

MOBILE HOMES (WALES) ACT 2013

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedule 2 – terms of mobile homes agreements

Part 1 – Terms Implied By Act

Chapter 4 – Agreements relating to permanent pitches on gypsy and traveller sites

160. Paragraphs 36 to 40 set out the terms in relation to duration and termination of agreements on local authority Gypsy and Traveller permanent pitches. Agreements on these pitches can be terminated by the occupier by giving 4 weeks notice. The owner can terminate the agreement by applying to the appropriate judicial body in certain circumstances.
161. Paragraphs 41 and 42 set out the limited right of assignment that will apply to pitch occupiers on these sites. Occupiers may assign their agreement to a family member, or exchange with other site occupiers with the approval of the site owner. If the owner declines to agree the assignment the occupier may apply to a tribunal for an order allowing the assignment.
162. Paragraph 44 sets out that if a permanent pitch needs to be re-sited by the site owner a suggested alternative pitch must be broadly comparable to the original pitch. Should the site owner need to carry out essential works that can only be carried out if the mobile home is moved, the site owner is liable to pay all the costs and expenses as a result of the mobile homes being moved due to works.
163. Paragraphs 45 and 46 set out that occupiers of these pitches have a right to quiet enjoyment of the pitch and sets out when a site owner may enter the pitch without giving notice. This does not extend to the mobile home.
164. Paragraphs 47 to 50 set out the procedure for calculating and changing the pitch fee. This includes when pitch fees are to be reviewed, including consultation, and the process for appeal by owner or occupier to the Residential Property Tribunal, should they disagree with the proposed pitch fee. The pitch fee review and presumption that pitch fees can be increased or decreased annually is based on the Consumer Prices Index.
165. Paragraph 51 sets out the occupier's obligations, including paying the pitch fee and keeping the mobile home in a sound state of repair.
166. Paragraph 52 sets out the owner's obligations, including undertaking repairs and maintenance, consulting site residents, and providing information.
167. Paragraphs 53 and 54 set out the obligations on the owner to notify the residents of the address at which notices may be served on the owner, for the purposes of dealing with pitch fees and payments.