



# Mobile Homes (Wales) Act 2013

2013 anaw 6

## PART 6

### SUPPLEMENTARY AND GENERAL

#### **61 Meaning of “qualifying residents’ association”**

- (1) For the purposes of this Act an association is a “qualifying residents’ association”, in relation to a site, if—
  - (a) it is an association representing the occupiers of mobile homes on the site,
  - (b) occupiers of at least 50 per cent of those mobile homes are members of the association,
  - (c) it is independent from the owner of the site who, together with any agent or employee of the owner, is excluded from membership,
  - (d) subject to paragraph (c), membership is open to occupiers of all mobile homes on the site,
  - (e) its rules and constitution are open to public inspection and it maintains a list of members,
  - (f) it has a chairman, secretary and treasurer who are elected by and from among the members, and
  - (g) with the exception of administrative decisions taken by the chairman, secretary and treasurer acting in their official capacities, decisions are taken by voting and there is only 1 vote for each mobile home.
- (2) Only 1 occupier of each mobile home may be a member of the association; and, where there is more than 1 occupier of a mobile home, the one who is to be the member of the association is whichever of them the occupiers agree or, in default of agreement, the one whose name appears first on the agreement to station the mobile home on the site.
- (3) An association is not a qualifying residents’ association in relation to a site unless an up to date list of members has been lodged with the local authority in whose area the site is situated.

---

*Status: This is the original version (as it was originally enacted).*

---

- (4) When a copy of the list of members of an association is lodged with a local authority, the local authority—
- (a) must take reasonable steps to ascertain whether occupiers of at least 50 per cent of the mobile homes on the site are members of the association, and
  - (b) must give notice in writing to the association and the owner stating whether or not it is satisfied that occupiers of at least 50 per cent of the mobile homes on the site are members of the association.
- (5) Where an association is given notice that the local authority is satisfied that occupiers of at least 50 per cent of the mobile homes on the site are members of the association, the duty to lodge an up to date copy of its list of members requires it to do so as soon as is reasonably practicable after any changes in its membership.
- (6) If it appears to the local authority at any time that the membership of a qualifying residents' association no longer includes occupiers of at least 50 per cent of the mobile homes on the site, the local authority must immediately give notice in writing to the association and the owner of the site that the association is no longer a qualifying residents' association.
- (7) In this section—
- “arbitration agreement” (“*cytundeb cymrodeddu*”) means an agreement in writing to submit to arbitration a question as to whether an association is a qualifying residents' association;
- “occupier” (“*meddiannydd*”) , in relation to a mobile home and a site, means a person who is entitled—
- (a) to station the mobile home on the site, and
  - (b) to occupy the mobile home as the person's only or main residence; and
- “tribunal” (“*tribwnlys*”), in relation to the owner of a site and an association representing the occupiers of mobile homes on the site, means a residential property tribunal or, where the owner and the association have entered into an arbitration agreement that applies to any question whether the association is a qualifying residents' association arising before the arbitration agreement was made, the arbitrator.
- (8) The disclosure by a local authority to the public of a list of members of a qualifying residents' association which has been lodged with the local authority is to be treated for the purposes of section 41(1) of the Freedom of Information Act 2000 as a breach of confidence actionable by the members of the association; but nothing in this subsection applies to the disclosure of details of the chairman, secretary or treasurer.