

## **EXPLANATORY MEMORANDUM TO THE MOBILE HOMES (WRITTEN STATEMENT) (WALES) REGULATIONS 2012**

This Explanatory Memorandum has been prepared by Housing Policy Division, and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

### **Minister's Declaration**

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The Mobile Homes (Written Statement) (Wales) Regulations 2012.

*Huw Lewis*

24 October 2012

## **1. Description**

1.1 This Instrument specifies the form of, and the additional matters which must be included in, a written statement which must be given to a person who enters into an agreement to which the Mobile Homes Act 1983 (“the 1983 Act”) applies entitling the person to station a mobile home and occupy it on a protected site. It revokes the Mobile Homes (Written Statement) (Wales) Regulations 2007.

## **2. Matters of special interest to the Constitutional and Legislative Affair Committee**

2.1 None.

## **3. Legislative background**

3.1 This SI is made under section 1(2)(e) of the Mobile Homes Act 1983. The Welsh Ministers are the “appropriate national authority” for the purposes of exercising the power to make regulations under section 1(2)(e) of the Mobile Homes Act 1983. Regulations made under section 1 of the 1983 Act are subject to annulment in pursuance of a resolution of the National Assembly for Wales (the negative procedure) (see section 1(9)(b) of the 1983 Act).

## **4. Purpose & Intended Effect of the Legislation**

4.1 The Mobile Homes Act 1983 (Jurisdiction of Residential Property Tribunals) (Wales) Order 2012 transferred most of the jurisdiction to determine disputes under the Mobile Homes Act 1983 from the county courts to the Residential Property Tribunal.

4.2 The aim of the transfer was to introduce a system for bringing proceedings, and resolving disputes under the 1983 Act which operates fairly between residents and site owners and which ensures both are treated on an equal footing, through access to low cost, specialist non-adversarial tribunals that can use their expertise to resolve matters between parties relatively informally, cheaply and quickly.

4.3 The Mobile Homes (Written Statement) (Wales) Order 2007 which prescribes the information to be included within in the formal agreement between a site owner and a resident, as required under section 1 of the 1983 Act will be revoked, and replaced with the Mobile Homes (Written Statement) (Wales) Order 2012 to reflect the transfer of jurisdiction.

4.4 The Residential Property Tribunal for Wales is a non-departmental public body sponsored by the Welsh Government.

4.5 The other tribunals which come under the umbrella of the Residential Property Tribunal for Wales are: Leasehold Valuation Tribunals, Rent Assessment

Committees and Rent Tribunals. These, and Residential Property Tribunals, are specialist tribunals which adjudicate on a range of housing, residential valuation and landlord and tenant issues. Members are appointed, and are eligible, to sit on any of the tribunals within the group.

4.6 It is estimated that there are currently around 100 residential park home sites in Wales containing some 5,500 homes which are protected by the 1983 Act. About 10,000 people in Wales live in mobile or park homes as their main place of permanent residence. The 1983 Act (which was significantly amended by the Housing Act 2004) among other things, confers security of tenure on residents providing they occupy the home as their only or main residence; it regulates the amount of pitch fee (rent) payable and gives residents the right to assign their agreements and sell their homes, subject to the buyer being approved of by the site owner.

4.7 In England, the commencement of section 318 of the Housing and Regeneration Act 2008 in England brought local authority Gypsy and Traveller sites within the remit of the Mobile Homes Act 1983 by amending the definition of a “protected site” in section 5(1). Consequently, dispute resolution on these sites was transferred to Residential Property Tribunals in England. The commencement of section 318 of the Housing and Regeneration Act 2008 in Wales remains under review. It is understood consultation is being undertaken on amendments to Schedule 1 of the Mobile Homes Act 1983 with the Gypsy and Traveller communities.

## **5. Territorial Extent and Application**

5.1 This instrument will apply only to Wales. A similar SI was made in England on 30 April 2011.

## **6. Consultation**

6.1 There was no specific consultation on this particular Instrument. A joint England and Wales consultation “A new approach to resolving disputes and to proceedings relating to Park Homes under the Mobile Homes Act 1983 (as amended)” was undertaken in 2009. The consultation responses were generally supportive of the proposed changes. This consultation was widespread and dealt with the transfer of jurisdiction to the Residential Property Tribunal, and also the logistics of the transfer with regards to the fees and procedures.

## **7. Regulatory Impact Assessment (RIA)**

7.1 No RIA has been prepared for the instrument since it does not place any financial or regulatory burden on individuals, businesses or local authorities. It is simply a routine factual amendment required to update regulations. It has no major policy impact.