

2014 No. 1764 (W. 179)

MOBILE HOMES, WALES

**The Mobile Homes (Site Rules)
(Wales) Regulations 2014**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the procedure for the making, variation and deletion of site rules, prescribe the matters to which site rules may and may not relate and grant appeal rights in relation to these matters, under section 52 of the Mobile Homes (Wales) Act 2013.

Regulation 3 sets out the rules of service for certain documents referred to in these Regulations.

Regulation 4 prescribes the matters which site rules may relate to, in addition to the management and conduct of the site.

Regulation 5 prescribes the matters that a site rule is of no effect in so far as it makes provision in relation to; and a list of these matters is set out in Schedule 5.

Regulation 6 sets out what constitutes the prescribed procedure for making, varying or deleting site rules.

Regulation 7 sets out who must be consulted on a proposal to make, vary or delete a site rule.

Regulation 8 prescribes the information which must be contained in a proposal notice issued by the site owner, and Schedule 1 prescribes the form in which that information must be provided.

Regulation 9 sets out how the site owner is required to respond to the consultation and prescribes the information which must be contained in the consultation response document; and Schedule 2 prescribes the form in which that information must be provided.

Regulation 10 prescribes the grounds on which a consultee may appeal to the tribunal against the site owner's decision and the time period for doing this.

Regulation 11 sets out how the tribunal may determine the appeal.

Regulation 12 sets out the requirements for the deposit of site rules or a deletion notice with the local authority.

Regulation 13 provides for notification of the deposit to occupiers, including the information to be provided with such notification.

Regulation 14 prescribes when a new site rule or variation or deletion of a site rule will come into force.

Regulation 15 prescribes when any rules made by the site owner prior to the commencement of Part 4 of the Mobile Homes (Wales) Act 2013 cease to have effect.

Regulation 16 sets out the requirements placed on local authorities regarding the keeping of a register of site rules.

Regulation 17 prescribes the grounds on which an occupier may appeal to the tribunal in relation to a deposit with the local authority, as required by regulation 12.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a Regulatory Impact Assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy may be obtained from the Department of Housing, Welsh Government, Rhydycar Business Park, Merthyr Tydfil, CF48 1UZ.

2014 No. 1764 (W. 179)

MOBILE HOMES, WALES

**The Mobile Homes (Site Rules)
(Wales) Regulations 2014**

Made 2 July 2014

Laid before the National Assembly for Wales 4
July 2014

Coming into force 1 October 2014

The Welsh Ministers, in exercise of the powers conferred on them by section 52 and sub-sections (1), (6), (8) and (9) of section 63 of the Mobile Homes (Wales) Act 2013⁽¹⁾, make the following Regulations.

Title and commencement

1. The title of these Regulations is the Mobile Homes (Site Rules) (Wales) Regulations 2014 and they come into force on 1 October 2014.

Interpretation

2. In these Regulations—

“the 2013 Act” (“*Deddf 2013*”) means the Mobile Homes (Wales) Act 2013;

“consultation response document” (“*dogfen ymateb i'r ymgynghoriad*”) means a document sent to each consultee notifying them of the owner’s decision regarding whether to implement a proposal, which meets the requirements of regulation 9 of these Regulations;

“consultee” (“*ymgynghoraï*”) means a person or qualifying residents’ association (as defined by section 61 of the Mobile Homes (Wales) Act 2013), required to be consulted under regulation 7;

“deletion notice” (“*hysbysiad dileu*”) means a notice which an owner is required to deposit with a local authority in accordance with regulation 12,

(1) 2013 anaw 6.

notifying of the deletion of a site rule or more than one site rule;

“pre-commencement rules” (*“rheolau cyn cychwyn”*) in relation to a site, means rules made by the owner before the commencement of section 52 of the Mobile Homes (Wales) Act 2013 which relate to a matter mentioned in section 52(2) of that Act;

“proposal” (*“cynnig”*) means a proposal to make, vary or delete a site rule;

“proposal notice” (*“hysbysiad o gynnig”*) means the notice required by regulation 8.

Service of documents

3.—(1) The documents referred to in regulations 8, 9, 10, 13 and 17 must be—

- (a) sent by post; or
- (b) delivered by hand.

(2) Any document that is served in accordance with these Regulations, unless the contrary is proved, is deemed to be served—

- (a) where the document is sent by post, on the second day after it was sent;
- (b) where the document is delivered by hand—
 - (i) before 4.30pm, on that day; or
 - (ii) at or after 4.30pm, on the next day after that day.

Matters prescribed for the purposes of section 52(2)(b) of the 2013 Act

4.—(1) The matters prescribed for the purposes of section 52(2)(b) of the 2013 Act are the matters set out in paragraph (2).

(2) A site rule must be necessary—

- (a) to ensure that acceptable standards are maintained on the site, which will be of general benefit to occupiers; or
- (b) to promote and maintain community cohesion on the site.

Matters prescribed for the purposes of section 52(8) of the 2013 Act

5. A site rule is of no effect in so far as it makes provision in relation to any of the matters prescribed in Schedule 5 to these Regulations.

Prescribed procedure

6. Regulations 7 to 9 prescribe the procedure for making, varying or deleting site rules⁽¹⁾ for the purposes of sub-sections (2), (5), (6) and (7) of section 52 of the 2013 Act.

Requirement to consult on a proposal

7. In relation to the protected site concerned, an owner must consult—

- (a) every occupier; and
- (b) any qualifying residents' association,
on a proposal in accordance with regulations 8 and 9.

Notification of proposal

8.—(1) The owner must notify each consultee of a proposal, by issuing a proposal notice (“the proposal notice”).

(2) The proposal notice must—

- (a) clearly set out a proposal;
- (b) contain a statement of the owner's reasons for making a proposal;
- (c) contain a statement that the consultation response document will be sent to each consultee;
- (d) contain a list of the matters prescribed by regulations 4 and 5 and a statement confirming that a proposal complies with the requirements of these provisions;
- (e) specify—
 - (i) the date on which the notice will be deemed to be served on each consultee, in accordance with regulation 3 (“the first consultation day”);
 - (ii) the date by which any representations made in response to the proposal must be received by the owner (“the last consultation day”) which must be at least 28 days after the first consultation day;
 - (iii) the name of the owner and address to which any such representation must be sent;
- (f) be signed and dated by the owner; and

(1) Site rules are the rules as referred to in section 52(2) of the 2013 Act, made by the owner in accordance with the procedure prescribed by these Regulations, which relate to the management and conduct of the site, or such other matters as may be prescribed (*see* regulation 4).

- (g) be in the appropriate form set out in Schedule 1 or a form substantially to the same effect.

(3) A proposal will be treated as notified to the consultees on the first consultation day.

(4) The proposal notice may contain more than one proposal, and in such cases, this regulation and regulations 9 to 17 apply in relation to those proposals collectively as if they were a single proposal.

Owner's response to the consultation

9.—(1) Within 21 days of the last consultation day, the owner, having taken into account any representations received from consultees, must—

- (a) decide whether to implement the proposal (with or without modification) (“the decision”); and
- (b) send a document, to be known as “the consultation response document”, to each consultee, notifying them of that decision.

(2) The consultation response document must also—

- (a) give details of the consultation carried out under regulations 7 and 8, including the first consultation day;
- (b) give details of the representations received, the owner's response to the representations and such modifications as were made to the proposal (if any) as a result of the consultation;
- (c) contain a copy of any site rules in the form in which the owner proposes to deposit them with the local authority;
- (d) where relevant, contain an explanation that the owner intends to deposit a deletion notice with the local authority and a list of the site rules to be deleted;
- (e) contain a statement that any site rules or deletions will come into force in accordance with regulation 14, provided that a deposit has been made in accordance with regulation 12 and notified in accordance with regulation 13;
- (f) explain the rights of appeal available to consultees under regulation 10; and
- (g) be in the form set out in Schedule 2 or in a form substantially to the same effect.

(3) Where a proposal is modified as a result of the consultation, the reference to “the proposal” in regulation 10 is to be read as a reference to the proposal as modified.

Right to appeal to tribunal in relation to the owner's decision

10.—(1) Within 21 days of receipt of the consultation response document a consultee may appeal to a tribunal⁽¹⁾ on one or more of the grounds specified in paragraph (2).

(2) The grounds are that—

- (a) a site rule makes provision in relation to any of the prescribed matters set out in Schedule 5;
- (b) the owner has not complied with a procedural requirement imposed by regulation 7 to 9 of these Regulations;
- (c) the owner's decision was unreasonable having regard, in particular to—
 - (i) the proposal or the representations received in response to the consultation;
 - (ii) the size, layout, character, services or amenities of the site; or
 - (iii) the terms of any planning permission or conditions of the site licence.

(3) Where a consultee makes an appeal under this regulation, the consultee must notify the owner of the appeal in writing and provide the owner with a copy of the application made, within the 21 day period referred to in paragraph (1).

Appeal procedure

11. In determining an appeal under regulation 10, the tribunal may—

- (a) confirm the owner's decision;
- (b) quash or modify the owner's decision;
- (c) substitute the owner's decision with its own decision; or
- (d) where the owner has failed to comply with the procedure set out in regulations 7 to 9, order the owner to comply with regulations 7 to 9 (as appropriate), within such time as may be specified by the tribunal.

Deposit of site rules or deletion notice

12.—(1) Where an owner has decided to implement new site rules or the variation or deletion of site rules, subject to paragraph (2), the owner must deposit the site rules or deletion notice with the local authority no sooner than 28 days after service of the consultation response document but no later than 42 days after service of the consultation response document.

(1) As defined by section 55(1) of the 2013 Act.

(2) Where an owner has received notification of an appeal to the tribunal in accordance with regulation 10, the owner must not make a deposit until the appeal has been disposed of, determined or abandoned.

(3) On the disposal, determination or abandonment of an appeal to the tribunal, the owner must deposit the site rules or deletion notice—

- (a) no later than 14 days after the date of the tribunal's decision;
- (b) no later than 14 days after the date of the tribunal's notification to the owner of an abandoned appeal; or
- (c) such later date as the tribunal specifies.

(4) A deposit required to be made by virtue of this regulation must be accompanied by a fee of such amount as the local authority may determine.

Notification of deposit

13.—(1) The owner must notify every occupier and any qualifying residents' association in writing of a deposit within 7 days of the deposit being made.

(2) The notice must—

- (a) specify the date on which the deposit was made;
- (b) give contact details for the local authority with whom the deposit was made;
- (c) explain when any site rules, variations or deletions will come into force;
- (d) be accompanied by a copy of the site rules, if any, as deposited; and
- (e) be in the appropriate form set out in Schedule 3 or 4 as appropriate, or in a form substantially to the same effect.

Date on which new rule, rule as varied or deletion comes into force

14.—(1) The site rules deposited and any deletions will come into force at the end of the period of 21 days beginning with the date of service of the notification of the deposit under regulation 13.

(2) Where it is proposed that a site rule is varied or deleted in accordance with sub-section 52(5) and (6) of the 2013 Act, the site rules in force prior to the consultation under regulations 7 to 9 will continue to have effect until the new site rules or deletions come into force in accordance with paragraph (1).

Rules made by the owner prior to the commencement of Part 4 of the Mobile Homes (Wales) Act 2013

15. The period after which any rules made by the owner prior to the commencement of Part 4 of the Mobile Homes (Wales) Act 2013 cease to have effect is—

- (a) except in a case falling within sub-paragraph (b) or (c), the period of 12 months beginning with commencement of these Regulations;
- (b) where site rules come into force in accordance with regulation 14 of these Regulations, prior to the end of the period prescribed in sub-paragraph (a), the period ending with the coming into force of the site rules; or
- (c) where an appeal under regulation 10 remains outstanding at the end of the period prescribed in sub-paragraph (a), the period ending with the coming into force of the site rules in accordance with regulation 14, following the disposal, determination or abandonment of the appeal.

Local authority registers of site rules

16.—(1) A local authority must—

- (a) establish and keep up-to-date a register of site rules in respect of protected sites in its area; and
- (b) publish the up-to-date register online.

(2) The register must be open to inspection by members of the public at the offices of the local authority during normal working hours.

Right to appeal to tribunal in relation to a deposit

17.—(1) An occupier and any qualifying residents' association may appeal to the tribunal in relation to a deposit, on the grounds specified in paragraph (2).

(2) The grounds are that a deposit as required by regulation 12 has not been made before the end of the period prescribed by that regulation.

(3) Where an appeal is made under this regulation, the appellant must notify the owner in writing, within 21 days of making the appeal to the tribunal.

(4) In determining an appeal under this regulation, the tribunal may make an order requiring a deposit with the local authority by a specified date, accompanied by a fee of such amount as the local authority may determine.

(5) Where a deposit is made under sub-paragraph (4), the owner must notify every occupier and any qualifying residents' association in writing of the deposit in accordance with regulation 13 and the site rules as deposited and any deletions will come into

force at the end of the period prescribed in accordance with regulation 14.

Carl Sargeant

Minister for Housing and Regeneration, one of the Welsh Ministers

2 July 2014

SCHEDULE 1

Regulation 8

Form of proposal notice

<p>FORM OF PROPOSAL NOTICE MOBILE HOMES (SITE RULES) (WALES) REGULATIONS 2014 Mobile Homes (Wales) Act 2013</p>
<p>1. Clearly set out the proposal(s) being made (<i>see note i</i>)</p>
<p>2. State the reasons for making the proposal(s)</p>
<p>3. I confirm that the proposals comply with regulations 4 and 5 (prescribed matters) (<i>see note ii</i>)</p>
<p>4. I confirm that the consultation response document (<i>see note iii</i>) will be sent to each consultee (<i>see note iv</i>).</p>
<p>Deemed date of service of this notice ('first consultation day') (<i>see note v</i>)</p>
<p>Responding to the consultation My name and address to which responses are to be sent</p> <p>Date by which any responses must be received (<i>see note vi</i>)</p> <p>Signature Date (<i>see note vii</i>)</p>
<p>Data Protection Act 1998 Any representations made in response to the consultation cannot be treated as confidential. To comply with the duties contained in the Mobile homes (Site Rules) (Wales) Regulations 2014, it will be necessary for me to disclose information received from you to others, which may include other occupiers, a tribunal and a local authority.</p>
<p>Notes</p> <p>(i) A proposal means a proposal to make, vary or delete a site rule. A proposal notice may contain more than one proposal, as set out in regulation 8(4).</p>
<p>(ii) <u>Prescribed matters to which site rules may relate</u> (Regulation 4 – matters prescribed for the purposes of section 52(2)(b) of the 2013 Act) A site rule must be necessary:</p> <p>(a) to ensure acceptable standards are maintained on the site, which will be of general benefit to occupiers; or</p> <p>(b) to promote and maintain community cohesion on the site.</p>

Prescribed matters to which site rules are of no effect so far as they make provision in relation to (Regulation 5 (Schedule 5) – matters prescribed for the purposes of section 52(8) of the 2013 Act)

In relation to the sale or gift of a mobile home:

- (a) whether the occupier should be prevented from selling or gifting the mobile home to anyone other than the owner;
- (b) whether the occupier should be required to notify the owner of the occupier's intention to sell or gift the mobile home;
- (c) whether the occupier should be required to use the services of the owner or a person specified by the owner for the purposes of selling or gifting the mobile home;
- (d) whether the occupier should be prevented from using the services of an estate agent for the purposes of selling the mobile home;
- (e) whether the occupier should be prevented from using services provided by a solicitor for the purposes of selling or gifting the mobile home and assigning the agreement;
- (f) whether the occupier should be prevented from using any services that would otherwise be available to the occupier for the purposes of selling or gifting the mobile home;
- (g) whether the occupier should be prevented from advertising the mobile home for sale by means of a notice, board or placard affixed to the mobile home or to the pitch;
- (h) whether the occupier should be required to —
 - (i) obtain a survey of the mobile home or the pitch; or
 - (ii) permit the owner or their agent(s) to undertake a survey of the mobile home or the pitch before selling or gifting the mobile home;
- (i) whether the occupier should be required to sell or gift the mobile home or assign the agreement in the presence of the owner;
- (j) whether the occupier or the proposed occupier should be required to provide the site owner with the personal details of the proposed occupier or of any other person intending to live in the mobile home with the proposed occupier;
- (k) whether the proposed occupier should be required to attend a meeting with the owner.

The following are examples of “personal details” —

- (a) the home address, other contact details or vehicle registration number of the person concerned;
- (b) any financial information relating to the person concerned;
- (c) a birth certificate or certificate of marriage or civil partnership of the person concerned; and
- (d) details of the age, ethnic origin, sex or sexual orientation of the person concerned.

In sub-paragraphs (c), (d), (e), (f) and (h) above, references to selling a mobile home include a reference to marketing, advertising or offering the mobile home for sale.

Other matters:

- (a) any matter which is expressed to grant an occupier a right subject to the exercise of a discretion by the owner, except in relation to improvements to an occupier's plot (although this will not prevent an owner from exercising discretion to grant an occupier a right in order to accommodate that occupier's disability);
- (b) any matter which is expressed to apply retrospectively;
- (c) any matter which is contrary to the implied terms of the agreement, as defined by sections 48 and 49 of the 2013 Act;
- (d) any matter which is expressed to apply only to particular persons or to persons of a particular description, apart from where a rule makes an exception for the owner, the owner's family or an employee of the owner (where an employee of the owner does not occupy the site under an

- agreement to which the 2013 Act applies);
- (e) whether the occupier should be absolutely prohibited from making improvements to the home or pitch;
 - (f) whether visitors to the sites should be required to report to the owner on arrival;
 - (g) whether any category of person should be restricted from visiting the site, regardless of whether the site has an age restriction in place;
 - (h) whether the owner should be allowed to reduce the size of a pitch or its reorientation;
 - (i) whether the owner should require the collection of deposits or charge for other services or permissions in addition to charges for the pitch fee, utility charges, for parking or sheds, where the charge is not permitted to be made under the agreement (as defined by sections 48 and 49 of the 2013 Act) or by other legislation;
 - (j) whether vehicular access to the site should be restricted in any way;
 - (k) whether the occupier may have visitors to stay for short periods of time, whether or not the occupier is present at the time;
 - (l) whether the occupier should be required to purchase only goods or services supplied by the owner or such other person as the owner may nominate;
 - (m) whether the occupier should be required to use only such tradesmen as the owner may nominate, including the owner;
 - (n) whether the site rules may be changed other than by the procedure set out in regulations 7 to 13 of these Regulations;
 - (o) whether the site rules may purport to threaten eviction for failure to comply with the site rules.

Where—

- (a) prior to the deposit of a site rule, the occupier of site enjoyed a benefit; and
- (b) the effect of the coming into force of the deposited site rule is that the enjoyment of the benefit by the occupier will be in breach of the deposited site rule;

the occupier will not be in breach of the deposited site rule for the period that the benefit continues to subsist.

On the cessation of the benefit, the occupier will be bound by the deposited site rule.

(iii) The consultation response document is the document referred to in regulation 9, in the form set out in Schedule 2 or in a form substantially to the same effect.

(iv) Regulation 7 sets out the requirement to consult every occupier and any qualifying residents' association (as defined by section 61 of the Mobile Homes (Wales) Act 2013).

(v) Regulation 3(2) sets out the rules of service. The first consultation day is the day on which notice is deemed served on a consultee.

(vi) The date by which any representations made in response to the proposal must be received by the site owner must be at least 28 days after the first consultation day.

(vii) Signature of the site owner or a person authorised to sign on the site owner's behalf.

SCHEDULE 2

Regulation 9

Form of consultation response document

FORM OF CONSULTATION RESPONSE DOCUMENT MOBILE HOMES (SITE RULES) (WALES) REGULATIONS 2014

Mobile Homes (Wales) Act 2013

This consultation response document must be issued by the site owner following a consultation on proposed site rules in accordance with regulations 7 and 8 of the Mobile Homes (Site Rules) (Wales) Regulations 2014. The document must be sent to each consultee within 21 days of the last consultation day.

1. The decision I have reached regarding whether or not to implement the proposal(s) consulted on (with or without modification):

2. Details of the consultation carried out, including the first consultation day and a summary of the representations received in response to the consultation and such modifications as were made to the proposal(s) (if any) as a result of the consultation:

3. I attach a copy of any site rules in the form in which I will deposit them with the local authority.

4. [If applicable] I will deposit a deletion notice with the local authority, setting out that the following site rules will be deleted.

5. You will receive notification within 7 days of the deposit of the site rules and/or the deletion notice with the local authority. (*see regulation 13*)

6. Right of appeal

You may appeal to the tribunal within 21 days of receipt of this consultation document, on one of more of the grounds specified in regulation 10:

- (a) a site rule makes provision in relation to any of the prescribed matters set out in Schedule 5;
- (b) the owner has not complied with a procedural requirement imposed by regulation 7 to 9 of these Regulations;
- (c) the owner's decision was unreasonable having regard, in particular, to—
 - (i) the proposal or representations received in response to the consultation;
 - (ii) the size, layout, character, services or amenities of the site; or
 - (iii) the terms of any planning permission or conditions of the site licence.

You must notify me of an appeal made to the tribunal within 21 days of receipt of this consultation

document. In the case of an appeal, any site rules or deletion notice will not be deposited with the local authority until after the appeal has been disposed of, determined or abandoned, as set out in regulation 12(2).

7. I confirm that any site rules or deletions will come into force at the end of the period of 21 days beginning with the date of service of the notification of the deposit.

Notes

- (i) Where a proposal is to vary or delete a site rule, in accordance with sub-section 52(5) or (6) of the 2013 Act, the site rules in force prior to this consultation remain in force until any appeal in relation to the variation or deletion of a site rule has been disposed of or determined (*see* regulation 14(2).)

SCHEDULE 3

Regulation 13

Form of notification of deposit of site rules

**FORM OF NOTIFICATION OF DEPOSIT OF SITE RULES
MOBILE HOMES (SITE RULES) (WALES) REGULATIONS 2014**

Mobile Homes (Wales) Act 2013

This document must be used where new site rules have been made or site rules have been varied and these site rules have been deposited with the local authority in accordance with regulation 12 of the Mobile Homes (Site Rules) (Wales) Regulations 2014.

This form must be served on all occupiers(1) of the site and may also be published in a prominent place on the site.

1. Site rules were deposited with [give contact details for the local authority with whom the deposit has been made] on [date of deposit].

2. From [date](2) the rule(s) take effect as express term(s) of the pitch agreement relating to your home and will bind both me, as site owner and you, as occupier and our successors in title.

3. A copy of the site rule(s) is attached and these may also be inspected at the offices of the local authority.

4. Where a site rule is a variation to an existing rule, any other site rules already in force but not affected by the variation remain in force unaltered.(3)

Signed
Site owner(4)

Date xxx(5)

Notes

1 As defined by section 48 of the Mobile Homes (Wales) Act 2013.

2 The day which falls 22 days after the date of this notification.

3 This paragraph is not relevant to the first deposit of rules made after the coming into force of the Mobile Homes (Site Rules) (Wales) Regulations 2014.

4 Signature of the site owner or a person authorised to sign on the site owner's behalf.

5 this date must be within 7 days of the deposit of the site rules with the local authority.

SCHEDULE 4

Regulation 13

Form of notification of deposit of deletion notice

<p style="text-align: center;">FORM OF NOTIFICATION OF DEPOSIT OF DELETION NOTICE MOBILES HOMES (SITE RULES) (WALES) REGULATIONS 2014</p> <p style="text-align: center;">Mobile Homes (Wales) Act 2013</p>
<p>This document must be used where site rules have been deleted and notice of the deletion has been deposited with the local authority in accordance with regulation 12 of the Mobile Homes (Site Rules) (Wales) Regulations 2014.</p>
<p>This form must be served on all occupiers(1) of the site and may also be published in a prominent place on the site.</p>
<p>1. Notification was given to [give contact details for the local authority with whom the deposit has been made] on [date of deposit] that the following rule(s) will cease to have effect from xxx(2)</p> <p>[List the rule(s)]</p>
<p>2. From the above date the rule(s) will cease to have effect as express term(s) of the pitch agreement relating to your home and will no longer be binding on both me, as site owner and you, as occupier.</p>
<p>3. The remaining site rule(s) (if any) which remain in force, may be inspected at the offices of the local authority.</p>
<p>Signed</p> <p>Site owner(3)</p> <p>Date xxx(4)</p>
<p>Notes</p> <p>1 As defined by section 48 of the Mobile Homes (Wales) Act 2013.</p> <p>2 The day which falls 22 days after the date of this notification.</p> <p>3 Signature of the site owner or a person authorised to sign on the site owner's behalf.</p> <p>4 This date must be within 7 days of the deposit with the local authority.</p>

SCHEDULE 5

Regulation 5

Matters prescribed for the purposes of section 52(8) of the 2013 Act

The matters set out in paragraphs 1 and 2 are prescribed matters for the purposes of section 52(8) (Site rules or rules such as are mentioned in section 52(3) of the 2013 Act are of no effect in so far as they make provision in relation to the prescribed matters.)

Matters relating to the sale or gift of a mobile home

1.—(1) the matters are—

- (a) whether the occupier should be prevented from selling or gifting the mobile home to anyone other than the owner;
- (b) whether the occupier should be required to notify the owner of the occupier's intention to sell or gift the mobile home;
- (c) whether the occupier should be required to use the services of the owner or a person specified by the owner for the purposes of selling or gifting the mobile home;
- (d) whether the occupier should be prevented from using the services of an estate agent for the purposes of selling the mobile home;
- (e) whether the occupier should be prevented from using services provided by a solicitor for the purposes of selling or gifting the mobile home and assigning the agreement;
- (f) whether the occupier should be prevented from using any services that would otherwise be available to the occupier for the purposes of selling or gifting the mobile home;
- (g) whether the occupier should be prevented from advertising the mobile home for sale by means of a notice, board or placard affixed to the mobile home or to the pitch;
- (h) whether the occupier should be required to—
 - (i) obtain a survey of the mobile home or the pitch; or
 - (ii) permit the owner or their agent(s) to undertake a survey of the mobile home or the pitchbefore selling or gifting the mobile home;
- (i) whether the occupier should be required to sell or gift the mobile home or assign the agreement in the presence of the owner;
- (j) whether the occupier or the proposed occupier should be required to provide the site owner with the personal details of the proposed occupier or of any other person intending to live in the mobile home with the proposed occupier;
- (k) whether the proposed occupier should be required to attend a meeting with the owner.

(2) The following are examples of “personal details”—

- (a) the home address, other contact details or vehicle registration number of the person concerned;
- (b) any financial information relating to the person concerned;
- (c) a birth certificate or certificate of marriage or civil partnership of the person concerned; and
- (d) details of the age, ethnic origin, sex or sexual orientation of the person concerned.

(3) In sub-paragraphs (c), (d), (e), (f) and (h) of paragraph 1(1), references to selling a mobile home include a reference to marketing, advertising or offering the mobile home for sale.

Other matters

2. The matters are—

- (a) subject to paragraph 3, any matter which is expressed to grant an occupier a right subject to the exercise of discretion by the owner, except in relation to improvements to an occupier's plot;
 - (b) any matter which is expressed to apply retrospectively;
 - (c) any matter which is contrary to the implied terms of the agreement, as defined by sections 48 and 49 of the 2013 Act;
 - (d) any matter which is expressed to apply only to particular persons or to persons of a particular description, apart from where a rule makes an exception for the owner, the owner's family or an employee of the owner (where an employee of the owner does not occupy the site under an agreement to which the 2013 Act applies);
 - (e) whether the occupier should be absolutely prohibited from making improvements to the home or pitch;
 - (f) whether visitors to the site should be required to report to the owner on arrival;
 - (g) whether any category of person should be restricted from visiting the site, regardless of whether the site has an age restriction in place;
 - (h) whether the owner should be allowed to reduce the size of a pitch or its reorientation;
 - (i) whether the owner should require the collection of deposits or charge for other services or permissions in addition to charges for the pitch fee, utility charges, for parking or sheds, where the charge is not permitted to be made under the agreement (as defined by sections 48 and 49 of the 2013 Act) or by other legislation;
 - (j) whether vehicular access to the site should be restricted in any way;
 - (k) whether the occupier may have visitors to stay for short periods of time, whether or not the occupier is present at the time;
 - (l) whether the occupier should be required to purchase only goods or services supplied by the owner or such other person as the owner may nominate;
 - (m) whether the occupier should be required to use only such tradesmen as the owner may nominate, including the owner themselves;
 - (n) whether the site rules may be changed other than by the procedure set out in regulations 7 to 13 of these Regulations;
 - (o) whether the site rules may purport to threaten eviction for failure to comply with the site rules.
- 3.** Sub-paragraph 2(a) of this Schedule does not prevent an owner from exercising discretion to grant an occupier a right in order to accommodate that occupier's disability.

4.—(1) Where—

- (a) prior to the deposit of a site rule, the occupier of a site enjoyed a benefit; and
- (b) the effect of the coming into force of the deposited site rule is that the enjoyment of the benefit by the occupier will be in breach of the deposited site rule;

the occupier will not be in breach of the deposited site rule for the period that the benefit continues to subsist.

- (2) On the cessation of the benefit, the occupier will be bound by the deposited site rule.