

HOUSING (SCOTLAND) ACT 2006

EXPLANATORY NOTES

COMMENTARY ON PARTS

Part 6– Mobile Homes

189. **Section 167** amends section 1 of the Mobile Homes Act 1983 by substituting a new section. The effect of this is to require the owner of a protected site to give a proposed occupier of a mobile home on the site a written statement before an agreement on letting a stance is made. The contents of the statement are specified. If the owner is selling the mobile home, the statement must be given not later than 28 days before the date of either the agreement on letting the stance or the agreement for the sale of the mobile home, whichever is earlier. Otherwise, the statement must be given not later than 28 days before the date of the agreement on letting the stance. The proposed occupier may consent in writing to the statement being given by a later date. Any express term not set out in the written statement is unenforceable. If the owner fails to provide the statement, the occupier may apply for a court order requiring this to be done.
190. **Section 168** amends section 2 of the 1983 Act to provide that, if the written statement is given to the occupier after the date of the agreement, the period of six months, during which either party can apply to the court to vary or delete any express term in the agreement, runs from the date on which the statement is given, rather than the date of the agreement.
191. **Section 169** amends Part 1 of Schedule 1 to the 1983 Act. The effect is that the owner may ask the court to terminate the agreement because the condition of the mobile home has a detrimental effect on the site (but not because of its age). The court may give the occupier the chance to carry out repairs on the mobile home, if it would be reasonably practicable thus to rectify the detrimental effect and if the occupier states the intention of carrying out the repairs. A further amendment gives an owner 28 days in which to decide and notify the occupier whether a person to whom the occupier wishes to sell the mobile home and assign the stance let is approved.
192. **Section 170** amends section 2A of the 1983 Act to give Ministers power to amend by order the implied terms set out in the 1983 Act. Such amendments can affect existing agreements only on the first use of the power. Subsequent orders can only affect agreements made on or after the date of the coming into force of the order.
193. **Section 171** amends the Caravan Sites Act 1968 (as amended by the Housing Act 2004) to define it as an offence when a person interferes with the peace or comfort of the occupier and persons living with the occupier or persistently withdraws or withholds required services or facilities, knowing, or having reasonable cause to believe, that the action will cause the occupier to leave or to give up relevant rights. The section also amends that Act to remove a reference to regional councils in Scotland as they no longer exist.