
Changes to legislation: There are currently no known outstanding effects for the Mobile Homes (Wales) Act 2013, Cross Heading: Sale of mobile home. (See end of Document for details)

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

Sale of mobile home

- 9 (1) Where the agreement is a new agreement, the occupier is entitled to sell the mobile home and to assign the agreement to the person to whom the mobile home is sold (the “new occupier”) without the approval of the owner.
- (2) In this paragraph and paragraphs 10, 12 and 13, “new agreement” means an agreement—
- (a) which was made after the commencement of this paragraph, or
 - (b) which was made before, but which has been assigned after, that commencement.
- (3) The new occupier must, as soon as reasonably practicable, notify the owner of the completion of the sale and assignment of the agreement.
- (4) The new occupier is required to pay the owner a commission on the sale of the mobile home at a rate not exceeding such rate as may be prescribed by regulations made by the Welsh Ministers.
- (5) Except to the extent mentioned in sub-paragraph (4), the owner may not require any payment to be made (whether to the owner or otherwise) in connection with the sale of the mobile home and the assignment of the agreement to the new occupier.
- (6) The Welsh Ministers may by regulations prescribe procedural requirements to be complied with by the owner, the occupier or the new occupier in connection with—
- (a) the sale of the mobile home and assignment of the agreement, or
 - (b) the payment of commission by virtue of sub-paragraph (4).

Commencement Information

- I1** Sch. 2 para. 9 in force for specified purposes at 7.1.2014 by S.I. 2014/11, art. 2(b)
- I2** Sch. 2 para. 9 in force in so far as not already in force at 1.10.2014 by S.I. 2014/11, art. 3(1)(d) (with art. 4)

- 10 (1) Where the agreement is not a new agreement, the occupier is entitled to sell the mobile home and assign the agreement without the approval of the owner if—

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- (a) the occupier serves on the owner a notice (a “notice of proposed sale”) that the occupier proposes to sell the mobile home, and assign the agreement, to the person named in the notice (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 sale (“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 selling 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 sale must include such information as may be prescribed in regulations made by the Welsh Ministers.
- (6) A notice of proposed sale 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 for a refusal order must specify the ground or grounds on which the application is made.
- (8) The person to whom the mobile home is sold (“the new occupier”) is required to pay the owner a commission on the sale of the mobile home at a rate not exceeding such rate as may be prescribed by regulations made by the Welsh Ministers.
- (9) Except to the extent mentioned in sub-paragraph (8), the owner may not require any payment to be made (whether to the owner or otherwise) in connection with the sale of the mobile home and the assignment of the agreement.
- (10) The Welsh Ministers may by regulations prescribe procedural requirements to be complied with by the owner, the occupier, a proposed occupier or the new occupier in connection with—
- (a) the sale of the mobile home and assignment of the agreement, and
 - (b) the payment of commission by virtue of sub-paragraph (8).

Commencement Information

I3 Sch. 2 para. 10 in force for specified purposes at 7.1.2014 by S.I. 2014/11, art. 2(b)

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I4 Sch. 2 para. 10 in force in so far as not already in force at 1.10.2014 by S.I. 2014/11, art. 3(1)(d) (with art. 4)

- 11 (1) This paragraph applies where the occupier proposes to sell the mobile home, and assign the agreement, pursuant to paragraph 9 or 10.
- (2) The occupier must, not later than 28 days before the completion of the sale of the mobile home and assignment of the agreement, provide the proposed occupier with—
- (a) such documents, or documents of such description, as may be prescribed in regulations made by the Welsh Ministers, and
 - (b) such other information as may be prescribed in the regulations, in the form prescribed in them.
- (3) But if the proposed occupier consents in writing to the documents and other information concerned being provided by a date (“the chosen date”) which is less than 28 days before the completion of the sale and assignment of the agreement, the occupier must provide the documents and other information to the proposed occupier not later than the chosen date.
- (4) The documents and other information which may be prescribed in regulations under sub-paragraph (2) include (but are not limited to)—
- (a) a copy of the agreement,
 - (b) a copy of the site rules (if any) for the protected site on which the mobile home is stationed,
 - (c) details of the pitch fee payable under the agreement,
 - (d) a forwarding address for the occupier,
 - (e) in a case within paragraph 9, information about the requirement imposed by virtue of sub-paragraph (3) of that paragraph,
 - (f) details of the commission which would be payable by the proposed occupier by virtue of paragraph 9(4) or 10(8),
 - (g) information about such requirements as are prescribed in regulations under paragraph 9(6) or 10(10).
- (5) Documents or other information required to be provided under this paragraph may be delivered to the prospective purchaser personally or sent by post.
- (6) A claim that a person has broken the duty under sub-paragraph (2) or (3) may be made the subject of civil proceedings in the same manner as any other claim in tort for breach of statutory duty.

Commencement Information

I5 Sch. 2 para. 11 in force for specified purposes at 7.1.2014 by S.I. 2014/11, art. 2(b)

I6 Sch. 2 para. 11 in force in so far as not already in force at 1.10.2014 by S.I. 2014/11, art. 3(1)(d) (with art. 4)

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