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

Document Generated: 2023-12-13

Status: 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) View outstanding changes

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 prescribed under paragraph 25A(1)of Chapter 2 of Part 1 of Schedule 1 to the Mol s Act 1983 |
|-----------------------------|--|
| review review pitch i | tant note: This form, or a form substantially to the like effect, must be sent with the pitch v notice where the site owner proposes to increase the pitch fee otherwise the pitch fee v will not be valid. This form may also be used if the site owner is proposing to reduce the fee. he site owner and the occupier(s) should read the notes at the end of this form as they |
| contai | n important information about pitch fee reviews. |
| Sectio | on 1: Parties |
| From | [Insert name of the site owner(s)] |
| То | [Insert name of occupier(s)] |
| Sectio | on 2: Proposed new pitch fee |
| | propose to increase / reduce your pitch fee for: [Insert address of the home] |
| The la | st review date was:[insert date] |
| The c | urrent pitch fee is £[insert amount] per week/month/quarter/year |
| | roposed new pitch fee is £[<i>insert amount</i>] per week/month/quarter/year on 3: Date new pitch fee proposed to take effect (effective date) |
| The re | view date is twelve months after the last review date. |
| | ffective 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 |
| (Con | plete whichever is appropriate) |
| | For further information on the review, late reviews and effective dates see the notes at the form. |
| Sectio | on 4: Calculation of the proposed new pitch fee |
| (A) is (B) is [calcu | roposed new pitch fee has been calculated as (A) + (B) +(C) - (D) where: the current pitch fee of £ |

(B) The RPI adjustment

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

 $\rm I$ / we have added a charge that $\rm I$ / we have incurred and believe can be recovered through the pitch fee. The details of the costs incurred are set out below.

| Description of 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 £..... per week/month/quarter/year [delete as appropriate] to take account of the following matters.....

insert details of any matter(s) which you have taken into account in calculating the figure arrived at].

I/We have arrived at that figure as follows.....

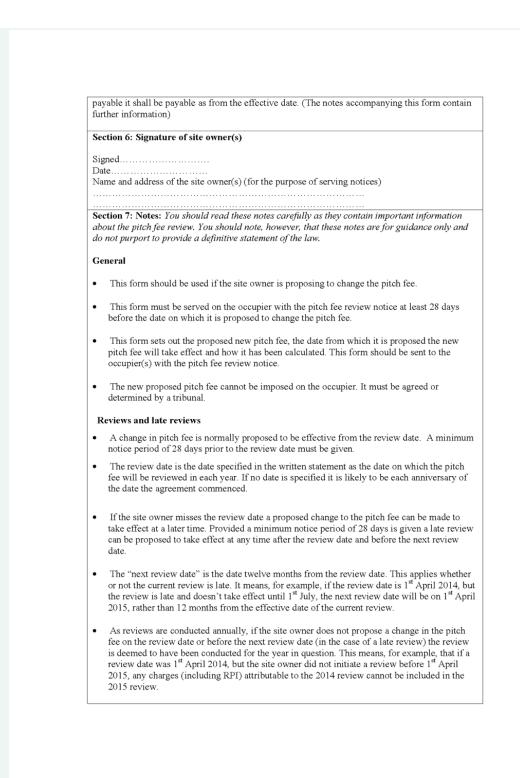
.....

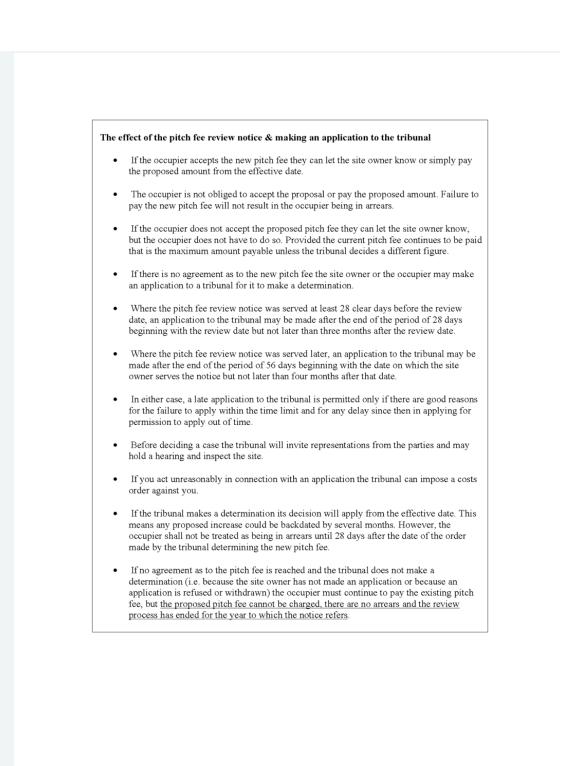
[insert explanation of how you have calculated the figure for (D)]

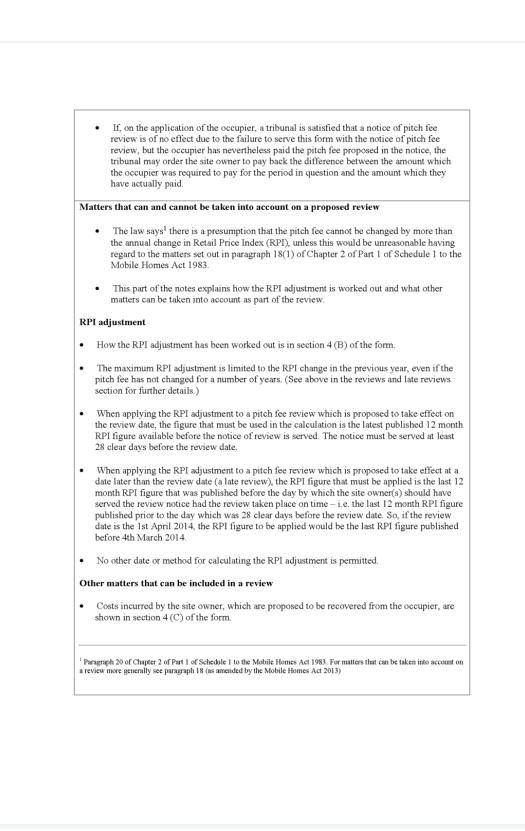
Note: The matters to which the site owner(s) shall have particular regard to when carrying out the pitch fee review include those set out in paragraph 18 of Chapter 2 of Part 1 of Schedule 1 to the Mobile Homes Act 1983 (as amended by section 11 of the Mobile Homes Act 2013) which forms part of your 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

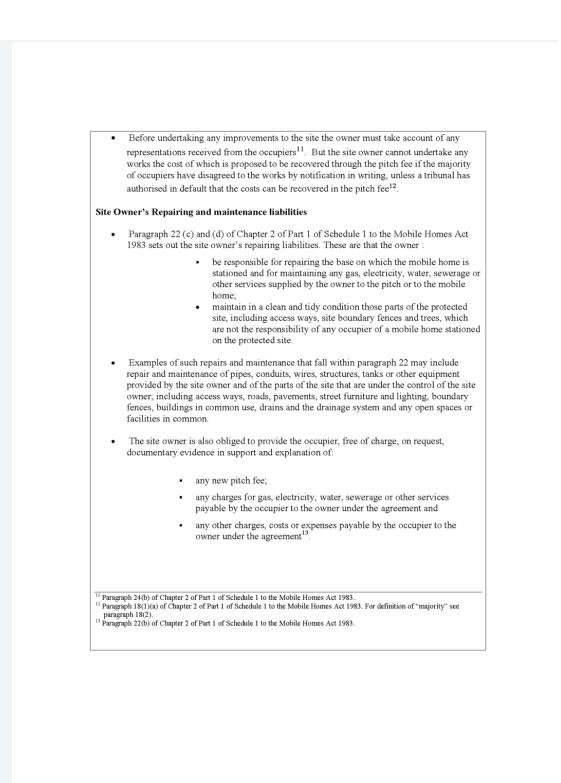






| | A change in the law since the last review date, other than one which is specifically prohibited from being included, which has <u>directly affected</u> th cost of the management or maintenance of the site. The costs of certain "improvements" to the site (see below for details on |
|--------------------|---|
| | The costs of certain "improvements" to the site (see below for details on |
| | improvements). |
| relates t | ction from the pitch fee should be made and shown in section 4 (D) of the form if it o 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 pitcl fee</u>. A reduction in costs as a result of the change in the law since the last revie 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 take 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 thos services which has occurred since 26 May 2013 and which has not been taken into account in a previous review. |
| Improvem | nts |
| The <u>cost of</u> | an improvement can only 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 improvements being carried out or where the majority have disagreed, a tribunal has ordered that the costs can be included in the pitch fee². |

| Matters that can | not 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 introduce 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 proceedin under the Mobile Homes Act 1983 or under agreements made between the site owner and occupiers under that Act. |
| Site owner's cons | 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 | n, the site owner must consult with any qualifying residents' association ⁸ of th ters relating to the operation and management of the site and any improvement that might affect the occupiers of the site directly or indirectly ⁹ . |
| writing. Th how it will provide de | ing, the site owner must give at least 28 days notice of the improvement in ne consultation document must describe the proposed improvement and explait 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 al 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 ⁸ For the definition of a Homes Act 1983. Mo which can be downlow ⁹ Paragraph 22(f) of Cha | hapter 2 of Part 1 of Schedule 1 to the Mobile Homes Act 1983. upter 2 of Part 1 of Schedule 1 to the Mobile Homes Act 1983. upter 2 of Part 1 of Schedule 1 to the Mobile Homes Act 1983. upter 2 of Part 1 of Schedule 1 to the Mobile Homes Act 1983. upter 2 of Part 1 of Schedule 1 to the Mobile Homes Act 1983. upter 2 of Part 1 of Schedule 1 to the Mobile Homes Act 1983. upter 2 of Part 1 of Schedule 1 to the Mobile Homes Act 1983. upter 2 of Part 1 of Schedule 1 to the Mobile Homes Act 1983. upter 3 of Part 1 of Schedule 1 to the Mobile Homes Act 1983. upter 2 of Part 1 of Schedule 1 to the Mobile Homes Act 1983. upter 2 of Part 1 of Schedule 1 to the Mobile Homes Act 1983. |



| Occup | iers' Repairing Liabilities |
|-----------------------|--|
| • | The occupier is required to (a) keep the home in a sound state of repair and (b) 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 ¹⁴ . |
| • | Where the occupier is seeking the reimbursement of any costs or expenses from the sit owner, if requested the occupier must supply to the owner documentary evidence in support of the claim ¹⁵ . |
| Furthe | r information |
| | information on pitch fee reviews and other charges can be downloaded from the Fact twww.gov.uk/park-homes-guidance |
| Or by c | ontacting LEASE on 020 7383 9800. |
| ¹⁴ Paragra | ph 21(c) and (d) of Chapter 2 of Part 1 of Schedule 1 to the Mobile Homes Act 1983. ph 21(c) of Chapter 2 of Part 1 of Schedule 1 to the Mobile Homes Act 1983. |

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.

Status:

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. View outstanding changes

Changes and effects yet to be applied to :

- Sch. coming into force by S.I. 2013/1505 reg. 1
- Regulations revoked by S.I. 2023/620 reg. 3
- reg. 1 coming into force by S.I. 2013/1505 reg. 1
- reg. 2 coming into force by S.I. 2013/1505 reg. 1