

# MOBILE HOMES (WALES) ACT 2013

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 6 – Supplementary and General**

121. **Part 6** deals with technical matters, such as the power to make consequential, transitional, transitory and savings provisions.

#### ***Section 59 – Liability of officers of bodies corporate***

122. **Section 59** applies to any offence under this Act committed in relation to land in Wales. It mirrors the provision contained in section 14 of the 1968 Act. Section 59 provides that where a body corporate commits an offence and it is proved that the offence was committed with the consent or connivance of an officer of the body corporate, or the offence was attributable to neglect on the part of this person, then this person is guilty of the offence as well as the body corporate. Proceedings can be brought against this person as well as the body corporate and both may be punished accordingly. Subsection (2) defines what is meant by an officer of a body corporate.

#### ***Section 60 – Meaning of ‘mobile home’***

123. The section defines a ‘mobile home’. Subsection (1) derives from section 29(1) of the 1960 Act. Subsections (2) to (4) derive from section 13(1) to (3) of the 1968 Act.

#### ***Section 61 – Meaning of “qualifying residents’ association”***

124. **Section 61** provides a definition of a qualifying residents' association and derives from paragraph 28 of Chapter 2 of Part 1 of Schedule 1 to the 1983 Act with some amendments. For example, under subsection (1)(b) an association must have occupiers of at least 50% of mobile homes being members of the association and under paragraph (e) its rules and constitution are open to public inspection and the qualifying residents' association must maintain a list of its members. Under subsection (1)(g), decisions are taken by voting and there is only one vote per mobile home.
125. Under subsection (2), only one occupier of each mobile home may be a member of the association. Where there is more than one occupier, they can agree who will be the member of the association or, in default of agreement, the one whose name appears first on the agreement.
126. Under subsection (3), an association is not a qualifying residents' association unless an up-to-date list of members has been lodged with the local authority.
127. Under subsection (4), when a copy of the list of members is lodged with a local authority, it must take reasonable steps to ascertain whether occupiers of at least 50% of the mobile homes are members of the association, and give notice in writing to the association and the owner stating whether or not it is satisfied that occupiers of at least 50% of the homes on site are members of the association. Under subsection (5), where a local authority is satisfied that occupiers of at least 50% of the homes on site are

*These notes refer to the Mobile Homes (Wales) Act 2013  
(c.6) which received Royal Assent on 4 November 2013*

members, the association has a duty to lodge an up-to-date copy of its list of members as soon as is practicable after any changes in its membership. Under subsection (6), where it appears to a local authority that membership no longer includes occupiers of at least 50% of the homes on site, the local authority must give notice to the association and the site owner that the association is no longer a qualifying residents association.

128. Any disclosure to the public of the list of qualifying residents' association members lodged with the local authority is treated under section 41(1) of the Freedom of Information Act 2000 as a breach of confidence actionable by the members of the association (other than disclosure of details of the chairman, secretary or treasurer).

***Section 63 – Orders and Regulations***

129. **Section 63** makes general provision for orders and regulations under the Act. In particular, it provides for orders and regulations to be made by statutory instrument except where specified otherwise.
130. **Section 63(3)** and **(4)** require the Welsh Ministers to consult before exercising their power under section 51(power to amend implied terms) and section 60(4) (an order amending the figures relating to the dimensions of a mobile home mentioned in section 60(3)).
131. Subsections **(5)** to **(7)** set out the Assembly procedure to be applied in respect of various statutory instruments.