

Section 33 - Repayment orders

86. **Section 33** introduces provision where, if a site is unlicensed, the occupier of the mobile home may apply to a Residential Property Tribunal for a repayment order.
87. A repayment order is defined in subsection (5) as an order requiring the owner or manager of the unlicensed site to pay the occupier of the mobile home sums specified in the order in respect of those payments under paragraphs (a) to (d). The repayment order may include any payment made by the occupier to the owner or manager in respect of the purchase of the mobile home, any commission paid in respect of the sale of the mobile home, the pitch fee and any periodical payments paid in respect of the mobile home.
88. Under subsection (6)(a) to (c) a tribunal must be satisfied that certain matters are satisfied, such as that the owner of the site has been convicted of an offence under section 5 in relation to the site, that an occupier made a payment to the owner during the time that the offence was committed and that the application has been made within 12 months of the date of the conviction.
89. Under subsection (8), the amount required to be paid under subsection (5) is such an amount as the tribunal considers reasonable in the circumstances. Subsection (9) sets out the matters the tribunal must take into account when determining the amount to be paid. Subsection (10) provides that a repayment order may not require the payment of any amount relating to a period outside the 12 months ending with the date of the occupier's application.
90. Under subsection (11), amounts payable to an occupier of a mobile home under a repayment order are recoverable as a debt due to the occupier from the owner or manager of the site.