



Mobile Homes (Wales) Act 2013

2013 anaw 6

PART 2

LICENSING OF MOBILE HOME SITES ETC.

Site managers to be fit and proper persons

28 Requirement for manager of site to be fit and proper person

- (1) The owner of land may not cause or permit any part of the land to be used as a regulated site unless (in addition to the owner holding a site licence) the local authority in whose area the land is situated—
 - (a) is satisfied that the owner is a fit and proper person to manage the site or (if the owner does not manage the site) that a person appointed to do so by the owner is a fit and proper person to do so, or
 - (b) has, with the owner's consent, itself appointed a person to manage the site.
- (2) Where the owner of land who holds a site licence in respect of the land contravenes subsection (1), the local authority in whose area the land is situated may apply to a residential property tribunal for an order revoking the site licence.
- (3) A person who contravenes the requirement imposed by subsection (1) commits an offence.
- (4) A person who is guilty of an offence under subsection (3) is liable on summary conviction to a fine.
- (5) Where the owner of land who holds a site licence in respect of land is convicted of an offence under subsection (3) in relation to the land and the person has been convicted of that offence in relation to the land on 2 or more previous occasions, the magistrates' court before which the owner is convicted may, on an application by the local authority in whose area the land is situated, make an order revoking the owner's site licence on the day specified in the order.

29 Decision whether person is fit and proper

- (1) In deciding whether a person is a fit and proper person to manage a regulated site a local authority must have regard to all such matters as it considers appropriate.
- (2) Among the matters to which the local authority must have regard is any evidence within subsection (3) or (4).
- (3) Evidence is within this subsection if it shows that the person has—
 - (a) committed any offence involving fraud or other dishonesty, violence, firearms or drugs or any offence listed in Schedule 3 to the Sexual Offences Act 2003 (offences attracting notification requirements),
 - (b) practised unlawful discrimination on the grounds of any characteristic which is a protected characteristic under section 4 of the Equality Act 2010 in, or in connection with, the carrying on of any business, or
 - (c) contravened any provision of the law relating to housing (including mobile homes) or landlord and tenant.
- (4) Evidence is within this subsection if—
 - (a) it shows that any other person associated or formerly associated with the person (whether on a personal, work or other basis) has done any of the things set out in subsection (3), and
 - (b) it appears to the local authority that the evidence is relevant to the question whether the person is a fit and proper person to manage a regulated site.
- (5) The Welsh Ministers may by regulations amend this section to vary the evidence to which a local authority must have regard in deciding whether a person is a fit and proper person to manage a regulated site.
- (6) Where a local authority decides that a person is not a fit and proper person to manage a site—
 - (a) the local authority must notify the person of the reasons for the decision and of the person's right of appeal under paragraph (b), and
 - (b) the person may, within the period of 28 days beginning with the day on which the decision is made, appeal to a residential property tribunal against the decision.