STATUTORY INSTRUMENTS

2013 No. 1505

MOBILE HOMES, ENGLAND

The Mobile Homes (Pitch Fees) (Prescribed Form) (England) Regulations 2013

Made	21st June 2013
Laid before Parliament	27th June 2013
Coming into force	26th July 2013

The Secretary of State, in exercise of the powers conferred by paragraph 25A(1) of Chapter 2 of Part 1 of Schedule 1 to the Mobile Homes Act 1983(1), makes the following Regulations:

PROSPECTIVE

Application, citation and commencement

1. These Regulations, which apply in relation to England only, may be cited as the Mobile Homes (Pitch Fees) (Prescribed Form) (England) Regulations 2013 and come into force on 26th July 2013.

Commencement Information

II Reg. 1 in force at 26.7.2013, see reg. 1

Pitch fees: Prescribed form

2. The document referred to in paragraph 17(2A) and (6A) of Chapter 2 of Part 1 of Schedule 1 to the Mobile Homes Act 1983(2) shall be in the form prescribed in the Schedule to these Regulations or in a form substantially to the like effect.

Commencement Information

I2 Reg. 2 in force at 26.7.2013, see reg. 1

(1) 1983 c.34. Paragraph 25A(1) was inserted into the 1983 Act by section 11 of the Mobile Homes Act 2013 (c.14).

(2) 1983.c.34. Paragraphs 17(2A) and (6A) were inserted into the 1983 Act by section 11 of the Mobile Homes Act 2013 (c.14).

Signed by authority of the Secretary of State for Communities and Local Government

Mark Prisk Minister of State Department for Communities and Local Government

21st June 2013

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Status: Point in time view as at 21/06/2013. This version of this Instrument contains provisions that are prospective.
 Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Mobile Homes (Pitch Fees) (Prescribed Form) (England) Regulations 2013. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

PROSPECTIVE

SCHEDULE

Regulation 2

Pitch fee review form

Commencement Information

I3 Sch. in force at 26.7.2013, see reg. 1

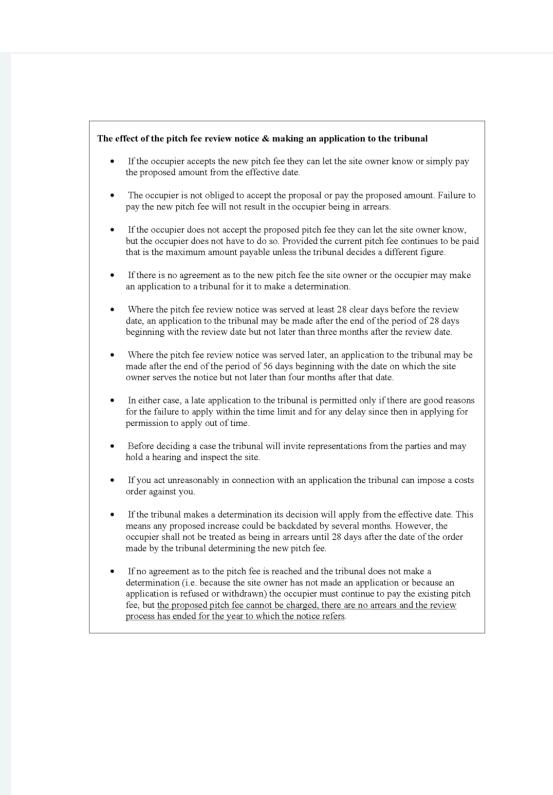
FORM TO ACCOMPANY A PITCH FEE REVIEW NOTICE Form prescribed under paragraph 25A(1)of Chapter 2 of Part 1 of Schedule 1 to the Mo Homes Act 1983			
Import review	ant note: This form, or a form substantially to the like effect, must be sent with the pitch notice where the site owner proposes to increase the pitch fee otherwise the pitch fee will not be valid. This form may also be used if the site owner is proposing to reduce the		
Both tl	ne site owner and the occupier(s) should read the notes at the end of this form as they n important information about pitch fee reviews.		
Sectio	n 1: Parties		
From .	[Insert name of the site owner(s)]		
То	[Insert name of occupier(s)]		
Sectio	n 2: Proposed new pitch fee		
	ropose to increase / reduce your pitch fee for: 		
The la	st review date was:[insert date]		
The cu	rrent pitch fee is £[insert amount] per week/month/quarter/year		
	oposed new pitch fee is £[insert amount] per week/month/quarter/year n 3: Date new pitch fee proposed to take effect (effective date)		
The re	view date is twelve months after the last review date.		
	fective date is the date when it is proposed the new pitch fee is payable from, which may 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		
•	The proposed pitch fee will take effect on which is later than the review date		
(Comj	plete whichever is appropriate)		
_	For further information on the review, late reviews and effective dates see the notes at the the form.		
Sectio	n 4: Calculation of the proposed new pitch fee		
(A) is t (B) is t [calcul	oposed new pitch fee has been calculated as (A) + (B) +(C) - (D) where: the current pitch fee of £		

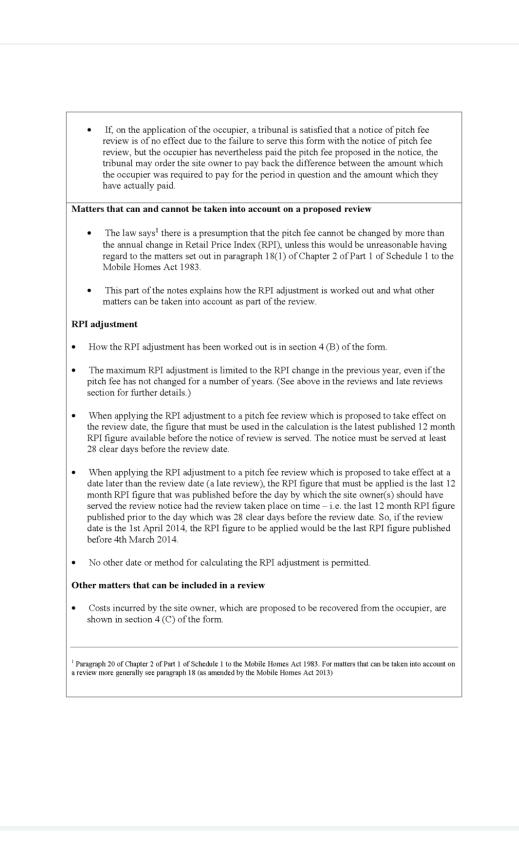
(B) The RPI adjustment In accordance with paragraph 20(A1) of Chapter 2 of Part 1 of Schedule 1 to the Mobile Homes Act 1983, I/we have calculated the RPI adjustment as the percentage increase/decrease [delete as appropriate] in the Retail Prices Index (RPI) over 12 months by reference to the RPI published for month]. Note: For further information on the correct RPI figures to use refer to the section on the RPI 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. Description of The period in The total cost How this has been The net Item relating to the which the cost divided across the charge to the homes costs was incurred 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 \pounds per week/month/quarter/year [delete as appropriate] to take account of the following matters..... which you have taken into account in calculating the figure arrived at]. I/We have arrived at that figure as follows..... [insert explanation of how you have calculated the figure for (D)] Note: The matters to which the site owner(s) shall 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 1 to the Mobile Homes Act 1983 (as amended by section 11 of the Mobile Homes Act 2013) which forms part of your implied terms. Account should therefore be taken of these matters in the calculation of either (C) or (D). Paragraphs 18 and 19 of that Chapter also set out certain matters which cannot be taken into account in the calculation of (C) and (D). Further information can also 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 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

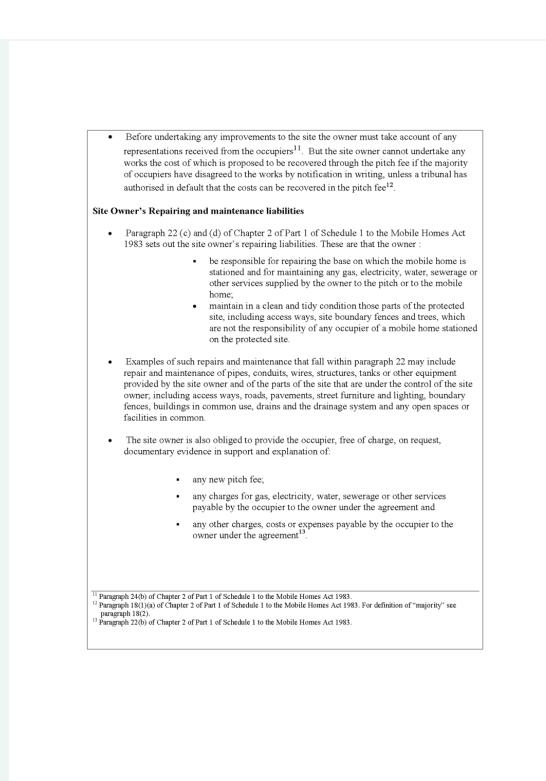
	yable it shall be payable as from the effective date. (The notes accompanying this form conta rther information)
Se	ection 6: Signature of site owner(s)
	gned
D N	ateame and address of the site owner(s) (for the purpose of serving notices)
Se al	ection 7: Notes: You should read these notes carefully as they contain important information bout the pitch fee review. You should note, however, that these notes are for guidance only an p not purport to provide a definitive statement of the law.
G	eneral
•	This form should be used if the site owner is proposing to change the pitch fee.
•	This form must be served on the occupier 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. This form should be sent to the occupier(s) with the pitch fee review notice.
•	The new proposed pitch fee cannot be imposed on the occupier. It must be agreed or determined by a tribunal.
]	Reviews 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 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 a minimum notice period of 28 days is given a late revie can be proposed to take effect at any time after the review date and before the next review date.
•	The "next review date" is the date twelve months from the review date. This applies wheth or not the current review is late. It means, for example, if the review date is 1^{st} April 2014, the review is late and doesn't take effect until 1^{st} July, the next review date will be on 1^{st} Ap 2015, rather than 12 months from the effective date of the current review.
•	As reviews are conducted annually, if the site owner does not propose a change in the pitch fee on the review date or before the next review date (in the case of a late review) the revier is deemed to have been conducted for the year in question. This means, for example, that if review date was 1 st April 2014, but the site owner did not initiate a review before 1 st April 2015, any charges (including RPI) attributable to the 2014 review cannot be included in the 2015 review.





Matters t	o 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 <u>directly affected</u> the cost of the management or maintenance of the site.
	 The costs of certain "improvements" to the site (see below for details on improvements).
	ion from the pitch fee should be made and shown in section 4 (D) of the form if it a matter set out below:
	 The deduction of any charges included in previous reviews relating to the cost of improvements which have <u>already been recovered through the pitc fee.</u> A reduction in costs as a result of the change in the law since the last revied date, which has <u>directly affected</u> the cost of the management or maintenant 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 26 May 2013 and which has not been tak into account in a previous pitch fee review. A deduction to reflect any reduction in the services that the owner supplie to the site, pitch or mobile home, or any deterioration in the quality of tho services which has occurred since 26 May 2013 and which has not been taken into account in a previous review.
Improvemen	ts
The <u>cost of a</u>	 <u>n improvement can only</u> be recovered in a pitch fee review if: (a) the improvement is for the benefit of the occupiers of the site; (b) there has been consultation with the occupiers and any qualifying residents association and (c) the majority of occupiers have not disagreed in writing to the improvement being carried out or where the majority have disagreed, a tribunal has ordered

Matters that cann	ot 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 changes to the Mobile Homes Act 1983 introduced by the Mobile Homes Act 2013, including any cost relating to the preparation and serving of this form ³ ;
	costs incurred as a result of any action taken by the local authority in licensing enforcement under sections 9A to 9I of the Caravan Sites and Control of Development Act 1960 and as a result of being convicted for an offence under section 9B ⁴ ;
	fees paid by the site owner for an application to the local authority for site licence conditions to be altered ⁵ or for consent to transfer the site licence ⁶ ;
	any costs incurred by the site owner in connection with expanding the protected site and
	any costs incurred by the site owner in relation to the conduct of proceeding under the Mobile Homes Act 1983 or under agreements made between the site owner and occupiers under that Act.
Site owner's consu	ultation obligations
general and	wher is required to consult the occupiers on any improvements to the site in d in particular those where the owner proposes to recover the cost of the works e pitch fee ⁷ (see improvements above.)
site on mat	h, the site owner must consult with any qualifying residents' association ⁸ of the ters relating to the operation and management of the site and any improvement hat might affect the occupiers of the site directly or indirectly ⁹ .
writing. Th how it will provide det	ng, the site owner must give at least 28 days notice of the improvement in e consultation document must describe the proposed improvement and explain benefit the occupiers in both the short and long term. The document must tails about how the pitch fee will be affected by the proposed improvement at view date and it must state when and where representations can be made about ll^{10} .
 ⁴ Paragraph 19(4) of Cha ⁵ Paragraph 19(3) of Cha ⁶ Paragraph 19(3) of Cha ⁷ Paragraph 22(e) of Cha 	apter 2 of Part 1 of Schedule 1 to the Mobile Homes Act 1983. pter 2 of Part 1 of Schedule 1 to the Mobile Homes Act 1983. pter 2 of Part 1 of Schedule 1 to the Mobile Homes Act 1983. pter 2 of Part 1 of Schedule 1 to the Mobile Homes Act 1983. pter 2 of Part 1 of Schedule 1 to the Mobile Homes Act 1983. pualifying residents' association see paragraph 28 of Chapter 2 of Part 1 of Schedule 1 to the Mobile e information on setting up and the role of residents' associations are available in the DCLG fact sheet ded from www.gov.uk/park-homes-guidance



Occupiers' Repairing Liabilities	
outbuildings belonging t	ound state of repair and of the home and the pitch, including all fences and to, or enjoyed with, the pitch and the mobile home an t in a clean and tidy condition ¹⁴ .
	e reimbursement of any costs or expenses from the si must supply to the owner documentary evidence in
Further information	
Further information on pitch fee reviews Sheet at www.gov.uk/park-homes-guidan	and other charges can be downloaded from the Fact ice
Or by contacting LEASE on 020 7383 98	00.
¹⁴ Paragraph 21(c) and (d) of Chapter 2 of Part 1 of Sc ¹⁵ Paragraph 21(e) of Chapter 2 of Part 1 of Schedule 1	hedule 1 to the Mobile Homes Act 1983.

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PROSPECTIVE

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the form of the document that must accompany a pitch fee review notice (served under paragraph 17(2) or (6)(b) of Chapter 2 of Part 1 of Schedule 1 to the Mobile Homes Act 1983) 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 like 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.

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.

No separate impact assessment has been prepared for these Regulations, but the impact assessment prepared for the Mobile Homes Bill 2013 is relevant:

http://www.parliament.uk/documents/impact-assessments/IA12-031.pdf.

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