
STATUTORY INSTRUMENTS

2013 No. 981

The Mobile Homes (Selling and Gifting) (England) Regulations 2013

Application, citation and commencement

1. These Regulations, which apply in relation to England only, may be cited as the Mobile Homes (Selling and Gifting) (England) Regulations 2013 and come into force on 26th May 2013.

Interpretation

2. In these Regulations—

“agreement” means an agreement to which the 1983 Act applies;

“pitch” has the meaning given to it in paragraph 1(4) of Chapter 1 of Part 1 of Schedule 1 to the 1983 Act;

“pitch fee” has the meaning given in paragraph 29 of Chapter 2 of Part 1 of Schedule 1 to the 1983 Act;

“pre-commencement rules”, in relation to a site, means rules made by the owner before commencement of section 9 of the Mobile Homes Act 2013 which relate to a matter mentioned in section 2C(2) of the 1983 Act;

“proposed occupier” means a person to whom the occupier proposes to sell or give the mobile home and assign the agreement which relates to the mobile home;

“site” means a protected site as defined in section 5(1) of the 1983 Act; and

“the 1983 Act” means the Mobile Homes Act 1983; and

“written statement” means the written statement required under section 1(2) of the 1983 Act.

Sale of mobile home: provision of information and documents to proposed occupier

3.—(1) The documents prescribed for the purposes of paragraph A1(2)(a) of Part 3 of Schedule 1 to the 1983 Act are —

- (a) a copy of the agreement and written statement;
- (b) where the agreement was assigned to the occupier, a copy of the instrument giving effect to that assignment;
- (c) a copy of any pre-commencement rules for the site which are in force;
- (d) a copy of any site rules for the site which are in force;
- (e) documentary evidence of any charges relating to the mobile home or the site payable to the owner or a third party for gas, electricity, water, sewerage or other services, including details of when these charges are payable and when they are next due for review;
- (f) documentary evidence of any other charges relating to the mobile home or the site payable to the owner or a third party, including charges for the use of a garage, parking space or outbuilding;

- (g) a copy of any warranty for the mobile home which is still within its validity period and which is in the possession of the occupier; and
 - (h) a copy of any structural survey of the mobile home, base or pitch which has been commissioned by the occupier and carried out by a suitably qualified person in the 12 months prior to the date on which the documents are provided to the proposed occupier.
- (2) Where the occupier is unable to provide any of the documents mentioned in paragraph (1), a written explanation as to why this is the case must be provided to the proposed occupier.
- (3) The information prescribed for the purposes of paragraph A1(2)(b) of Part 3 of Schedule 1 to the 1983 Act is—
- (a) the proposed sale price of the mobile home;
 - (b) details of the commission which would be payable by the proposed occupier by virtue of paragraph 7A(5) or 7B(8) of Chapter 2 of Part 1 of Schedule 1 to the 1983 Act (as the case may be);
 - (c) details of the pitch fee payable to the owner, including when it is payable and the next review date (“review date” has the meaning given to it in paragraph 29 of Chapter 2 of Part 1 of Schedule 1 to the 1983 Act);
 - (d) details of any arrears of pitch fees or of other charges payable under the agreement which are outstanding at the time the documents and information required by this regulation are provided to the proposed occupier, and details of any arrangements entered into with the owner for clearing any such arrears;
 - (e) the council tax valuation band applicable to the mobile home;
 - (f) the name of the owner and address at which notices may be served on the owner, provided this information has been supplied to the occupier in accordance with paragraph 26 of Chapter 2 of Part 1 of Schedule 1 to the 1983 Act or, where this address has not been supplied, any other known address of the owner;
 - (g) the name and address of the local authority in whose area the mobile home is situated;
 - (h) an explanation of the procedural requirements prescribed in regulations 9 and 10; and
 - (i) the date on which the agreement was made and, where the occupier was not one of the original parties to the agreement, the date on which the agreement was assigned to the occupier;
 - (j) where the agreement is not a new agreement, an explanation of the effect of paragraph 7B(1) of Chapter 2 of Part 1 of Schedule 1 to the 1983 Act (and “new agreement” has the meaning given to it in paragraph 7A(3) of that Chapter);
 - (k) a statement confirming that the occupier is the legal owner of the mobile home and is selling the mobile home with vacant possession and that there are no outstanding loans in relation to the mobile home; and
 - (l) details of any legal proceedings in respect of any matters relating to the mobile home, the agreement or the site to which the occupier is a party and which have been issued or commenced, but have not been disposed of or withdrawn, at the time the information is delivered or sent to the proposed occupier.
- (4) The information must be provided in the form prescribed in Schedule 1, or in a form substantially to the like effect.

Existing agreements: Notice of proposed sale

4.—(1) The information prescribed for the purposes of paragraph 7B(5) of Chapter 2 of Part 1 of Schedule 1 to the 1983 Act is the information specified in paragraphs (2) to (6).

- (2) In every case the information includes—
 - (a) the name of the proposed occupier;
 - (b) an explanation of the effect of sub-paragraphs (1) to (4) of paragraph 7B of Chapter 2 of Part 1 of Schedule 1 to the 1983 Act; and
 - (c) the grounds prescribed in regulation 7 on which the owner may apply to the tribunal for a refusal order.
- (3) In cases where the site has pre-commencement rules or site rules, the information also includes a statement confirming—
 - (a) that the occupier has provided the proposed occupier with a copy of those rules; and
 - (b) that the proposed occupier has read and understood the rules (or has had them explained to him or her) and that the proposed occupier is able to comply with them.
- (4) In cases where the site has a pre-commencement rule or site rule relating to the age of occupiers, the information also includes the age of the proposed occupier and any person intending to reside in the mobile home with the proposed occupier.
- (5) In cases where the site has a pre-commencement rule or site rule relating to the keeping of animals, the information also includes details of any animals that the proposed occupier or any other person intending to reside in the mobile home with the proposed occupier intends to keep on the site (including, where the animal is a dog, the breed of dog).
- (6) In cases where the site has a pre-commencement rule or site rule relating to the parking of vehicles on the site, the information also includes details of any vehicles that the proposed occupier or any person intending to reside in the mobile home with the proposed occupier intends to park on the site.
- (7) The information must be provided in the form prescribed in Schedule 2, or in a form substantially to the like effect.

Existing agreements: Notice of proposed gift

- 5.—(1) The information prescribed for the purposes of paragraph 8B(5) of Chapter 2 of Part 1 of Schedule 1 to the 1983 Act is the information specified in paragraphs (2) to (6) of this regulation.
- (2) In every case the information includes—
 - (a) the name of the proposed occupier;
 - (b) an explanation of the effect of sub-paragraphs (1) to (4) of paragraph 8B of Chapter 2 of Part 1 of Schedule 1 to the 1983 Act; and
 - (c) the grounds prescribed in regulation 7 on which the owner may apply to the tribunal for a refusal order.
 - (3) In cases where the protected site has pre-commencement rules or site rules, the information also includes a statement confirming—
 - (a) that the occupier has provided the proposed occupier with a copy of those rules; and
 - (b) that the proposed occupier has read and understood those rules (or has had them explained to him or her) and is able to comply with them.
 - (4) In cases where the site has a pre-commencement rule or site rule relating to the age of occupiers, the information also includes the age of the proposed occupier and of any person intending to reside in the mobile home with the proposed occupier.
 - (5) In cases where the site has a pre-commencement rule or site rule relating to the keeping of animals, the information also includes details of any animals that the proposed occupier or any other person intending to reside in the mobile home with the proposed occupier intends to keep on the site (including, where the animal is a dog, the breed of dog).

(6) In cases where the site has a pre-commencement rule or site rule relating to the parking of vehicles on the site, the information also includes details of any vehicles that the proposed occupier or any person intending to reside in the mobile home with the proposed occupier intends to park on the site.

(7) The information must be—

- (a) provided in the form prescribed in Schedule 3 or in a form substantially to the like effect; and
- (b) accompanied by the relevant evidence (as defined by paragraph 8A(3) of Chapter 2 of Part 1 of Schedule 1 to the 1983 Act).

Gift of mobile home: evidence the proposed occupier is a member of the occupier's family

6. The evidence prescribed for the purposes of paragraph 8A(3)(a) of Chapter 2 of Part 1 of Schedule 1 to the 1983 Act, is the evidence provided by one or more of the following—

- (a) written information on oath given by the occupier and proposed occupier which explains the relationship of the proposed occupier to the occupier;
- (b) a birth certificate or certificate of adoption;
- (c) a certificate of marriage or civil partnership.

Existing agreements: grounds on which site owner may apply for a refusal order

7.—(1) The grounds prescribed for the purposes of paragraph 7B(7) of Chapter 2 of Part 1 of Schedule 1 to the 1983 Act (sale of mobile home: existing agreements) are that, if the proposed occupier were to become the occupier, the proposed occupier or a person intending to reside with the proposed occupier would breach a pre-commencement rule or site rule—

- (a) by reason of age;
- (b) by keeping animals that are of a description specified in the rule;
- (c) by parking vehicles on the site that are of a description specified in the rule; or
- (d) by parking a number of vehicles on the site in excess of the number specified in the rule.

(2) The grounds prescribed for the purposes of paragraph 8B(7) of Chapter 2 of Part 1 of Schedule 1 to the 1983 Act (gift of mobile home: existing agreements) are—

- (a) the grounds mentioned in paragraph (1); or
- (b) that the proposed occupier has failed to provide the owner with the relevant evidence (as defined by paragraph 8A(3) of Chapter 2 of Part 1 of Schedule 1 to the 1983 Act).

Maximum rate of commission payable on the sale of a mobile home

8. The rate prescribed for the purposes of paragraphs 7A(5) and 7B(8) of Chapter 2 of Part 1 of Schedule 1 to the 1983 Act is ten per cent of the purchase price of the mobile home.

Form of assignment and notice of assignment

9.—(1) An assignment of an agreement pursuant to paragraph 7A(2), 7B(1), 8A(2) or 8B(1) of Chapter 2 of Part 1 of Schedule 1 to the 1983 Act (as the case may be) must be made—

- (a) in writing; and
- (b) in the form prescribed in Schedule 4 (or in a form to substantially the like effect).

(2) Within seven days of the assignment, the assignee must serve on the owner a notice of the assignment which complies with the requirements of paragraphs (3) to (8) below (a “notice of assignment”).

(3) In every case, the notice of assignment must specify—

- (a) the name of the assignor;
- (b) the name of the assignee and of any other person who intends to reside in the mobile home with the assignee;
- (c) the address of the mobile home;
- (d) the date of assignment of the agreement; and
- (e) a forwarding address for the assignor.

(4) In the case of a sale of a mobile home, the notice of assignment must also—

- (a) specify the purchase price of the mobile home and the amount of commission which the assignee is required to pay to the owner under paragraph 7A(5) or 7B(8) of Chapter 2 of Part 1 of Schedule 1 to the 1983 Act (as the case may be); and
- (b) contain an explanation of the requirements prescribed by regulation 10 (payment of commission).

(5) In cases where the site has pre-commencement rules or site rules, the notice of assignment must also contain a statement confirming that the assignee has read and understood those rules (or has had them explained to him or her) and agrees to comply with them.

(6) In cases where the site has a pre-commencement rule or site rule relating to the age of occupiers, the notice of assignment must also specify the age of the assignee and any person intending to reside in the mobile home with the assignee.

(7) The notice of assignment must be—

- (a) provided in the form prescribed in Schedule 5, or in a form substantially to the like effect; and
- (b) accompanied by the documents mentioned in paragraph (8).

(8) The documents are—

- (a) a copy of the instrument giving effect to the assignment;
- (b) in the case of a sale, documentary evidence of the price paid by the assignee for the mobile home;
- (c) a copy of any pre-commencement rules or site rules which the assignee received pursuant to regulation 3(1)(c) or (d) (as the case may be); and
- (d) a copy of the agreement and written statement that the assignee received pursuant to regulation 3(1)(a).

(9) The notice of assignment and other documents required to be provided to the owner under this regulation may be either delivered to the owner personally or sent by post.

Payment of commission

10.—(1) As soon as practicable after receipt of the notice of assignment, the owner must provide details of the bank account into which the owner wishes the assignee to pay the commission which the assignee is required to pay to the owner under paragraph 7A(5) or 7B(8) of Chapter 2 of Part 1 of Schedule 1 to the 1983 Act (as the case may be).

(2) Within seven days of receipt of those details, the assignee must pay the commission into the bank account.

Period prescribed for the purposes of section 2C(3) of the 1983 Act

11. The period prescribed for the purposes of section 2C(3) of the 1983 Act is the period of 12 months beginning with commencement (as defined by section 2D(2) of the 1983 Act).

Pre-commencement rules relating to sales, gifts and assignments: prescribed matters

12.—(1) A pre-commencement rule which relates to the sale of a mobile home is of no effect in so far as it makes provision in relation to any of the matters mentioned in paragraph (2) of this regulation.

(2) 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 his agents 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.

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

- (a) the home address or other contact details of the person concerned;
- (b) any financial information relating to the person concerned; and
- (c) details of the age, ethnic origin, sex or sexual orientation of the person concerned.

(4) In sub-paragraphs (c), (d), (e), (f) and (h) of paragraph (2) references to selling a mobile home include a reference to marketing, advertising or offering the mobile home for sale.

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

24th April 2013

Mark Prisk
Minister of State
Department for Communities and Local
Government