



# Mobile Homes (Wales) Act 2013

2013 anaw 6

## PART 3

### PROTECTION FROM EVICTION

#### **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.
- (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,

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*Status: This is the original version (as it was originally enacted).*

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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.