

Ms Maureen Watt MSP
Convener
Infrastructure and Capital Investment Committee
Scottish Parliament
Horse Wynd
EH99 1SP



25 June 2013

Dear Maureen

At my recent appearance before the Committee to discuss the Mobile Homes Act 1983 (Amendment of Schedule 1) (Scotland) Order 2013 I undertook to write to you on the issue of how the changes in the Order would apply to those who rented their mobile home.

Mobile homes are a small part of Scotland's overall housing mix, but their owners have specific issues and deserve similar protections and rights as those in brick and mortar homes. The changes in the Order are focussed on those who own their mobile home and I can confirm that the Mobile Homes Act 1983, and the amendments made to it by the Order, are unlikely to apply where a person rents a mobile home from the owner of a protected site:

- Section 1(1) of the Mobile Homes Act 1983 Act sets out that the Act applies to:
- "any agreement under which a person ("the occupier") is entitled –
 - (a) to station a mobile home on land forming part of a protected site; and
 - (b) to occupy the mobile home as his only or main residence."

In the situation where a person rents a mobile home from the owner of a protected site the person is likely to be only entitled (by virtue of the agreement) to occupy the mobile home at the location provided by the owner. The lease agreement with the owner would not have to grant any entitlement to station a mobile home at the location. So a person renting a mobile home from a site owner is unlikely to be covered by the 1983 Act.

However, the terms on which that person occupies the mobile home and the respective obligations of the parties will be determined by the tenancy agreement they have entered into. For example, where a person resides at a mobile home under the terms of an assured tenancy, the protections that such tenancies provide would apply to their occupancy. Where an agreement deals with both stationing and occupation of the mobile home, then the protections in the Mobile Homes Act 1983 apply.



I hope this clarifies for the Committee the position of those who rent a mobile home from a site owner.

Kind regards

Margaret Burgess

MARGARET BURGESS