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Our ref: Mobile Homes Act 1983: Consultation

20 June 2023

Dear Convener,

In my letter of 19 January, I said that I would update you on progress in relation to our consultation on the most appropriate mechanism for uprating pitch fees under the Mobile Homes Act 1983. The consultation closed on 7 April and the analysis of responses is complete.

The consultation set out the Scottish Government's aim to ensure that protections relating to pitch fee uprating for permanent residents of residential mobile homes remain fair, appropriate and in line with development of statistical measures. This is of particular importance in light of recent increases in the cost of living. The consultation gathered views about a proposed change from Retail Prices Index (RPI) to Consumer Prices Index (CPI) as the measure presumed for pitch fee uprating under the Mobile Homes Act 1983, and options for implementing the change.

We received 171 responses to the consultation, with a particularly strong response from residents of mobile homes. There was a substantial consensus from residents and local authorities in support of the proposals. Views from the smaller number of site operators who responded were mixed but some were also in favour.

Respondents reported that they think that CPI is a more accurate statistical measure than RPI, that it is used for uprating pensions and benefits so that increases would be aligned, that it will make pitch fee increases more affordable, and that it would provide consistency with the treatment of pitch fees in England and Wales. They were clear that the change should take effect for both existing and future contracts, to promote fairness and reduce potential for confusion that might arise if two different measures were in use.

I can now confirm that we plan to bring forward legislation at the earliest opportunity to change the presumed basis of pitch fee uprating under the Mobile Homes Act 1983 from RPI

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to CPI, for both existing and future contracts. At the moment, this will require primary legislation. However, drawing on the results of the consultation and other consideration, we also plan to make a change to the Mobile Homes Act 1983 so that the statistical basis for uprating pitch fees can be amended by secondary legislation in future, to make it easier to keep pace with any developments in statistics.

We plan to publish a consultation report on 21 June 2023 and it will be available at <https://www.gov.scot/isbn/9781835210208>

I hope you find this information useful.

Yours sincerely,

**PATRICK HARVIE**

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