



# Mobile Homes (Wales) Act 2013

2013 anaw 6

## PART 3

### PROTECTION FROM EVICTION

#### **40 Application of Part**

This Part applies in relation to any licence or contract (whenever made) under which a person is entitled—

- (a) to station a mobile home on a protected site and occupy it as the person's residence, or
- (b) if the mobile home is stationed on the protected site by another, to occupy it as the person's residence.

#### **41 Minimum length of notice**

In any case where a residential contract is determinable by notice given by either party to the other, a notice is of no effect unless it is given not less than 4 weeks before the date on which it is to take effect.

#### **42 Protection of occupiers against eviction and harassment, false information etc.**

- (1) A person to whom any of subsections (2) to (6) applies commits an offence.
- (2) This subsection applies to a person if, during the subsistence of a residential contract, the person unlawfully deprives the occupier of the mobile home of occupation on the protected site of any mobile home which the occupier is entitled by the contract to station and occupy, or to occupy, as the occupier's residence on the protected site.
- (3) This subsection applies to a person if, after the expiry or determination of a residential contract, the person enforces, otherwise than by proceedings in the court, any right to exclude the occupier of the mobile home from the protected site or from any such mobile home, or to remove or exclude any such mobile home from the protected site.

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*Status: This is the original version (as it was originally enacted).*

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- (4) This subsection applies to a person if (whether during the subsistence, or after the expiry or determination, of a residential contract) with intent to cause the occupier of the mobile home—
- (a) to abandon the occupation of the mobile home or remove it from the site, or
  - (b) to refrain from exercising any right or pursuing any remedy in respect of that,
- the person does acts likely to interfere with the peace or comfort of the occupier or persons residing with the occupier, or withdraws or withholds services or facilities reasonably required for the occupation of the mobile home as a residence on the site.
- (5) This subsection applies to a person if the person is, or is the agent of, the owner of the protected site and (whether during the subsistence or after the expiration or determination of a residential contract)—
- (a) the person does acts likely to interfere with the peace or comfort of the occupier of the mobile home or persons residing with the occupier, or
  - (b) withdraws or withholds services or facilities reasonably required for the occupation of the mobile home as a residence on the site,
- and (in either case) the person knows, or has reasonable cause to believe, that that conduct is likely to cause the occupier to do any of the things mentioned in subsection (4)(a) or (b).
- (6) This subsection applies to a person if the person is, or is the agent of, the owner of a protected site and, during the subsistence of a residential contract, the person—
- (a) knowingly or recklessly provides information or makes a representation which is false or misleading in a material respect to any person, and
  - (b) knows, or has reasonable cause to believe, that doing so is likely to cause—
    - (i) the occupier to do any of the things mentioned in subsection (4)(a) or (b), or
    - (ii) a person who is considering whether to purchase or occupy the mobile home to which the residential contract relates to decide not to do so.
- (7) In subsections (5) and (6) references to the owner of a protected site include references to a person with an estate or interest in the site which is superior to that of the owner.
- (8) In this section references to the occupier of the mobile home include references to the person who was the occupier of the mobile home under a residential contract which has expired or been determined and, in the case of the death of the occupier (whether during the subsistence or after the expiry or determination of the contract), to any person then residing with the occupier.
- (9) Nothing in this section applies to the exercise by the owner of a mobile home of a right to take possession of the mobile home, other than a right conferred by or arising on the expiry or determination of a residential contract, or to anything done pursuant to the order of any court.

### **43 Offences under section 42: supplementary**

- (1) In proceedings for an offence of contravening section 42(2) or (3) it is a defence to prove that the accused believed, and had reasonable cause to believe, that the occupier of the mobile home had ceased to reside on the site.

- (2) In proceedings for an offence of contravening section 42(5) it is a defence to prove that the accused had reasonable grounds for doing the acts or withdrawing or withholding the services or facilities in question.
- (3) A person guilty of an offence under section 42 is liable—
  - (a) on summary conviction, to a fine or to imprisonment for a term not exceeding 12 months, or to both, or
  - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 2 years, or to both.

#### **44 Provision for suspension of eviction orders**

- (1) If in proceedings by the owner of a protected site the court makes an order for enforcing in relation to the site any such right as is mentioned in section 42(3), the court may (without prejudice to any power apart from this section to postpone the operation or suspend the execution of an order) suspend the enforcement of the order for such period not exceeding 12 months from the date of the order as the court thinks reasonable.
- (2) Where the court by virtue of this section suspends the enforcement of an order, it may impose such terms and conditions, including conditions as to the payment of rent or other periodical payments or of arrears of such rent or payments, as the court thinks reasonable.
- (3) The court may from time to time, on the application of either party, extend, reduce or terminate the period of suspension ordered, or vary any terms or conditions imposed, but may not extend the period of suspension for more than 12 months at a time.
- (4) In considering whether or how to exercise its powers under this section, the court must have regard to all the circumstances which include (but are not limited to) the questions—
  - (a) whether the occupier of the mobile home has failed, whether before or after the expiry or determination of the relevant residential contract, to observe any terms or conditions of that contract, any conditions of the site licence, or any reasonable rules made by the owner of the protected site for the management and conduct of the site or the maintenance of mobile homes on it,
  - (b) whether the occupier of the mobile home has unreasonably refused an offer by the owner to renew the residential contract or make another residential contract for a reasonable period and on reasonable terms, and
  - (c) whether the occupier of the mobile home has failed to make reasonable efforts to obtain elsewhere other suitable accommodation for the mobile home or another suitable mobile home and accommodation for it.
- (5) Where the court makes an order such as is mentioned in subsection (1) but suspends the enforcement of the order, the court may not make any order for costs unless it appears to the court, having regard to the conduct of the owner of the protected site or of the occupier of the mobile home, that the circumstances of the case are exceptional.
- (6) The court may not suspend the enforcement of an order by virtue of this section if—
  - (a) no site licence is in force in respect of the site, and
  - (b) the site is not owned by a local authority;

and where a site licence in respect of the site is expressed to expire at the end of a specified period, the period for which enforcement may be suspended by virtue of this section does not extend beyond the expiry of the site licence.

#### **45 Supplementary**

- (1) The power of the court under section 44 to suspend the enforcement of an order extends to any order made but not executed before the commencement of this Part.
- (2) Nothing in this Part affects the operation of section 13 of the Compulsory Purchase Act 1965.
- (3) The Protection from Eviction Act 1977 does not apply to any premises consisting of a mobile home stationed on a protected site.

#### **46 Offences**

Proceedings for an offence under this Part may be instituted by any local authority.

#### **47 Interpretation**

- (1) In this Part—
  - “occupier” (“*meddiannydd*”) in relation to a mobile home and a protected site, means the person entitled as mentioned in section 40 in relation to a mobile home and the protected site;
  - “residential contract” (“*contract preswyl*”) means a licence or contract within that section.
- (2) In this Part “the court” means the county court.