

Mobile Homes (Wales) Bill: Summary of changes made at Stage 2

Introduction

This document sets out the main changes made to the Member-proposed **Regulated Mobile Home Sites (Wales) Bill** ('the Bill') during Stage 2 proceedings. **It should be noted that the Bill's short title was changed at Stage 2 to the Mobile Homes (Wales) Bill.**

Background

The Regulated Mobile Home Sites (Wales) Bill was introduced by Peter Black AM, who was successful in the legislative **ballot** held on 29 November 2011. He was given leave to proceed with the Bill by the Assembly on **1 February 2012**, and he made a statement on its introduction in Plenary on **7 November 2012**. The Business Committee remitted the Bill to **the Communities, Equality and Local Government Committee** ('the Committee') for Stage 1 scrutiny, and the Committee published its Stage 1 report in **February 2013**. The Constitutional and Legislative Affairs Committee published a **report** on the Bill's subordinate legislation provisions in the same month. However, given that the Minister for Housing, Regeneration and Heritage at the time, Huw Lewis AM, had indicated in evidence that he intended to bring forward significant amendments to the Bill at Stage 2, the Constitutional and Legislative Affairs Committee declared its intention to scrutinise the Bill further and publish a supplementary report before Stage 3 proceedings.

The general principles of the Bill were approved unanimously at Stage 1 by the Assembly following a debate in Plenary on **13 March 2013**. Stage 2 commenced on 14 March. A total of **105 amendments** were tabled by the Welsh Government,

and 5 amendments to those amendments were tabled by a Member of the opposition (Mark Isherwood AM). The Committee met to consider and dispose of the amendments on **13 June 2013**.

Further information about the Bill (as introduced) is available in a **Bill summary** prepared by the Research Service.

Amendments passed at Stage 2

All 105 of the Welsh Government's amendments were agreed. None of the five non-Government amendments tabled (which were all amendments to Government amendments) was agreed: four were not agreed, and one was not moved.

The effect of the 105 Government amendments was, in essence, to redraft the Bill, although **the original policy intent of the Bill as introduced by Peter Black AM was preserved**. The amendments replaced all of the original sections with new sections, with the stated aim of making the Bill clearer and more comprehensive, consolidating all provisions relating to residential mobile homes and sites in Wales (from the *Caravan Sites and Control of Development Act 1960*, the *Caravan Sites Act 1968*, and the *Mobile Homes Act 1983* as amended by the *Mobile Homes Act 2013*) into one Bill, with some additional provisions, and reducing the amount of subordinate legislation required to implement the Bill, by broadly continuing with the approach taken in the 1960 Act.

The most significant changes made to the Bill are summarised below:

Technical amendments and definitions

- **Amendments 65 and 99** changed the short title of the Bill to the Mobile Homes (Wales) Bill.
- **Amendments 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, 55, 57, 59, 61, 63 and 65** individually deleted all 33 sections of the Bill as introduced.
- **Amendments 2, 4 and 6** inserted new sections 1, 2 and 3, which give an overview of the revised Bill (new section 1), and define the key concepts of a 'regulated site' and a 'protected site' (new s.2), and of the 'owner' of land (new s.3).
- **Amendment 100** inserted a Schedule defining the sites exempted from being regulated sites, restating parts of the *Caravan Sites and Control of Development Act 1960* ('the 1960 Act').

Site licence administration, duration and fees

- **Amendment 10** restated part of section 1 of the 1960 Act, prohibiting landowners from setting up residential mobile home sites without a licence, and providing that any person setting up a site without a licence will be liable to a fine.
- **Amendments 12 and 14** made provisions about site licence applications and the issuing of site licences.
- **Amendment 16** provided for the duration of site licences (a maximum of five years).
- **Amendments 70 and 71** made provisions giving local authorities the power to charge fees and requiring them to keep a register of site licences.

Site licence conditions

- The fourth group of amendments (**amendments 15, 18 to 20, 22 to 24, 26 and 28**) set out the powers for local authorities to attach conditions to site licences and to vary those conditions. The Minister stated that there were no new policy implications, as the amendments largely restated previous legislation.

Site managers to be fit and proper persons

The fifth group of amendments established a fit and proper person test to be applied to persons managing sites in Wales.

- **Amendment 58** set out the evidence that a local authority must have regard to when determining whether a person is a fit and proper person to manage a regulated site, and gave the Welsh Ministers the power to vary that evidence by regulations. The requirement for the person who is responsible for the day-to-day management of a mobile home site to be a fit and proper person was a key policy feature of the Bill as originally introduced by Peter Black AM.

Revocation and surrender of site licences

- **Amendment 52** made provision for revoking site licences when the licence holder dies or no longer owns the land, or when the land is no longer used as a regulated site.
- **Amendment 54** restated a provision taken from the 1960 Act, requiring licence holders to enable local authorities to vary the conditions of a site licence.

Enforcement of site licence conditions

- Taken together, the amendments in group 7 (**amendments 30, 32 to 40, 42, 44 to 48, 50, 60 and 62**) ensured that the enforcement powers given to local authorities in the Bill as introduced were retained, including powers for local authorities to issue fixed penalty notices and compliance notices to enforce site licence conditions where they have been breached.

Power of entry of local authority officers

- **Amendment 64** gave a power of entry to an authorised officer of a local authority, and set out when an authorised officer could enter a mobile home site, as well as the procedures for doing so.

Repayment orders

- **Amendment 66** inserted a provision intended to dissuade owners from setting up a regulated mobile home site without a licence, as it would allow residents to recover the costs of any pitch sales or sales commission paid if it were found that the site was unlicensed. Where a mobile home site is established without a site licence, the owner or manager may be subject to a repayment order by the Residential Property Tribunal.

Mobile home agreements

- **Amendments 82 to 89** introduced a new Part 4, based on the existing law that applies to any agreements under which a person stations a mobile home on a protected site and occupies that mobile home as his or her only and main residence.
- **Amendment 101** introduced a new Schedule on the terms of mobile home agreements, including a requirement on owners to consult with residents on any change of use of the site (for example, from a residential use to a holiday home site).

Qualifying residents' associations

- **Amendment 95** set out criteria for a 'qualifying residents' association', in accordance with the original policy intent of the Bill as introduced.

Orders, regulations and guidance

- **Amendment 97** made provision concerning the Order- and regulation-making powers exercisable by the Welsh Ministers, and **amendment 98** set out the relevant commencement provisions.

Protection from eviction

- The amendments in group 14 (**amendments 74 to 81**) were largely restatements of the relevant provisions in the *Caravan Sites Act 1968* on protection from eviction. The Minister asserted that restating the law would make the Welsh statute book 'easier to use and less complicated'.

Additional powers of local authorities

- The amendments in the final group (**amendments 90, 91 and 102**) restated provisions taken from the 1960 Act (on the power to provide sites for mobile homes and to prohibit mobile homes on commons) and did not represent any significant changes to the law. The Minister stated that the provisions were being reaffirmed for the sake of clarity and completeness.

Commitments made by the Minister

During Stage 2 proceedings, the Minister for Housing and Regeneration, Carl Sargeant AM, made certain commitments to consider and discuss issues raised ahead of the Stage 3 debate. The details are as follows:

Display of documentation

- Jocelyn Davies AM raised a point in relation to subsection (5) of **amendment 18**, which stated that certain documents, including utility bills, must be displayed in a prominent place on the land at all times. The Member queried whether public liability insurance certificates could also be included in the list of documents to be displayed. The Minister said that it was a reasonable point that had not been raised with him before, and that he would consider the matter further at Stage 3.

Terminology

- Jocelyn Davies AM raised a query about the terminology used in **amendments 76 and 89**, stating that it was rather outdated (e.g. 'illegitimate person' and 'reputed father'). The Minister agreed to revisit the wording and come up with 'more reasonable language' at Stage 3.

Qualifying residents' associations

- Peter Black AM drew the Committee's attention to the fact that the changes made to the Bill by **amendment 95** would need further amendment at Stage 3 to remove subsection (1)(h), which gave the owner of a site a say in the approval of a qualifying residents' association. The Minister confirmed his intention to seek to remove it at Stage 3.

Next steps

An amended version of the Bill under its new short title, the **Mobile Homes (Wales) Bill**, has been prepared by the Legislation Office.

Stage 3 began on 14 June 2013 (the day after Stage 2 proceedings were completed). Members have until 6pm on Tuesday, 2 July 2013 to table further amendments through the Legislation Office (legislationoffice@wales.gov.uk). Stage 3 proceedings will take place in Plenary on 10 July 2013.

Further information

For further information on the Bill, please contact the Legislation Clerk, Helen Finlayson (helen.finlayson@wales.gov.uk).