POLICY NOTE

THE MOBILE HOMES (WRITTEN STATEMENT) (SCOTLAND) REGULATIONS 2026

SSI 2026/320

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

Summary Box

This instrument revokes and replaces The Mobile Homes (Written Statement) (Scotland) Regulations 2013 primarily to update references in the Schedule to the regulations as a consequence of the commencement of section 61 of the Housing (Scotland) Act 2025 which, from 1 April 2026, changed the index basis for mobile homes pitch fee reviews, from the Retail Prices Index (RPI) to the Consumer Prices Index (CPI).

The instrument also takes the opportunity to update section 1A and section 23 of the Schedule to reflect legislative changes in Section 84 Housing (Scotland) Act 2014.

Policy Objectives

The Mobile Homes Act 1983 ("the 1983 Act") applies to all agreements under which persons are entitled to station a mobile home on a protected site and occupy it as their only or main residence. The 1983 Act provides that before such an agreement is entered into the site owner must give to the proposed occupier of the mobile home a written statement which must include the matters specified in section 1(2)(a) to (d) of the 1983 Act and must comply with such other requirements as may be prescribed by Scottish Ministers by regulations. These Regulations specify that the written statement must be in the form set out in the Schedule.

Section 61 of The Housing Scotland Act 2025 ("the 2025 Act") provided for a change, in the 1983 Act, to the index basis of the percentage presumption, set out in section 2B and schedule 1 of the 1983 Act, for reviewing mobile home pitch fees in Scotland. The Housing (Scotland) Act 2025 (Commencement No. 3) Regulations 2026 was subsequently laid in the Scottish Parliament on 2 March 2026 and set a commencement date, of 1 April 2026, for the change of index from RPI to CPI.

To reflect this, a consequential change is required to update references to RPI in the Schedule to the 2013 Regulations, which prescribes the format of the written statement. This instrument revokes and replaces The Mobile Homes (Written Statement) (Scotland) Regulations 2013 and amends the relevant references in the Schedule to CPI.

The instrument also takes the opportunity to update section 23 of Part 3 of the Schedule to reflect legislative changes for pitch fees in Section 84 Housing (Scotland) Act 2014, which amended the 1983 Act to prevent pitch fees paid to a site owner from being increased to take account of any costs paid, or to be paid, by the site owner as a result of a local authority recovering the costs of enforcement action. It also takes the opportunity to include section 1A of Part 3 of the Schedule to reflect the changes in section 84(a) of the Housing (Scotland) Act

2014 which provides a list of circumstances which the right under section 1 to station the mobile home is not affected by.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 (the Act), the Scottish Ministers certify that, in their view, The Mobile Homes (Written Statement) (Scotland) Regulations 2026 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation

The Scottish Government undertook a technical consultation on pitch fee uprating under the 1983 Act from 19 January 2023 to 7 April 2023. There were 171 responses available for analysis in total. Twelve of these were from organisations and 159 from individuals, almost all of whom identified themselves as residents of mobile home sites. The majority of respondents agreed that the CPI was the most appropriate inflation index for pitch fee uprating for Scottish contracts under the 1983 Act and thought that this should apply to both existing and new contracts. Provisions under section 61 of the 2025 Act were subsequently commenced on 1 April 2026.

Impact Assessments

The change from RPI to CPI, as the index basis for pitch fee uprating, was screened in impact assessments for the 2025 Act as a positive impact on mobile home residents, a demographic which includes older people; people with a limiting long term health condition; and Gypsy/Travellers.

Financial Effects

The Cabinet Secretary for Social Justice and Housing confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Directorate for Housing

27 October 2026