



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2014 Rhif 1760 (Cy. 175)

2014 No. 1760 (W. 175)

**CARTREFI SYMUDOL,
CYMRU**

MOBILE HOMES, WALES

Rheoliadau Cartrefi Symudol
(Ffioedd am Leiniau) (Ffurf
Ragnodedig) (Cymru) 2014

The Mobile Homes (Pitch Fees)
(Prescribed Form) (Wales)
Regulations 2014

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

EXPLANATORY NOTE

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn rhagnodi ffurf y ddogfen y mae'n ofynnol ei chynnwys gyda hysbysiad adolygu'r ffi am y llain (a gyflwynir o dan baragraff 17(3) neu (8)(b) o Bennod 2 o Ran 1 o Atodlen 2 i Ddeddf Cartrefi Symudol (Cymru) 2013) sy'n cynnig cynnydd arfaethedig yn y ffi am y llain. Rhaid i'r ddogfen fod ar y ffurf a ragnodir yn yr Atodlen i'r Rheoliadau hyn neu ar ffurf y mae ei heffaith yn sylweddol debyg iddi. Nid yw hysbysiad adolygu'r ffi am y llain sy'n cynnig cynnydd yn y ffi am y llain yn cael effaith oni bai bod dogfen o'r fath yn cyd-fynd ag ef.

These Regulations prescribe the form of the document that must accompany a pitch fee review notice (served under paragraph 17(3) or (8)(b) of Chapter 2 of Part 1 of Schedule 2 to the Mobile Homes (Wales) Act 2013) which proposes an increase in the pitch fee. The document must be in the form prescribed in the Schedule to these Regulations or in a form substantially to the same effect. A pitch fee review notice which proposes an increase in the pitch fee is of no effect unless it is accompanied by such a document.

Mae'r ddogfen, sydd i'w chwblhau gan berchennog y safle, yn darparu gwybodaeth i feddianwyr ynglŷn â'r modd y cafodd y ffi newydd am y llain ei chyfrifo a gwybodaeth am y broses adolygu ffioedd am leiniau.

The document, to be completed by the site owner, provides occupiers with information about how the proposed new pitch fee has been calculated and information about the pitch fee review process.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal Asesiad Effaith Rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Mae'r Asesiad Effaith a luniwyd ar gyfer Bil Cartrefi Symudol (Cymru) 2013 yn berthnasol a gellir cael copi gan yr Adran Dai, Llywodraeth Cymru, Parc Busnes Rhyd-y-car, Merthyr Tudful, CF48 1UZ.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a Regulatory Impact Assessment as to the likely costs and benefits of complying with these Regulations. The Impact Assessment prepared for the Mobile Homes (Wales) Bill 2013 is relevant and a copy may be obtained from the Department of Housing, Welsh Government, Rhydycar Business Park, Merthyr Tydfil, CF48 1UZ.

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Rheoliadau Cartrefi Symudol
(Ffioedd am Leiniau) (Ffurf
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The Mobile Homes (Pitch Fees)
(Prescribed Form) (Wales)
Regulations 2014

Gwnaed 2 Gorffennaf 2014

Made 2 July 2014

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 4 Gorffennaf 2014

Laid before the National Assembly for Wales 4
July 2014

Yn dod i rym 1 Hydref 2014

Coming into force 1 October 2014

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd iddynt gan baragraff 23 o Bennod 2 o Ran 1 o Atodlen 2 i Ddeddf Cartrefi Symudol (Cymru) 2013(1), yn gwneud y Rheoliadau a ganlyn:

The Welsh Ministers, in exercise of the powers conferred by paragraph 23 of Chapter 2 of Part 1 of Schedule 2 to the Mobile Homes (Wales) Act 2013(1), make the following Regulations:

Enwi a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Cartrefi Symudol (Ffioedd am Leiniau) (Ffurf Ragnodedig) (Cymru) 2014 ac maent yn dod i rym ar 1 Hydref 2014.

Title and commencement

1. The title of these Regulations is the Mobile Homes (Pitch Fees) (Prescribed Form) (Wales) Regulations 2014 and they come into force on 1 October 2014.

Ffioedd am leiniau: Ffurf ragnodedig

2. Rhaid i'r ddogfen y cyfeirir ati ym mharagraff 17(4) a (9) o Bennod 2 o Ran 1 o Atodlen 2 i Ddeddf Cartrefi Symudol (Cymru) 2013 fod ar y ffurf a ragnodir yn yr Atodlen i'r Rheoliadau hyn neu ar ffurf y mae ei heffaith yn sylweddol debyg iddi.

Pitch fees: Prescribed form

2. The document referred to in paragraph 17(4) and (9) of Chapter 2 of Part 1 of Schedule 2 to the Mobile Homes (Wales) Act 2013 must be in the form prescribed in the Schedule to these Regulations or in a form substantially to the same effect.

Carl Sargeant

Y Gweinidog Tai ac Adfywio, un o Weiniidogion
Cymru

Minister for Housing and Regeneration, one of the
Welsh Ministers

2 Gorffennaf 2014

2 July 2014

YR ATODLEN

Rheoliad 2

Ffurflen adolygu'r ffi am y llain

FFURFLEN I GYD-FYND Â HYSBYSIAD ADOLYGU'R FFI AM Y LLAIN
Y ffurf a ragnodir o dan baragraff 23 o Bennod 2 o Ran 1 o Atodlen 2 i Ddeddf Cartrefi Symudol (Cymru) 2013
Nodyn pwysig: Rhaid i'r ffurflen hon, neu ffurflen y mae ei heffaith yn sylweddol debyg iddi, gael ei hanfon gan berchennog y safle gyda hysbysiad adolygu'r ffi am y llain pan fydd perchennog y safle yn bwriadu codi'r ffi am y llain, neu fel arall ni fydd yr adolygiad ffi am y llain yn ddilys. Caniateir defnyddio'r ffurflen hon hefyd os yw perchennog y safle yn bwriadu gostwng y ffi am y llain. Dylai perchennog y safle yn ogystal â'r meddiannydd/meddianwyr ddarllen y nodiadau sydd ar waelod y ffurflen hon gan eu bod yn cynnwys gwybodaeth bwysig ynglŷn ag adolygiadau ffioedd am leiniau.
Adran 1: Y Partïon Oddi wrth.....[<i>Mewnosoder enw perchennog/perchnogion y safle</i>] ("Fi/Ni") I [<i>Mewnosoder enw'r meddiannydd/meddianwyr</i>] ("Chi")
Adran 2: Y ffi newydd arfaethedig am y llain Yr wyf I/Yr ydym Ni yn arfaethu cynyddu/gostwng eich ffi am y llain ar gyfer:[<i>mewnosoder cyfeiriad y cartref</i>] Dyddiad yr adolygiad diwethaf oedd:.....[<i>mewnosoder y dyddiad</i>] Y ffi gyfredol am y llain yw £.....[<i>mewnosoder y swm</i>] yr wythnos/y mis/ y chwarter/y flwyddyn Y ffi newydd arfaethedig am y llain yw £[<i>mewnosoder y swm</i>] yr wythnos/y mis/ y chwarter/y flwyddyn

Adran 3: Y dyddiad arfaethedig y bydd y ffi newydd am y llain yn cael effaith (dyddiad cael effaith)

Y dyddiad adolygu yw 12 mis ar ôl y dyddiad adolygu diwethaf.

Y dyddiad effeithiol yw'r dyddiad a gynigir fel y dyddiad y bydd y ffi newydd am y llain yn dod yn daladwy, a gaiff fod ar y dyddiad adolygu neu, yn achos adolygiad hwyr, ddyddiad diweddarach.

- Bydd y ffi arfaethedig am y llain yn cael effaith ar y dyddiad adolygu ar.....[mewnosoder y dyddiad]
- Bydd y ffi arfaethedig am y llain yn cael effaith ar.....[mewnosoder y dyddiad] sydd yn hwyrach na'r dyddiad adolygu

[Llenwch ba un bynnag sy'n briodol]

Noder: I gael rhagor o wybodaeth am yr adolygiad, adolygiadau hwyr a dyddiadau effeithiol, gweler y nodiadau sydd ar ddiwedd y ffurflen.

Adran 4: Cyfrifo'r ffi newydd arfaethedig am y llain

Mae'r ffi newydd arfaethedig am y llain wedi ei chyfrifo fel (A) + (B) + (C) – (D) lle:

(A) yw'r ffi gyfredol am y llain, sef £.....[mewnosoder y swm]

(B) yw'r Addasiad Mynegai Prisiau Defnyddwyr (CPI) £.....[mewnosoder +/- y swm]
[a gyfrifwyd ar sail [cynnydd]/[gostyngiad] [dileer fel y bo'n briodol] canrannol o%
[mewnosoder y swm]]

(C) yw'r costau adenilladwy, sef £.....[mewnosoder y swm]

(D) yw'r didyniadau perthnasol, sef £.....[mewnosoder y swm]

(B) Yr addasiad CPI

Yn unol â pharagraff 20 o Bennod 2 o Ran 1 o Atodlen 2 i Ddeddf Cartrefi Symudol (Cymru) 2013, yr wyf I/yr ydym Ni wedi cyfrifo'r addasiad CPI drwy gyfeirio at y [cynnydd]/[gostyngiad] canrannol [dileer fel y bo'n briodol] yn y Mynegai Prisiau Defnyddwyr (CPI) yn ystod 12 mis. Hynny yw, y newid canrannol blynyddol cyhoeddedig yn y CPI ar gyfer[mewnosoder mis a blwyddyn y mynegai diweddaraf] sef [mewnosoder y newid canrannol blynyddol i'r CPI ar gyfer y mis hwnnw].

Noder: Am wybodaeth bellach ar y ffigurau CPI cywir i'w defnyddio, cyfeiriwch at yr adran ar yr addasiad CPI sydd yn y nodiadau ar ddiwedd y ffurflen hon.

(C) Costau adenilladwy

Yr wyf I/yr ydym Ni wedi ychwanegu taliad yr wyf I/yr ydym Ni wedi mynd i gostau o'i herwydd ac y credaf I/y credwn Ni y gellid ei adennill drwy'r ffi am y llain. Nodir manylion y costau yr aethpwyd iddynt isod [llenwer fel y bo'n briodol].

Disgrifiad o'r Eitem sy'n berthnasol i'r costau	Y cyfnod pryd yr aethpwyd i gostau	Cyfanswm y gost	Y modd y dyrannwyd hon ymhlith y cartrefi	Y tâl net i'r meddiannydd yw

Cyfanswm y tâl net i Chi yw £.....[mewnosoder y swm] [yr wythnos]/[y mis]/[y chwarter]/[y flwyddyn] [dileer fel y bo'n briodol].

(D) Didyniadau perthnasol

Yr wyf I/yr ydym Ni wedi didynnu swm o £.....[mewnosoder y swm] [yr wythnos]/[y mis]/[y chwarter]/[y flwyddyn][dileer fel y bo'n briodol] er dwyn y materion canlynol i ystyriaeth[mewnosoder manylion am unrhyw fater(ion) a gafodd ei ddwyn/eu dwyn i ystyriaeth wrth gyfrifo'r swm a bennwyd].

Yr wyf I/yr ydym Ni wedi pennu'r swm hwnnw fel a ganlyn.....

[mewnosoder eglurhad o'r modd y cyfrifwyd y swm ar gyfer (D)].

Noder: Mae'r materion y mae'n ofynnol i berchennog/berchnogion y safle roi ystyriaeth arbennig iddynt wrth gynnal yr adolygiad ffi am y llain yn cynnwys y rhai hynny a nodir ym mharagraff 18 o Bennod 2 o Ran 1 o Atodlen 2 i Ddeddf Cartrefi Symudol (Cymru) 2013. Mae'r rhain yn rhan o'ch telerau ymhlyg. Dylai perchennog neu berchnogion y llain felly ddwyn y materion hyn i ystyriaeth wrth gyfrifo naill ai (C) neu (D). Mae Paragraffau 18 a 19 o'r Bennod honno hefyd yn nodi materion penodol na chaniateir eu dwyn i ystyriaeth wrth gyfrifo (C) na (D). Mae gwybodaeth bellach i'w chael hefyd yn y nodiadau sydd ar ddiwedd y ffurflen hon.

Adran 5: Beth i'w wneud os ydych Chi'n anghytuno â'r ffi arfaethedig newydd am y llain

Os nad ydych Chi yn cytuno â'r ffi arfaethedig am y llain nid oes rhaid i Chi dalu'r swm arfaethedig newydd o'r dyddiad dod i rym, ond mae'n rhaid i Chi barhau i dalu'r ffi gyfredol am y llain. Ni fyddwch yn mynd i gostau am ôl-daliadau. Serch hynny, fe allaf I/gallwn Ni wneud cais i dribiwnlys eiddo preswyl (y tribiwnlys) er mwyn iddo benderfynu ar y ffi newydd am y llain. Mae gennych Chi yr hawl hefyd i wneud cais i'r tribiwnlys. Os bydd y tribiwnlys yn penderfynu bod ffi newydd am y llain yn daladwy, bydd yn daladwy o'r dyddiad dod i rym. (Mae'r nodiadau sy'n dod gyda'r ffurflen hon yn cynnwys gwybodaeth bellach.)

Adran 6: Llofnod/llofnodion perchennog/perchnogion y safle

Llofnodwyd

Dyddiad

Enw a chyfeiriad perchennog/perchnogion y safle (er cyflwyno hysbysiadau)

.....
.....

Adran 7: Nodiadau: Darllenwch y nodiadau hyn yn ofalus os gwelwch yn dda, gan eu bod yn cynnwys gwybodaeth bwysig ynglŷn â'r adolygiad ffi am y llain. Canllaw yn unig yw'r nodiadau hyn ac nid ydynt yn ddatganiad diffiniol o'r gyfraith.

Cyffredinol

- Dylid defnyddio'r ffurflen hon os yw perchennog y llain yn arfaethu newid y ffi am y llain.
- Rhaid i berchennog y safle gyflwyno'r ffurflen hon i'r meddiannydd/meddianwyr, ynghyd â'r hysbysiad adolygu'r ffi am y llain, 28 o ddiwrnodau o leiaf cyn y dyddiad yr arfaethir newid y ffi am y llain.
- Mae'r ffurflen hon yn nodi'r ffi arfaethedig newydd am y llain, y dyddiad y bwriedir i'r ffi newydd am y llain gael effaith a'r modd y cafodd ei chyfrifo.
- Nid oes modd gosod y ffi newydd arfaethedig am y llain ar y meddiannydd/meddianwyr. Rhaid naill ai gytuno arni neu ei phenderfynu drwy dribiwnlys.

Adolygiad ac adolygiadau hwyr

- Fel arfer arfaethir bod newid yn y ffi am y llain yn cael effaith o'r dyddiad adolygu. Rhaid rhoi cyfnod rhybudd o 28 o ddiwrnodau o leiaf cyn y dyddiad adolygu.
- Y dyddiad adolygu yw'r dyddiad a bennir yn y datganiad ysgrifenedig⁽¹⁾ fel y dyddiad y bydd y ffi am y llain yn cael ei hadolygu bob blwyddyn. Os na phennir dyddiad, mae'n debygol mai union flwyddyn ar ôl y dyddiad y dechreuodd y cytundeb fydd y dyddiad adolygu.
- Os bydd perchennog y safle yn methu'r dyddiad adolygu, gellid trefnu i newid arfaethedig i'r ffi am y llain gael effaith ar adeg ddiweddarach. Cyn belled â bod perchennog y safle yn rhoi cyfnod rhybudd o 28 o ddiwrnodau fan leiaf, caniateir cynnig bod adolygiad hwyr yn dod i rym ar unrhyw adeg wedi'r dyddiad adolygu.
- Y "dyddiad adolygu nesaf" yw'r dyddiad sydd 12 mis wedi'r dyddiad adolygu. Mae hyn yn gymwys boed yr adolygiad cyfredol yn hwyr ai peidio. Golyga, er enghraifft, os yw'r dyddiad adolygu ar 1 Ebrill 2015, ond bod yr adolygiad yn hwyr a heb gael effaith hyd 1 Gorffennaf, mai ar 1 Ebrill 2016 y bydd y dyddiad adolygu nesaf, yn hytrach na 12 mis o ddyddiad dod i rym yr adolygiad cyfredol.

(1) Cyn gwneud cytundeb y mae Rhan 4 o Ddeddf Cartrefi Symudol (Cymru) 2013 yn gymwys iddo, rhaid i berchennog y safle gwarchoddedig roi i'r meddiannydd arfaethedig o dan y cytundeb ddatganiad ysgrifenedig sy'n cydymffurfio ag adran 49 o'r Ddeddf honno.

Effaith yr hysbysiad adolygu'r ffi am y llain a gwneud cais i'r tribiwnlys

- Os yw'r meddiannydd yn derbyn y ffi newydd am y llain, gall adael i berchennog y safle wybod hynny neu wneud dim ond talu'r swm a awgrymir o'r dyddiad dod i rym.
- Nid yw'n ofyniad ar y meddiannydd i dderbyn yr awgrym na thalu'r swm a awgrymir. Ni fydd methu â thalu'r ffi newydd am y llain yn arwain at ôl-ddyledion i'r meddiannydd.
- Os nad yw'r meddiannydd yn derbyn y ffi a awgrymir am y llain gall roi gwybod i berchennog y safle, ond nid oes rhaid i'r meddiannydd wneud hynny. Cyhyd â bod y ffi gyfredol am y llain yn parhau i gael ei thalu, dyna yw'r uchafswm sy'n daladwy oni fo'r tribiwnlys yn pennu ffigur gwahanol.
- Os na cheir cytundeb i'r ffi newydd am y llain, caiff perchennog y safle neu'r meddiannydd wneud cais i dribiwnlys er mwyn i'r tribiwnlys wneud penderfyniad.
- Pan fo'r hysbysiad adolygu'r ffi am y llain wedi ei gyflwyno 28 o ddiwrnodau clir o leiaf cyn y dyddiad adolygu, caniateir gwneud cais i'r tribiwnlys wedi i'r cyfnod o 28 o ddiwrnodau ddod i ben, gan ddechrau gyda'r dyddiad adolygu ond heb fod yn hwyrach na 3 mis wedi'r dyddiad adolygu.
- Pan fo'r hysbysiad adolygu'r ffi am y llain wedi ei gyflwyno'n hwyrach na hynny, caniateir gwneud cais i'r tribiwnlys wedi i'r cyfnod o 56 o ddiwrnodau ddod i ben, gan ddechrau gyda'r dyddiad y mae perchennog y safle yn cyflwyno'r hysbysiad ond heb fod yn hwyrach na 4 mis wedi'r dyddiad hwnnw.
- Yn y naill achos a'r llall, ni chaniateir cais hwyr i'r tribiwnlys oni fo rhesymau da dros y methiant i wneud cais o fewn y terfyn amser, ac am unrhyw oedi wedi hynny wrth wneud cais am ganiatâd i wneud cais wedi i'r terfyn amser ddod i ben.
- Cyn penderfynu achos, bydd y tribiwnlys yn gwahodd sylwadau gan y partïon a chaniateir iddo gynnal gwrandawriad ac archwilio'r safle.
- Os bydd parti yn ymddwyn yn afresymol yng nghyswllt cais caniateir i'r tribiwnlys osod gorchymyn costau yn erbyn y parti hwnnw.
- Os bydd y tribiwnlys yn gwneud penderfyniad bydd ei benderfyniad yn gymwys o'r dyddiad effeithiol. Mae hyn yn golygu y gallai unrhyw gynnydd arfaethedig gael ei ôl-ddyddio o sawl mis. Fodd bynnag, ni ddylid trin y meddiannydd fel pe bai'n ddyledus hyd 28 o ddiwrnodau wedi dyddiad y gorchymyn a wnaed gan y tribiwnlys sy'n pennu'r ffi newydd am y llain.
- Os methir â dod i gytundeb ynglŷn â'r ffi am y llain a bod y tribiwnlys heb wneud penderfyniad (h.y. oherwydd bod perchennog y safle heb wneud cais neu oherwydd bod cais yn cael ei wrthod neu ei dynnu'n ôl), rhaid i'r meddiannydd barhau i dalu'r ffi bresennol am y llain, ond ni chaniateir codi'r ffi arfaethedig am y llain.
- Os yw'r meddiannydd yn gwneud cais, a bod tribiwnlys wedi ei fodloni nad yw hysbysiad adolygu'r ffi am y llain yn cael effaith oherwydd methiant i gyflwyno'r ffurflen hon ynghyd â'r hysbysiad adolygu'r ffi am y llain, ond bod y meddiannydd er hynny wedi talu'r ffi am y llain a awgrymir yn yr hysbysiad, caniateir i'r tribiwnlys orchymyn i berchennog y safle ad-dalu'r gwahaniaeth rhwng y swm yr oedd yn ofynnol i'r meddiannydd ei dalu ar gyfer y cyfnod dan sylw a'r swm y mae wedi ei dalu mewn gwirionedd.

Materion y caniateir ac na chaniateir eu dwyn i ystyriaeth mewn arolwg arfaethedig

- Dywed y gyfraith⁽¹⁾ y rhagdybir nad oes modd newid y ffi am y llain o fwy na'r newid blynyddol yn y Mynegai Prisiau Defnyddwyr (CPI), oni fyddai hynny yn afresymol o ystyried y materion a nodir ym mharagraff 18(1) o Bennod 2 o Ran 1 o Atodlen 2 i Ddeddf Cartrefi Symudol (Cymru) 2013.
- Mae'r nodiadau sydd yn y rhan hon yn egluro'r ffordd y cyfrifir yr addasiad CPI a pha faterion eraill y caniateir eu dwyn i ystyriaeth fel rhan o'r adolygiad.

Addasiad CPI

- Mae'r modd y cyfrifwyd yr addasiad CPI yn adran 4(B) o'r ffurflen.
- Mae uchafswm yr addasiad CPI wedi'i gyfyngu i'r newid canrannol blynyddol cyhoeddedig yn y CPI yn y flwyddyn flaenorol, hyd yn oed os nad yw'r ffi am y llain wedi newid ers nifer o flynyddoedd. (Gweler yr adran adolygiadau ac adolygiadau hwyr uchod am fanylion pellach.)
- Wrth gymhwyso'r addasiad CPI i adolygiad ffi am y llain yr arfaethir iddo gael effaith ar y dyddiad adolygu, y ffigur y mae'n rhaid ei ddefnyddio wrth gyfrifo yw'r ffigur CPI 12 mis olaf i'w gyhoeddi sydd ar gael cyn i hysbysiad am adolygiad gael ei gyflwyno. Rhaid cyflwyno'r hysbysiad o leiaf 28 o ddiwrnodau clir cyn y dyddiad adolygu.
- Wrth gymhwyso'r addasiad CPI i adolygiad ffi am y llain yr arfaethir iddo gael effaith ar ddyddiad a fo'n hwyrach na'r dyddiad adolygu (adolygiad hwyr), y ffigur CPI y mae'n rhaid ei gymhwyso yw'r ffigur CPI 12 mis olaf i'w gyhoeddi cyn y dyddiad y dylai perchennog/perchnogion y safle fod wedi cyflwyno'r hysbysiad adolygu pe bai'r adolygiad wedi digwydd yn brydlon - h.y. ffigur y newid yn y CPI 12 mis olaf a gyhoeddwyd cyn y diwrnod a oedd 28 o ddiwrnodau clir cyn y dyddiad adolygu. Felly, os mai 1 Ebrill 2015 yw'r dyddiad adolygu, y ffigur CPI i'w gymhwyso fyddai'r ffigur CPI olaf a gyhoeddwyd cyn 4 Mawrth 2015.
- Ni chaniateir defnyddio unrhyw ddyddiad na dull arall i gyfrifo'r addasiad CPI.

(1) Paragraff 20 o Bennod 2 o Ran 1 o Atodlen 2 i Ddeddf Cartrefi Symudol (Cymru) 2013. Ar gyfer materion y caniateir eu dwyn i ystyriaeth yn fwy cyffredinol mewn adolygiad gweler paragraff 18.

Materion eraill y caniateir eu cynnwys mewn adolygiad

- Dangosir costau yr aethpwyd iddynt gan berchennog y safle, ac yr arfaethir eu hadennill gan y meddiannydd, yn adran 4(C) o'r ffurflen.
- Mae'r materion y mae'r cyfryw gostau yn berthnasol iddynt ac y mae modd eu hadennill drwy'r ffi am y llain yn cynnwys:
 - Newid yn y gyfraith ers y dyddiad adolygu diwethaf, ac eithrio un a waherddir yn benodol rhag ei gynnwys, sydd wedi effeithio'n uniongyrchol ar gost rheoli neu gynnal a chadw'r safle.
 - Costau "gwelliannau" penodol i'r safle (gweler isod am fanylion ar welliannau).
- Dylid gwneud didyniad o'r ffi am y llain a'i ddangos yn adran 4(D) y ffurflen os yw'n ymwneud â mater a nodir isod:
 - Didynnu unrhyw gostau a gynhwyswyd mewn adolygiadau blaenorol yng nghyswllt cost gwelliannau sydd eisoes wedi eu hadennill drwy'r ffi am y llain.
 - Gostyngiad mewn costau o ganlyniad i newid yn y gyfraith ers y dyddiad adolygu diwethaf, sydd wedi effeithio'n uniongyrchol ar gost rheoli neu gynnal a chadw'r safle.
 - Didyniad i adlewyrchu unrhyw ddirywiad yng nghyflwr y safle neu leihad yn amwynder y safle neu unrhyw dir cyffiniol sydd wedi ei feddiannu neu ei reoli gan berchennog y safle sydd wedi digwydd ers 1 Hydref 2014 ac sydd heb ei ddwyn i ystyriaeth mewn adolygiad blaenorol o'r ffi am y llain.
 - Didyniad i adlewyrchu unrhyw ostyngiad yn y gwasanaethau y mae'r perchennog yn eu cyflenwi i'r safle, y llain neu'r cartref symudol, neu unrhyw ddirywiad yn ansawdd y gwasanaethau hynny sydd wedi digwydd ers 1 Hydref 2014 ac sydd heb ei ddwyn i ystyriaeth mewn adolygiad blaenorol.

Gwelliannau

Gellir adennill costau gwelliant mewn adolygiad ffi am y llain dim ond os:

- yw'r gwelliant er budd meddianwyr y safle;
- yr ymgynghorwyd â'r meddianwyr ac unrhyw gymdeithas trigolion gymwys; ac
- nad yw mwyafrif y meddianwyr wedi anghytuno yn ysgrifenedig â'r gwelliannau sy'n cael eu gwneud neu, os yw'r mwyafrif wedi anghytuno, bod tribiwnlys wedi gorchymyn y caniateir cynnwys y costau yn y ffi am y llain⁽¹⁾.

(1) Paragraff 18(1)(a) o Bennod 2 o Ran 1 o Atodlen 2 i Ddeddf Cartrefi Symudol (Cymru) 2013.

Materion na ellir eu cynnwys mewn adolygiad ffi am y llain

Ni chaniateir cynnwys unrhyw gostau sy'n berthnasol i'r materion a ganlyn mewn adolygiad ffi am y llain:

- costau wrth gydymffurfio â darpariaethau sydd yn Rhan 4 o Ddeddf Cartrefi Symudol (Cymru) 2013 nad oeddent yn Neddf Cartrefi Symudol 1983 wrth ei chymhwyso i Gymru cyn i Ran 4 ddod i rym, gan gynnwys unrhyw gostau mewn perthynas â pharatoi a chyflwyno'r ffurflen hon(1);
- costau yr aethpwyd iddynt yn ganlyniad i unrhyw gamau a gymerwyd gan yr awdurdod lleol wrth orfodi trwyddedau o dan adrannau 15 hyd 25 o Ddeddf Cartrefi Symudol (Cymru) 2013 a derbyn collfarn am drosedd o dan adran 18(2);
- ffioedd a dalwyd gan berchennog y safle i'r awdurdod lleol am gais am drwydded safle neu am newid unrhyw amodau i drwydded y safle(3);
- unrhyw gostau yr aethpwyd iddynt gan berchennog y safle mewn cysylltiad ag ehangu'r safle gwarchoddedig(4); neu
- unrhyw gostau yr aethpwyd iddynt gan berchennog y safle mewn perthynas â chynnal achos o dan Ran 4 o Ddeddf Cartrefi Symudol (Cymru) 2013 neu o dan gytundebau a wnaed rhwng perchennog y safle a meddianwyr o dan Ran 4 o'r Ddeddf honno(5).

Ymrwymadau ymgynghori perchennog y safle

- Mae'n ofynnol i berchennog y safle ymgynghori â'r meddianwyr ar unrhyw welliannau i'r safle yn gyffredinol, ac yn arbennig y rheiny lle bo'r perchennog yn arfaethu adennill cost y gwaith drwy'r ffi am y llain(6) (gweler gwelliannau uchod).
- Rhaid i berchennog y safle, yn ogystal, ymgynghori ag unrhyw gymdeithas trigolion gymwys(7) sy'n perthyn i'r safle ar faterion sy'n ymwneud â gweithredu a rheoli'r safle, ac ac unrhyw welliannau i'r safle a allai effeithio ar feddianwyr y safle yn uniongyrchol neu'n anuniongyrchol(8).
- Wrth ymgynghori, rhaid i berchennog y safle roi o leiaf 28 o ddiwrnodau o hysbysiad ysgrifenedig am y gwelliant. Rhaid i'r ddogfen ymgynghori ddisgrifio'r gwelliant arfaethedig ac egluro ym mha ffordd y bydd o les i'r meddianwyr yn y tymor byr ac yn y tymor hir. Mae'n rhaid i'r ddogfen ddarparu manylion am y ffordd y bydd y ffi am y llain yn cael ei heffeithio gan y gwelliant arfaethedig ar y dyddiad adolygu nesaf a rhaid iddo ddatgan pryd a ble y ceir cyflwyno sylwadau ynglŷn â'r gwelliant arfaethedig(9).
- Cyn ymgymryd ag unrhyw welliannau i'r safle, rhaid i berchennog y safle ddwyn i ystyriaeth unrhyw sylwadau a dderbyniwyd gan y meddianwyr(10). Ond ni chaniateir i'r perchennog ymgymryd ag unrhyw waith yr arfaethir i gost y gwaith gael ei hadennill drwy'r ffi am y llain os yw mwyafrif o'r meddianwyr wedi anghytuno â'r gwaith drwy hysbysu'n ysgrifenedig, oni fo tribiwnlys wedi awdurdodi yn niffyg cytundeb yr adenillir y costau yn y ffi am y llain.(11).

(1) Paragraff 18(2) o Bennod 2 o Ran 1 o Atodlen 2 i Ddeddf Cartrefi Symudol(Cymru) 2013.
(2) Paragraff 19(2)(c) o Bennod 2 o Ran 1 o Atodlen 2 i Ddeddf Cartrefi Symudol(Cymru) 2013.
(3) Paragraff 19(2)(b) o Bennod 2 o Ran 1 o Atodlen 2 i Ddeddf Cartrefi Symudol (Cymru) 2013.
(4) Paragraff 19(1) o Bennod 2 o Ran 1 o Atodlen 2 i Ddeddf Cartrefi Symudol (Cymru) 2013.
(5) Paragraff 19(2)(a) o Bennod 2 o Ran 1 o Atodlen 2 i Ddeddf Cartrefi Symudol Cymru) 2013.
(6) Paragraff 22(1)(e) o Bennod 2 o Ran 1 o Atodlen 2 i Ddeddf Cartrefi Symudol (Cymru) 2013.
(7) Am y diffiniad o Gymdeithas Trigolion Gymwys gweler adran 61 o Ddeddf Cartrefi Symudol (Cymru) 2013.
(8) Paragraff 22(1)(f) o Bennod 2 o Ran 1 o Atodlen 2 i Ddeddf Cartrefi Symudol (Cymru) 2013.
(9) Paragraff 22(2)(a) o Bennod 2 o Ran 1 o Atodlen 2 i Ddeddf Cartrefi Symudol (Cymru) 2013.
(10) Paragraff 22(2)(b) o Bennod 2 o Ran 1 o Atodlen 2 i Ddeddf Cartrefi Symudol (Cymru) 2013.
(11) Paragraff 18(1)(a) o Bennod 2 o Ran 1 o Atodlen 2 i Ddeddf Cartrefi Symudol (Cymru) 2013. Am y diffiniad o "mwyafrif" gweler paragraff 18(3).

Rhwymedigaethau Perchennog y Safle i drwsio a chynnal a chadw

- Mae paragraff 22(1)(c) a (d) o Bennod 2 o Ran 1 o Atodlen 2 i Ddeddf Cartrefi Symudol (Cymru) 2013 yn nodi rhwymedigaethau trwsio perchennog y safle. Y rhwymedigaethau hyn yw bod perchennog y safle:
 - yn gyfrifol am drwsio'r sylfaen y gosodwyd y cartref symudol arni ac am gynnal unrhyw wasanaethau nwy, trydan, dŵr, carthffosiaeth neu wasanaethau eraill a gyflenwir gan y perchennog i'r llain neu i'r cartref symudol;
 - yn cadw'r rhannau hynny o'r safle gwarchoddedig, gan gynnwys ffyrdd mynediad, ffensys terfyn y safle a choed, nad ydynt yn gyfrifoldeb i feddiannydd unrhyw gartref symudol a osodwyd ar y safle gwarchoddedig, mewn cyflwr glân a chymen.
- Gall enghreifftiau o waith trwsio a chynnal a chadw sy'n dod o fewn paragraff 22 gynnwys trwsio a chynnal a chadw pibellau, cwndidau, gwifrau, strwythurau, tanciau neu offer eraill a ddarperir gan berchennog y safle, ac ar rannau'r safle sydd dan reolaeth perchennog y safle, gan gynnwys ffyrdd mynediad, heolydd, palmentydd, dodrefn stryd a goleuadau, ffensys terfyn, adeiladau mewn defnydd cyffredin, draeniau a'r system ddraenio ac unrhyw fannau agored neu gyfleusterau cyffredin.
- Mae'n ofyniad hefyd ar berchennog y safle ddarparu i'r meddiannydd, yn rhad ac am ddim ac ar gais, dystiolaeth ddogfennol i gefnogi ac i egluro:
 - unrhyw ffi newydd am y llain;
 - unrhyw daliadau am wasanaethau nwy, trydan, dŵr, carthffosiaeth neu wasanaethau eraill sy'n daladwy gan y meddiannydd i'r perchennog o dan y cytundeb; ac
 - unrhyw daliadau, costau neu dreuliau eraill sy'n daladwy gan y meddiannydd i'r perchennog o dan y cytundeb(1).

Rhwymedigaethau Trwsio'r Meddiannydd

Mae'n ofynnol i'r meddiannydd:

- cadw'r cartref mewn cyflwr cadarn; a
- cynnal tu allan y cartref a'r llain, gan gynnwys pob ffens ac adeilad allanol sy'n perthyn i'r llain a'r cartref symudol, neu a fwynheir gyda'r rhain, a sicrhau eu bod yn cael eu cadw mewn cyflwr glân a chymen(2).

Pan fo'r meddiannydd yn ceisio ad-daliad am unrhyw gostau neu dreuliau oddi wrth berchennog y safle, rhaid i'r meddiannydd gyflenwi i'r perchennog dystiolaeth ddogfennol i gefnogi'r cais os gofynnir am hynny.(3).

Gwybodaeth bellach

Mae gwybodaeth bellach am adolygiadau ffioedd am leiniau a thaliadau eraill ar gael ar wefan Llywodraeth Cymru yn:

<http://wales.gov.uk/topics/housingandcommunity/housing/private/mobile-homes-act/?skip=1&lang=cy>

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Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Carol Tullo, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

(1) Paragraff 22(1)(b) o Bennod 2 o Ran 1 o Atodlen 2 i Ddeddf Cartrefi Symudol (Cymru) 2013.

(2) Paragraff 21(1)(c) a (d) o Bennod 2 o Ran 1 o Atodlen 2 i Ddeddf Cartrefi Symudol (Cymru) 2013.

(3) Paragraff 21(e) o Bennod 2 o Ran 1 o Atodlen 2 i Ddeddf Cartrefi Symudol (Cymru) 2013.

SCHEDULE

Regulation 2

Pitch fee review form

FORM T0 ACCOMPANY A PITCH FEE REVIEW NOTICE
Form prescribed under paragraph 23 of Chapter 2 of Part 1 of Schedule 2 to the Mobile Homes (Wales) Act 2013
<p>Important note: This form, or a form substantially to the same effect, must be sent by the site owner with the pitch fee review notice where the site owner proposes to increase the pitch fee, otherwise the pitch fee review will not be valid. This form may also be used if the site owner is proposing to reduce the pitch fee. Both the site owner and the occupier(s) should read the notes at the end of this form as they contain important information about pitch fee reviews.</p>
<p>Section 1: Parties</p> <p>From [<i>Insert name of the site owner(s)</i>] (“I/We”).</p> <p>To [<i>Insert name of occupier(s)</i>] (“You”).</p>
<p>Section 2: Proposed new pitch fee</p> <p>I/We propose to increase/reduce your pitch fee for:[<i>Insert address of the home</i>]</p> <p>The last review date was:[<i>insert date</i>]</p> <p>The current pitch fee is £.....[<i>insert amount</i>] per week/month/quarter/year</p> <p>The proposed new pitch fee is £[<i>insert amount</i>] per week/month/quarter/year</p>

Section 3: Date new pitch fee proposed to take effect (effective date)

The review date is 12 months after the last review date.

The effective date is the date when it is proposed the new pitch fee is payable from, which may be on the review date or, in the case of a late review, a later date.

- The proposed pitch fee will take effect on the review date on.....*[insert date]*
- The proposed pitch fee will take effect on *[insert date]* which is later than the review date

[Complete whichever is appropriate]

Note: For further information on the review, late reviews and effective dates, see the notes at the end of the form.

Section 4: Calculation of the proposed new pitch fee

The proposed new pitch fee has been calculated as (A) + (B) + (C) – (D) where:

(A) is the current pitch fee of £.....*[insert amount]*

(B) is the Consumer Prices Index (CPI) Adjustment £.....*[insert +/- amount]*
[calculated from a percentage [increase]/[decrease]*[delete as appropriate]* of%*[insert amount]*]

(C) is the recoverable costs of £.....*[insert amount]*

(D) is the relevant deductions of £.....*[insert amount]*

(B) The CPI adjustment

In accordance with paragraph 20 of Chapter 2 of Part 1 of Schedule 2 to the Mobile Homes (Wales) Act 2013, I/We have calculated the CPI adjustment by reference to the percentage [increase]/[decrease] [delete as appropriate] in the Consumer Prices Index (CPI) over 12 months. This is the published annual percentage change in the CPI for[insert month and year of latest index] which was [insert CPI annual percentage change for that month].

Note: For further information on the correct CPI figures to use, refer to the section on the CPI adjustment in the notes at the end of this form.

(C) Recoverable costs

I/We have added a charge that I/We have incurred and believe can be recovered through the pitch fee. The details of the costs incurred are set out below [complete as appropriate].

Description of Item relating to the costs	The period in which the cost was incurred	The total cost	How this has been divided across the homes	The net charge to the occupier is

The total net charge to You is £[insert amount] per [week]/[month]/[quarter]/[year] [delete as appropriate].

(D) Relevant deductions

I/We have deducted the sum of £..... [insert amount] per [week]/[month]/[quarter]/[year] [delete as appropriate] to take account of the following matters [insert details of any matters(s) which have been taken into account in calculating the amount arrived at].

I/We have arrived at that amount as follows

[insert explanation of how the amount for (D) has been calculated].

Note: The matters to which the site owner(s) must have particular regard to when carrying out the pitch fee review include those set out in paragraph 18 of Chapter 2 of Part 1 of Schedule 2 to the Mobile Homes (Wales) Act 2013. These form part of your implied terms. The site owner(s) must therefore take these matters into account in the calculation of either (C) or (D). Paragraphs 18 and 19 of that Chapter also set out certain matters which must not be taken into account in the calculation of (C) and (D). Further information can be found in the notes at the end of this form.

Section 5: What to do if You disagree with the proposed new pitch fee

If You do not agree to the proposed pitch fee, You do not have to pay the proposed new amount from the effective date, but You must continue to pay the current pitch fee. You will not incur arrears. I/We may, however, apply to a residential property tribunal (the tribunal) for it to decide what the new pitch fee should be. You also have the right to apply to the tribunal. If the tribunal decides that a new pitch fee is payable, it is to be payable as from the effective date. (The notes accompanying this form contain further information)

Section 6: Signature(s) of site owner(s)

Signed.....

Date

Name and address of the site owner(s) (for the purpose of serving notices)
.....
.....

Section 7: Notes: Please read these notes carefully as they contain important information about the pitch fee review. These notes are for guidance only and are not a definitive statement of the law.

General

- This form should be used if the site owner is proposing to change the pitch fee.
- The site owner must serve this form on the occupier(s), with the pitch fee review notice, at least 28 days before the date on which it is proposed to change the pitch fee.
- This form sets out the proposed new pitch fee, the date from which it is proposed the new pitch fee will take effect and how it has been calculated.
- The new proposed pitch fee cannot be imposed on the occupier(s). It must be either agreed, or determined by a tribunal.

Review and late reviews

- A change in pitch fee is normally proposed to be effective from the review date. A minimum notice period of 28 days prior to the review date must be given.
- The review date is the date specified in the written statement⁽¹⁾ as the date on which the pitch fee will be reviewed in each year. If no date is specified, it is likely to be each anniversary of the date the agreement commenced.
- If the site owner misses the review date, a proposed change to the pitch fee can be made to take effect at a later time. Provided that the site owner gives a minimum notice period of 28 days, a late review can be proposed to take effect at any time after the review date.
- The “next review date” is the date 12 months from the review date. This applies whether or not the current review is late. It means, for example, if the review date is 1 April 2015, but the review is late and doesn’t take effect until 1 July, the next review date will be on 1 April 2016, rather than 12 months from the effective date of the current review.

(1) Before making an agreement to which Part 4 of the Mobile Homes (Wales) Act 2013 applies, the owner of the protected site must give to the proposed occupier under the agreement a written statement which complies with section 49 of that Act.

The effect of the pitch fee review notice and making an application to the tribunal

- If the occupier accepts the new pitch fee, they can let the site owner know or simply pay the proposed amount from the effective date.
- The occupier is not obliged to accept the proposal or pay the proposed amount. Failure to pay the new pitch fee will not result in the occupier being in arrears.
- If the occupier does not accept the proposed pitch fee they can let the site owner know, but the occupier does not have to do so. Provided the current pitch fee continues to be paid, that is the maximum amount payable unless the tribunal decides a different figure.
- If there is no agreement as to the new pitch fee, the site owner or the occupier may make an application to a tribunal for it to make a determination.
- Where the pitch fee review notice was served at least 28 clear days before the review date, an application to the tribunal may be made after the end of the period of 28 days beginning with the review date but not later than 3 months after the review date.
- Where the pitch fee review notice was served later, an application to the tribunal may be made after the end of the period of 56 days beginning with the date on which the site owner serves the notice but not later than 4 months after that date.
- In either case, a late application to the tribunal is permitted only if there are good reasons for the failure to apply within the time limit and for any delay since then in applying for permission to apply out of time.
- Before deciding a case, the tribunal will invite representations from the parties and may hold a hearing and inspect the site.
- If a party acts unreasonably in connection with an application, the tribunal can impose a costs order against that party.
- If the tribunal makes a determination, its decision will apply from the effective date. This means any proposed increase could be backdated by several months. However, the occupier is not be treated as being in arrears until 28 days after the date of the order made by the tribunal determining the new pitch fee.
- If no agreement as to the pitch fee is reached and the tribunal does not make a determination (i.e. because the site owner has not made an application or because an application is refused or withdrawn) the occupier must continue to pay the existing pitch fee, but the proposed pitch fee cannot be charged.
- If, on the application of the occupier, a tribunal is satisfied that a notice of pitch fee review is of no effect due to the failure to serve this form with the notice of pitch fee review, but the occupier has nevertheless paid the pitch fee proposed in the notice, the tribunal may order the site owner to pay back the difference between the amount which the occupier was required to pay for the period in question and the amount which they have actually paid.

Matters that can and cannot be taken into account on a proposed review

- The law says⁽¹⁾ there is a presumption that the pitch fee cannot be changed by more than the annual change in Consumer Price Index (CPI), unless this would be unreasonable having regard to the matters set out in paragraph 18(1) of Chapter 2 of Part 1 of Schedule 2 to the Mobile Homes (Wales) Act 2013.
- This part of the notes explains how the CPI adjustment is worked out and what other matters can be taken into account as part of the review.

CPI adjustment

- How the CPI adjustment has been worked out is in section 4(B) of the form.
- The maximum CPI adjustment is limited to the published annual percentage CPI change in the previous year, even if the pitch fee has not changed for a number of years. (See above in the reviews and late reviews section for further details.)
- When applying the CPI adjustment to a pitch fee review which is proposed to take effect on the review date, the figure that must be used in the calculation is the latest published 12 month CPI figure available before the notice of review is served. The notice must be served at least 28 clear days before the review date.
- When applying the CPI adjustment to a pitch fee review which is proposed to take effect at a date later than the review date (a late review), the CPI figure that must be applied is the last 12 month CPI figure that was published before the day by which the site owner(s) should have served the review notice had the review taken place on time – i.e. last 12 month CPI figure published change prior to the day which was 28 clear days before the review date. So, if the review date is the 1 April 2015, the CPI figure to be applied would be the last CPI figure published before 4 March 2015.
- No other date or method for calculating the CPI adjustment is permitted.

(1) Paragraph 20 of Chapter 2 of Part 1 of Schedule 2 to the Mobile Homes (Wales) Act 2013. For matters that can be taken into account on a review more generally *see* paragraph 18.

Other matters that can be included in a review

- Costs incurred by the site owner, which are proposed to be recovered from the occupier, are shown in section 4(C) of the form.
- Matters to which such costs relate that are recoverable through the pitch fee include:
 - A change in the law since the last review date, other than one which is specifically prohibited from being included, which has directly affected the cost of the management or maintenance of the site.
 - The costs of certain “improvements” to the site (see below for details on improvements).
- A deduction from the pitch fee should be made and shown in section 4(D) of the form if it relates to a matter set out below:
 - The deduction of any charges included in previous reviews relating to the cost of improvements which have already been recovered through the pitch fee.
 - A reduction in costs as a result of the change in the law since the last review date, which has directly affected the cost of the management or maintenance of the site.
 - A deduction to reflect any deterioration in the condition or decrease in the amenity of the site or any adjoining land occupied or controlled by the site owner which has occurred since 1 October 2014 and which has not been taken into account in a previous pitch fee review.
 - A deduction to reflect any reduction in the services that the owner supplies to the site, pitch or mobile home, or any deterioration in the quality of those services which has occurred since 1 October 2014 and which has not been taken into account in a previous review.

Improvements

The cost of an improvement can only be recovered in a pitch fee review if:

- the improvement is for the benefit of the occupiers of the site;
- there has been consultation with the occupiers and any qualifying residents’ association; and
- the majority of occupiers have not disagreed in writing to the improvements being carried out, or where the majority have disagreed, a tribunal has ordered that the costs can be included in the pitch fee⁽¹⁾.

(1) Paragraph 18(1)(a) of Chapter 2 of Part 1 of Schedule 2 to the Mobile Homes (Wales) Act 2013.

Matters that cannot be included in a pitch fee review

Any costs relating to the following matters cannot be included in a pitch fee review:

- costs in complying with provisions contained in Part 4 of the Mobile Homes (Wales) Act 2013 which were not contained in the Mobile Homes Act 1983 in its application to Wales before the coming into force of Part 4, including any costs relating to the preparation and serving of this form(1);
- costs incurred as a result of any action taken by the local authority in licensing enforcement under sections 15 to 25 of the Mobile Homes (Wales) Act 2013 and being convicted for an offence under section 18(2);
- fees paid by the site owner to the local authority for a site licence application or for the alteration of any site licence conditions(3);
- any costs incurred by the site owner in connection with expanding the protected site(4); or
- any costs incurred by the site owner in relation to the conduct of proceedings under Part 4 of the Mobile Homes (Wales) Act 2013 or under agreements made between the site owner and occupiers under Part 4 of that Act(5).

Site owner's consultation obligations

- The site owner is required to consult the occupiers on any improvements to the site in general and in particular those where the owner proposes to recover the cost of the works through the pitch fee(6) (see improvements above).
- In addition, the site owner must consult with any qualifying residents' association(7) of the site on matters relating to the operation and management of the site and any improvements to the site that might affect the occupiers of the site directly or indirectly(8).
- In consulting, the site owner must give at least 28 days notice of the improvement in writing. The consultation document must describe the proposed improvement and explain how it will benefit the occupiers in both the short and long term. The document must provide details about how the pitch fee will be affected by the proposed improvement at the next review date and it must state when and where representations can be made about the proposal(9).
- Before undertaking any improvements to the site, the site owner must take account of any representations received from the occupiers(10). But the site owner cannot undertake any works, the cost of which is proposed to be recovered through the pitch fee, if the majority of occupiers have disagreed with the works, by notification in writing, unless a tribunal has authorised in default that the costs be recovered in the pitch fee(11).

(1) Paragraph 18(2) of Chapter 2 of Part 1 of Schedule 2 to the Mobile Homes (Wales) Act 2013.

(2) Paragraph 19(2)(c) of Chapter 2 of Part 1 of Schedule 2 to the Mobile Homes (Wales) Act 2013.

(3) Paragraph 19(2)(b) of Chapter 2 of Part 1 of Schedule 2 to the Mobile Homes (Wales) Act 2013.

(4) Paragraph 19(1) of Chapter 2 of Part 1 of Schedule 2 to the Mobile Homes (Wales) Act 2013.

(5) Paragraph 19(2)(a) of Chapter 2 of Part 1 of Schedule 2 to the Mobile Homes (Wales) Act 2013.

(6) Paragraph 22(1)(e) of Chapter 2 of Part 1 of Schedule 2 to the Mobile Homes (Wales) Act 2013.

(7) For the definition of a Qualifying Residents' Association *see* section 61 of the Mobile Homes (Wales) Act 2013.

(8) Paragraph 22(1)(f) of Chapter 2 of Part 1 of Schedule 2 to the Mobile Homes (Wales) Act 2013.

(9) Paragraph 22(2)(a) of Chapter 2 of Part 1 of Schedule 2 to the Mobile Homes (Wales) Act 2013.

(10) Paragraph 22(2)(b) of Chapter 2 of Part 1 of Schedule 2 to the Mobile Homes (Wales) Act 2013.

(11) Paragraph 18(1)(a) of Chapter 2 of Part 1 of Schedule 2 to the Mobile Homes (Wales) Act 2013. For the definition of "majority" *see* paragraph 18(3).

Site Owner's Repairing and maintenance liabilities

- Paragraph 22(1)(c) and (d) of Chapter 2 of Part 1 of Schedule 2 to the Mobile Homes (Wales) Act 2013 sets out the site owner's repairing liabilities. These are that the site owner:
 - is responsible for repairing the base on which the mobile home is stationed and for maintaining any gas, electricity, water, sewerage or other services supplied by the owner to the pitch or to the mobile home;
 - maintains in a clean and tidy condition those parts of the protected site, including access ways, site boundary fences and trees, which are not the responsibility of any occupier of a mobile home stationed on the protected site.
- Examples of such repairs and maintenance, that fall within paragraph 22, may include repair and maintenance of pipes, conduits, wires, structures, tanks or other equipment provided by the site owner and of the parts of the site that are under the control of the site owner, including access ways, roads, pavements, street furniture and lighting, boundary fences, buildings in common use, drains and the drainage system and any open spaces or facilities in common.
- The site owner is also obliged to provide the occupier, free of charge, on request, documentary evidence in support and explanation of:
 - any new pitch fee;
 - any charges for gas, electricity, water, sewerage or other services payable by the occupier to the owner under the agreement; and
 - any other charges, costs or expenses payable by the occupier to the owner under the agreement(1).

Occupier's Repairing Liabilities

The occupier is required to:

- keep the home in a sound state of repair; and
- maintain the outside of the home and the pitch, including all fences and outbuildings belonging to, or enjoyed with, the pitch and the mobile home and ensure the same are kept in a clean and tidy condition(2).

Where the occupier is seeking reimbursement of any costs or expenses from the site owner, if requested the occupier must supply to the owner documentary evidence in support of the claim(3).

Further information

Further information on pitch fee reviews and other charges is available from the Welsh Government website at:

<http://wales.gov.uk/topics/housingandcommunity/housing/private/mobile-homes-act/?lang=en>

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(1) Paragraph 22(1)(b) of Chapter 2 of Part 1 of Schedule 2 to the Mobile Homes (Wales) Act 2013.

(2) Paragraph 21(1)(c) and (d) of Chapter 2 of Part 1 of Schedule 2 to the Mobile Homes (Wales) Act 2013.

(3) Paragraph 21(e) of Chapter 2 of Part 1 of Schedule 2 to the Mobile Homes (Wales) Act 2013.

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