



Housing (Scotland) Act 2006

2006 asp 1

PART 6

MOBILE HOMES

167 Particulars of site agreements to be given in advance

For section 1 (particulars of agreements between site owners and occupiers of mobile homes) of the Mobile Homes Act 1983 (c. 34) (“the 1983 Act”) substitute—

“1 Particulars of agreements: Scotland

- (1) This Act applies to any agreement under which a person (“the occupier”) is entitled—
 - (a) to station a mobile home on land forming part of a protected site; and
 - (b) to occupy the mobile home as the person’s only or main residence.
- (2) Before making an agreement to which this Act applies, the owner of the protected site (“the owner”) must give to the proposed occupier under the agreement a written statement which—
 - (a) specifies the names and addresses of the parties;
 - (b) includes particulars of the land on which the proposed occupier is to be entitled to station the mobile home that are sufficient to identify that land;
 - (c) sets out the express terms to be contained in the agreement;
 - (d) sets out the terms to be implied by section 2(1) below; and
 - (e) complies with such other requirements as may be prescribed by regulations made by the Scottish Ministers.
- (3) Where the owner is selling the mobile home to the proposed occupier, the written statement required by subsection (2) above must be given not later than 28 days before the earlier of—
 - (a) the date on which the agreement to which this Act applies is made; and
 - (b) the date on which any agreement for the sale of the mobile home to the proposed occupier is made.

Status: This is the original version (as it was originally enacted).

- (4) In any other case, the written statement required by subsection (2) above must be given not later than 28 days before the date on which the agreement to which this Act applies is made.
- (5) But if the proposed occupier consents in writing to the written statement required by subsection (2) above being given by a date which is later than the date by which subsection (3) or (4) above would otherwise require it to be given, the statement must be given not later than that later date.
- (6) If any express term—
- (a) is contained in an agreement to which this Act applies; but
 - (b) was not set out in a written statement given to the proposed occupier in accordance with subsections (2) to (5) above,
- the term is unenforceable by the owner or any person within section 3(1) below.
- This subsection is subject to any order made by the court under section 2(3) below.
- (7) If the owner has failed to give the occupier a written statement in accordance with subsections (2) to (5) above, the occupier may, at any time after the making of the agreement, apply to the court for an order requiring the owner—
- (a) to give the occupier a written statement which complies with paragraphs (a) to (e) of subsection (2) above (read with any modifications necessary to reflect the fact that the agreement has been made); and
 - (b) to do so not later than such date as is specified in the order.
- (8) A statement required to be given to a person under this section may be either delivered to the person personally or sent to the person by post.
- (9) Any reference in this section to the making of an agreement to which this Act applies includes a reference to any variation of an agreement by virtue of which the agreement becomes one to which this Act applies.
- (10) Regulations under this section—
- (a) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of the Scottish Parliament; and
 - (b) may make different provision with respect to different cases or descriptions of case.”.