

SCHEDULE 2

TERMS OF MOBILE HOME AGREEMENTS

PART 1

TERMS IMPLIED BY ACT

CHAPTER 2

AGREEMENTS RELATING TO PITCHES EXCEPT THOSE ON LOCAL AUTHORITY GYPSY AND TRAVELLER SITES

Gift of mobile home

- 13 (1) Where the agreement is not a new agreement, the occupier is entitled to give the mobile home, and assign the agreement, to a member of the occupier's family (the "proposed occupier") without the approval of the owner if—
- (a) the occupier serves on the owner a notice (a "notice of proposed gift") that the occupier proposes to give the mobile home to the proposed occupier, and
 - (b) the first or second condition is satisfied.
- (2) The first condition is that, within the period of 21 days beginning with the date on which the owner received the notice of proposed gift ("the 21-day period"), the occupier does not receive a notice from the owner that the owner has applied to a tribunal for an order preventing the occupier from giving the mobile home, and assigning the agreement, to the proposed occupier (a "refusal order").
- (3) The second condition is that—
- (a) within the 21-day period—
 - (i) the owner applies to a tribunal for a refusal order, and
 - (ii) the occupier receives a notice of the application from the owner, and
 - (b) the tribunal rejects the application.
- (4) If the owner applies to a tribunal for a refusal order within the 21-day period but the occupier does not receive notice of the application from the owner within that period—
- (a) the application is to be treated as not having been made, and
 - (b) the first condition is accordingly to be treated as satisfied.
- (5) A notice of proposed gift must include—
- (a) the relevant evidence under paragraph 12(2), and
 - (b) such other information as may be prescribed in regulations made by the Welsh Ministers.
- (6) A notice of proposed gift or notice of an application for a refusal order—
- (a) must be in writing, and
 - (b) may be served by post.
- (7) An application for a refusal order may be made only on one or more of the grounds prescribed in regulations made by the Welsh Ministers; and a notice of an application

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for a refusal order must specify the ground or grounds on which the application is made.

- (8) The owner may not require any payment to be made (whether to the owner or otherwise) in connection with the gift of the mobile home, and the assignment of the agreement, as mentioned in sub-paragraph (1).
- (9) The Welsh Ministers may by regulations prescribe procedural requirements to be complied with by the owner, the occupier, a proposed occupier or the person to whom the mobile home is given in connection with the gift of the mobile home, and assignment of the agreement, as mentioned in sub-paragraph (1).