POLICY NOTE

THE MOBILE HOMES (WRITTEN STATEMENT) (SCOTLAND) REGULATIONS 2013

S.S.I. 2013/188

1. The above instrument is made in exercise of the powers conferred by section 1(2)(e) of the Mobile Homes Act 1983 ("the 1983 Act"). The instrument is subject to the negative procedure.

Purpose of the Instrument

2. Section 1(2) of the 1983 Act requires that, before making an agreement with a proposed occupier of a mobile home on a protected site, the site owner must give a written statement to the proposed occupier. The 1983 Act requires that the written statement must contain certain information, including the terms which will be implied into the agreement under section 2(1) of and Part 1 of Schedule 1 to the 1983 Act, and must comply with any other requirements prescribed by the Scottish Ministers. The Mobile Homes (Written Statement) Regulations 1983 (S.I. 1983/749) prescribe the form and content of the written statement in more detail.

3. The Mobile Homes Act 1983 (Amendment of Schedule 1) (Scotland) Order 2013 ("the Order") will, if approved by the Scottish Parliament, make substantial amendments to the implied terms in Schedule 1 to the 1983 Act. These Regulations revoke the Mobile Homes (Written Statement) Regulations 1983 and replace them with an updated version of the written statement, which reflects the amendments the Order will make to the implied terms in Schedule 1.

Policy Objectives

4. There is increasing evidence of the issues faced by residents living permanently on some residential mobile home sites in Scotland. Many of these relate to unscrupulous site owners utilising weaknesses in the current legislation. The Scottish Government has laid the Order to significantly enhance the protection of residents who choose this form of living.

5. The written agreement is an important document in giving a prospective purchaser of a mobile home details of contractual obligations and other relevant information. These Regulations ensure that the information site owners are required to provide is up to date and reflects the changes to the 1983 Act made by the Order.

Consultation

6. To fulfil the consultation requirements of section 2B(5) of the 1983 Act (which apply only in relation to the Order), the Scottish Government consulted regularly with a stakeholder group from March 2010 onwards on the changes to the implied terms in Schedule 1 to the 1983 Act, which these Regulations reflect. Focussing on residential mobile home sites, the group examined the issues and options in detail and helped develop the provisions that were included in the public consultation. The group consisted of the following members and

continued to help progress and determine the policy direction following the public consultation:

- Association of Chief Police Officers in Scotland
- British Holiday and Home Parks Association
- Convention of Scottish Local Authorities
- Fife Council
- Independent Park Homes Advisory Service
- Midlothian Council
- Moray Council
- National Association of Park Home Residents
- National Caravan Council
- Park Home Legislation Action Group Scotland
- Park Home Residents Action Alliance
- West Lothian Council
- Willow Wood Community Company.

7. The public consultation on a draft order took place between 24 January and 18 March 2011. The report on the findings of the consultation was published on 28 June 2011 and also contains a list of the consultation respondents. The report is available at the following address: http://www.scotland.gov.uk/Publications/2011/06/15104220/0.

8. In order to engage directly with the Gypsy/Traveller community, the Scottish Government also carried out a separate consultation in summer 2011. 42 responses were received from individual members of the public, local authorities, registered social landlords and owners/residents of private sites. A copy of the report is available at the following address:
http://www.scotland.gov.uk/Topics/Built-Environment/Housing/privateowners/Residentialmobilehomes/analysis.

Impact Assessments

9. An Equality Impact Assessment for the changes being made to the implied terms in the 1983 Act by the Mobile Homes Act 1983 (Amendment of Schedule 1) (Scotland) Order 2013, is included with the Policy Note for the Order (available at http://www.legislation.gov.uk/sdsi/2013/9780111020500/policy-note/contents). These Regulations reflect the changes made by the Order.

Financial Effects

10. A Business and Regulatory Impact Assessment (BRIA) has been completed for the changes being made to the implied terms in the 1983 Act by the Order. The BRIA has been placed in the Scottish Parliament Information Centre, and is available on-line at:
http://www.legislation.gov.uk/sdsi/2013/9780111020500/impacts. These Regulations reflect the changes made by the Order.

Scottish Government
Directorate for Housing Regeneration and Welfare
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