

MOBILE HOMES (WALES) ACT 2013

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3 - Protection from eviction

Sections 42 - Protection of occupiers against eviction and harassment, false information etc.

99. **Section 42** restates section 3 of the 1968 Act with some amendments. In subsection (4), the word “persistently” has been removed so that an offence is committed under this subsection if a person withdraws or withholds services or facilities reasonably required for the occupation of the mobile home. The same amendment is reflected in subsection (5), so that an offence is committed if the owner of a protected site or his or her agent withdraws or withholds services or facilities reasonably required for the occupation of the mobile home as a residence on the site.
100. Subsection (6) creates a new offence. The owner of a protected site, or their agent, commits an offence if, during the lifetime of a residential contract, they knowingly or recklessly provide information or make a representation to a person which is false or misleading. In addition, the owner or agent must know, or have reasonable cause to believe, that taking this action is likely to:-
- cause the occupier to abandon occupation of the mobile home or remove it from the site,
 - cause the occupier not to exercise any right or pursue any remedy in relation to that; or
 - cause a person who is considering whether to purchase or occupy the mobile home to decide not to do so.