

EXPLANATORY MEMORANDUM TO THE MOBILE HOMES (WRITTEN STATEMENT) (WALES) REGULATIONS 2014

This Explanatory Memorandum has been prepared by the Department for Housing and Regeneration 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 2014.

Carl Sargeant
Minister for Housing and Regeneration

2 July 2014

1. Description

1.1 The Mobile Homes (Written Statement) (Wales) Regulations 2014 (“the 2014 Regulations”) specify the form of, and the additional matters that must be included in, a written statement which must be given to a person who enters into an agreement to which the Mobile Homes (Wales) Act 2013 (“the 2013 Act”) applies, entitling the person to station a mobile home and occupy it on a protected site. The 2014 Regulations revoke the Mobile Homes (Written Statement) (Wales) Regulations 2012.

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

2.1 None.

3. Legislative background

3.1 Section 49(1)(e) of the Mobile Homes (Wales) Act 2013 allows the Welsh Ministers to prescribe by means of regulation further information that must be included in a written statement. These regulations revoke the Mobile Homes (Written Statement) (Wales) Regulations 2012 and are subject to the negative procedure.

4. Purpose & Intended Effect of the Legislation

4.1 There are around 3,500 mobile homes on approximately 105 sites in Wales. The 2013 Act consolidates existing mobile homes legislation into one Act. Section 49 of the 2013 Act sets out that before making an agreement to which Part 4 applies, the owner of a protected site must provide a proposed occupier a written statement which complies with subsection (1) and includes any terms implied by section 50(1) and any express terms to be contained in the agreement (including any site rules). The 2014 Regulations specify the information that must be contained in a written statement and provides a prescribed form that an owner of a site must give to a proposed occupier of a pitch. This form sets out the terms on which an occupier is entitled to keep their mobile home on a protected site and provides information about an occupier’s rights in law.

5. Consultation

5.1 Peter Black AM held a formal 8 week consultation on the provisions in the draft Regulated Mobile Home Sites (Wales) Bill in May 2012 (now the Mobile Homes (Wales) Act 2013). The 2014 regulations revoke the Mobile Homes (Written Statement) (Wales) Regulations 2012 and restate the provisions of the 2012 Regulations with some minor additions that allow for written statements to be made under the 2013 Act. As the changes made in the Regulations are technical and minor, a consultation on these regulations was not undertaken.

6. Regulatory Impact Assessment (RIA)

6.1 No separate RIA has been prepared for the instrument since it does not place any financial or regulatory burden on individuals, businesses or local authorities.