

## SCHEDULE

Regulation 2

### **Amendment of the Residential Property Tribunal Procedures and Fees (Wales) Regulations 2012**

1. In regulation 2—
  - (a) omit the definition of “the 1983 Act”;
  - (b) at the appropriate place insert ““the 2013 Act” (“*Deddf 2013*”) means the Mobile Homes (Wales) Act 2013(1);”;
  - (c) in the definition of “application”—
    - (i) at the end of paragraph (b), omit “or”;
    - (ii) in paragraph (c), for “the 1983 Act” substitute “the 2013 Act”;
    - (iii) at the end of paragraph (c), for “,” substitute “; or”; and
    - (iv) after paragraph (c), insert—
      - “(d) the Site Rules Regulations,”;
  - (d) in the definition of “interested person”—
    - (i) in paragraph (d), for “the 1983 Act” substitute “Part 4 of, or Schedule 2 to, the 2013 Act”;
    - (ii) in paragraph (e), for “paragraphs 8 or 9 of Chapter 2 of Part 1 of Schedule 1 to the 1983 Act” substitute “paragraphs 9 to 13 of Chapter 2 of Part 1 of Schedule 2 to the 2013 Act”;
    - (iii) in paragraph (f), for “paragraph 6A(2)(a) or 6A(2)(b) of Chapter 4 of Part 1 of Schedule 1 to the 1983 Act” substitute “paragraphs 41(1)(a) or 41(1)(b) of Chapter 4 of Part 1 of Schedule 2 to the 2013 Act”; and
    - (iv) after paragraph (g), insert—
      - “(h) in relation to an application under Part 2 of the 2013 Act, where applicable, the site owner or the site manager, where that person is not a party to the application;”;
  - (e) in the definition of “mobile home” for “section 5(1) of the 1983 Act” substitute “section 60 of the 2013 Act”;
  - (f) in the definition of “occupier” for each reference to “the 1983 Act” substitute “the 2013 Act”;
  - (g) in the definition of “pitch” for “Chapter 1 of Part 1 of Schedule 1 to the 1983 Act” substitute “section 55 of the 2013 Act”;
  - (h) in the definition of “premises” for each reference to “the 1983 Act” substitute “the 2013 Act”;
  - (i) in the definition of “protected site” for “section 5(1) of the 1983 Act” substitute “section 2(2) of the 2013 Act”;
  - (j) in the definition of “qualifying residents’ association” for “Part 1 of Schedule 1 to the 1983 Act” substitute “section 61 of the 2013 Act”;
  - (k) in the definition of “site owner” for “section 5(1) of the 1983 Act” substitute “section 62 of the 2013 Act”; and

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

- (l) at the appropriate place insert ““the Site Rules Regulations” (“*y Rheoliadau Rheolau Safle*”) means the Mobile Homes (Site Rules) (Wales) Regulations 2014(2)”.
2. In regulation 4(1), for “or the 1983 Act”, substitute “, the 2013 Act, or the Site Rules Regulations”.
  3. In regulation 5—
    - (a) in the heading, for “the 1983 Act” substitute “the 2013 Act”; and
    - (b) in paragraphs (1) and (2), for each reference to “the 1983 Act” substitute “the 2013 Act”.
  4. In regulation 7—
    - (a) in the heading, for “the 1983 Act” substitute “the 2013 Act”; and
    - (b) in paragraph (1), for “the 1983 Act” substitute “the 2013 Act”.
  5. Omit regulation 11.
  6. In regulation 12—
    - (a) in the heading, for “the 1983 Act” substitute “the 2013 Act”;
    - (b) in paragraph (1), for “paragraph 5A(2)(a) of Chapter 2, or paragraph 6(1)(a) of Chapter 4, of Part 1 of Schedule 1 to the 1983 Act” substitute “paragraph 7(1)(a) of Chapter 2, or paragraph 40(1)(a) of Chapter 4, of Part 1 of Schedule 2 to the 2013 Act”;
    - (c) in paragraph (3)(a), for “paragraph 5A(2)(a) of Chapter 2, or paragraph 6(1)(a) of Chapter 4, of Part 1 of Schedule 1 to the 1983 Act” substitute “paragraph 7(1)(a) of Chapter 2, or paragraph 40(1)(a) of Chapter 4, of Part 1 of Schedule 2 to the 2013 Act”;
    - (d) in paragraph (3)(b), for “paragraph 5A(4) of Chapter 2, or paragraph 6(2) of Chapter 4, of Part 1 of that Schedule” substitute “paragraph 7(3) of Chapter 2, or paragraph 40(3) of Chapter 4, of Part 1 of that Schedule”; and
    - (e) in paragraph (6)(c), for “paragraph 5A(2)(a) of Chapter 2, or paragraph 6(1)(a) of Chapter 4, of Part 1 of Schedule 1 to the 1983 Act” substitute “paragraph 7(1)(a) of Chapter 2, or paragraph 40(1)(a) of Chapter 4, of Part 1 of Schedule 2 to the 2013 Act”.
  7. In regulation 14(1)(b), for “the 1983 Act” substitute “the 2013 Act”.
  8. In regulation 21—
    - (a) in paragraph (5), for “paragraphs 4, 5, 5A or 10 of Chapter 2, or paragraphs 4, 5, 6 or 8 of Chapter 4, of Part 1 of Schedule 1 to the 1983 Act” substitute “paragraphs 5, 6, 7 or 14 of Chapter 2, or paragraphs 38, 39, 40 or 44 of Chapter 4, of Part 1 of Schedule 2 to the 2013 Act”; and
    - (b) in paragraph (7), omit “or regulation 11 (urgent applications under the 1983 Act relating to sale or gift of a mobile home)”.
  9. In regulation 22(5), omit “or regulation 11 (urgent applications under the 1983 Act relating to sale or gift of a mobile home)”.
  10. In regulation 35, after paragraph (2) insert—
 

“(3) In respect of an application to the tribunal under the 2013 Act or the Site Rules Regulations, the amount which a party to proceedings may be ordered to pay in the proceedings by a determination made under paragraph 12 of Schedule 13 to the 2004 Act must not exceed £10,000.”
  11. In regulation 40(5), for “the 1983 Act” substitute “the 2013 Act”.

12. In regulation 45—
- (a) in paragraph (1) for “£150” substitute “£155”; and
  - (b) in paragraph (2) for “£150” substitute “£155”.
13. In regulation 46, for “£150” substitute “£155”.
14. In regulation 47—
- (a) in the heading, for “the 1983 Act” substitute “the 2013 Act”;
  - (b) omit paragraph (1);
  - (c) after paragraph (1), insert—
    - “(1A) Subject to paragraph (5) and regulation 49(2) a fee of £155 is payable for an application to a tribunal under regulation 10 (right to appeal to tribunal in relation to the owner’s decision) and regulation 17 (right to appeal to tribunal in relation to a deposit) of the Site Rules Regulations.”;
  - (d) in paragraph (2), for “the 1983 Act” substitute “the 2013 Act”;
  - (e) for paragraph (2)(a) to (e), substitute—
    - “(a) section 7(4)(b) (site licence: refusal to issue);
    - (b) section 12(2) (conditions of site licence: appeal);
    - (c) section 14(1) (variation of conditions of site licence: appeal);
    - (d) section 17(2) (compliance notice: appeal);
    - (e) section 21(9) (emergency action: appeal);
    - (f) section 22(7) (demand for expenses: appeal);
    - (g) section 28(2) (local authority application to revoke site licence);
    - (h) section 29(6)(b) (fit and proper person);
    - (i) section 30(5) (interim manager);
    - (j) section 33(4) (repayment order);
    - (k) section 49(5) (written statement);
    - (l) section 50(2) or (3) (implied/express terms in site agreement);
    - (m) section 54 (jurisdiction of a tribunal or the court);
    - (n) paragraphs 5, 6 or 7 of Chapter 2, or paragraphs 38, 39 or 40(1) of Chapter 4, of Part 1 of Schedule 2 (termination);
    - (o) paragraphs 10 or 13 of Chapter 2 of Part 1 of Schedule 2 (sale or gift of a mobile home);
    - (p) paragraphs 14 of Chapter 2, or 44 of Chapter 4, of Part 1 of Schedule 2 (re-siting of mobile home); and
    - (q) paragraph 42(8) of Chapter 4 of Part 1 of Schedule 2 (assignment of agreement).”;
  - (f) in paragraph (3)—
    - (i) in sub-paragraph (a) for “£150” substitute “£155”;
    - (ii) in sub-paragraph (b) for “£200” substitute “£205”;
    - (iii) in sub-paragraph (c) for “£400” substitute “£410”; and
    - (iv) in sub-paragraph (d) for “£500” substitute “£515”;
  - (g) in paragraph (4)(a), for “the 1983 Act” substitute “the 2013 Act”; and
  - (h) in paragraph (5), for “the 1983 Act” substitute “the 2013 Act”.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

**15. In the Schedule—**

- (a) in the heading above paragraph 50, for “the 1983 Act” substitute “the 2013 Act”;
- (b) in paragraph 50—
  - (i) in sub-paragraph (1), for “section 1(6) of the 1983 Act (right to have a written statement)” substitute “section 49(5) of the 2013 Act (right to have a written statement)”; and
  - (ii) in sub-paragraph (2), for “section 1(2) of the 1983 Act” substitute “section 49(1) of the 2013 Act”;
- (c) in paragraph 51—
  - (i) in sub-paragraph (1), for “section 2(2) of the 1983 Act (terms mentioned in Part 2 of Schedule 1 to the 1983 Act to be implied)” substitute “section 50(2) of the 2013 Act (terms mentioned in Part 1 of Schedule 2 to the 2013 Act to be implied)”; and
  - (ii) in sub-paragraph (2), for “Part 2 of Schedule 1 to the 1983 Act” substitute “Part 2 of Schedule 2 to the 2013 Act”;
- (d) in paragraph 52—
  - (i) in sub-paragraph (1), for “section 2(3)(a) of the 1983 Act (varying or deleting any express term of the agreement)” substitute “section 50(3)(a) of the 2013 Act (varying or deleting any express term of the agreement)”; and
  - (ii) in sub-paragraph (2)(b)(i), for “section 1(6) of the 1983 Act” substitute “section 49(5) of the 2013 Act”; and
  - (iii) in sub-paragraph (2)(b)(ii), for “section 1(6) of the 1983 Act” substitute “section 49(5) of the 2013 Act”;
- (e) in paragraph 53—
  - (i) in the heading, for “the 1983 Act” substitute “the 2013 Act”; and
  - (ii) in sub-paragraph (1), for “section 4 of the 1983 Act (determination of any question arising under the 1983 Act or agreement to which it applies)” substitute “section 54 of the 2013 Act (determination of any question arising under Part 4 of the 2013 Act or agreement to which it applies)”;
- (f) in paragraph 54—
  - (i) in sub-paragraph (1), for “paragraph 5A(2)(a) of Chapter 2, or paragraph 6(1)(a) of Chapter 4, of Part 1 of Schedule 1 to the 1983 Act (determination by tribunal of detrimental effect of mobile home)” substitute “paragraph 7(1)(a) of Chapter 2, or paragraph 40(1)(a) of Chapter 4, of Part 1 of Schedule 2 to the 2013 Act (determination by tribunal of detrimental effect of mobile home)”; and
  - (ii) in sub-paragraph (2)(a), for “paragraph 5A(2) of Chapter 2, or paragraph 6(1) of Chapter 4, of Part 1 of that Schedule” substitute “paragraph 7(1) of Chapter 2, or paragraph 40(1) of Chapter 4, of Part 1 of that Schedule”;
- (g) in paragraph 55—
  - (i) in sub-paragraph (1), for “paragraph 4, 5 or 5A(2)(b) of Chapter 2, or paragraphs 4, 5 or 6(1)(b) of Chapter 4, of Part 1 of Schedule 1 to the 1983 Act (termination by site owner)” substitute “paragraphs 5, 6 or 7(1)(b) of Chapter 2, or paragraphs 38, 39 or 40(1)(b) of Chapter 4, of Part 1 of Schedule 2 to the 2013 Act (termination by site owner)”; and
  - (ii) in sub-paragraph (2)(b), for “paragraph 4, 5 or 5A(2) of Chapter 2, or paragraphs 4, 5 or 6(1)(b) of Chapter 4, of Part 1 of that Schedule” substitute “paragraphs 5,

- 6 or 7(1) of Chapter 2, or paragraphs 38, 39 or 40(1)(b) of Chapter 4, of Part 1 of that Schedule”;
- (iii) in sub-paragraph (2)(c), for “paragraph 4 of Chapter 2, or paragraph 4 of Chapter 4, of Part 1 of that Schedule” substitute “paragraph 5 of Chapter 2, or paragraph 38 of Chapter 4, of Part 1 of that Schedule”; and
- (iv) in sub-paragraph (2)(e), for “paragraph 5A(2) of Chapter 2, or paragraph 6(1) of Chapter 4, of Part 1 of that Schedule” substitute “paragraph 7(1) of Chapter 2, or paragraph 40(1) of Chapter 4, of Part 1 of that Schedule”;
- (h) in paragraph 56—
- (i) in sub-paragraph (1), for “paragraph 8(1E) (sale of a mobile home) or 9(2) (gift of a mobile home) of Chapter 2 and paragraph 6B(7) of Chapter 4 of Part 1 of Schedule 1 to the 1983 Act” substitute “paragraph 10(3) (sale of a mobile home) or paragraph 13(3) (gift of a mobile home) of Chapter 2 and paragraph 42(8) of Chapter 4 of Part 1 of Schedule 2 to the 2013 Act”;
- (ii) in sub-paragraph (2)(a), for “paragraph 8(1A) of Chapter 2, or paragraph 6B(1) of Chapter 4, of Part 1 of that Schedule” substitute “paragraph 10(1)(a) of Chapter 2, or paragraph 42(1) of Chapter 4, of Part 1 of that Schedule”;
- (iii) at the end of sub-paragraph (2)(a), insert “and”;
- (iv) in sub-paragraph (2)(b), for “; and” substitute “.”; and
- (v) omit sub-paragraph (2)(c);
- (i) in paragraph 57—
- (i) in sub-paragraph (1), for “paragraph 10(1) of Chapter 2, or paragraph 8(1) of Chapter 4, of Part 1 of Schedule 1 to the 1983 Act (re-siting of mobile home)” substitute “paragraph 14(1) of Chapter 2, or paragraph 44(1) of Chapter 4, of Part 1 of Schedule 2 to the 2013 Act (re-siting of mobile home)”;
- (ii) in sub-paragraph (2)(c), for “paragraph 10(1) of Chapter 2, or paragraph 8(1) of Chapter 4, of Part 1 of that Schedule” substitute “paragraph 14(1) of Chapter 2, or paragraph 44(1) of Chapter 4, of Part 1 of that Schedule”;
- (j) in paragraph 58—
- (i) in sub-paragraph (1), for “paragraph 10(2) of Chapter 2, or paragraph 8(2) of Chapter 4, of Part 1 of Schedule 1 to the 1983 Act (re-siting of mobile home)” substitute “paragraph 14(3) of Chapter 2, or paragraph 44(3) of Chapter 4, of Part 1 of Schedule 2 to the 2013 Act (re-siting of mobile home)”;
- (ii) in sub-paragraph (2)(c), for “paragraph 10(2) of Chapter 2, or paragraph 8(2) of Chapter 4, of Part 1 of that Schedule” substitute “paragraph 14(3) of Chapter 2, or paragraph 44(3) of Chapter 4, of Part 1 of that Schedule”;
- (k) in paragraph 59—
- (i) in sub-paragraph (1), for “paragraphs 16(b), 17(4) and 17(8) of Chapter 2, or paragraphs 14(b), 15(4) or 15(8) of Chapter 4, of Part 1 of Schedule 1 to the 1983 Act (the pitch fee)” substitute “paragraphs 17(1)(b), 17(6) and 17(11) of Chapter 2, and paragraphs 47(1)(b), 47(5) and 47(9) of Chapter 4, of Part 1 of Schedule 2 to the 2013 Act (the pitch fee)”;
- (ii) for sub-paragraph (2), substitute—
- “(2) The specified documents are—
- (a) the notice served on the occupier by the site owner under paragraph 17(3) or (8)(b) of Chapter 2, or 47(3) or (7)(b) of Chapter 4, of Part 1 of that

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

- Schedule (whether served by the time required under that paragraph or not); and
- (b) any document accompanying such notice in accordance with paragraph 23 of Chapter 2 of Part 1 of that Schedule.”;
- (l) in paragraph 60—
- (i) in sub-paragraph (1), for “paragraph 18(1)(a)(iii) of Chapter 2, or paragraph 16(1)(a)(iii) of Chapter 4, of Part 1 of Schedule 1 to the 1983 Act (the pitch fee)” substitute “paragraph 18(1)(a)(iii) of Chapter 2, or paragraph 48(1)(a)(iii) of Chapter 4, of Part 1 of Schedule 2 to the 2013 Act (the pitch fee)”;
- (ii) in sub-paragraph (2)(d), for “paragraph 22(e) and (f) of Chapter 2, or paragraph 20(f) and (g) of Chapter 4, of Part 1 of that Schedule” substitute “paragraph 22(1)(e) and (f) of Chapter 2, or paragraph 52(1)(f) and (g) of Chapter 4, of Part 1 of that Schedule”;
- (m) omit paragraph 61; and
- (n) after paragraph 61, insert—

**“Applications relating to a local authority’s decision not to issue a site licence**

**62.—**(1) This paragraph applies to an application under section 7(4)(b) of the 2013 Act (issue of site licence).

- (2) The specified documents are—
- (a) a copy of the notice of the decision to refuse to issue a site licence and the reasons for the decision issued by the local authority under section 7(4)(a) of the 2013 Act;
- (b) any relevant planning permission granted in respect of the site; and
- (c) any other relevant documents supporting the application.
- (3) The specified respondent is the local authority.

**Applications relating to conditions of a site licence**

**63.—**(1) This paragraph applies to an application under sections 12(2) or 14(1) of the 2013 Act (conditions or variation of site licences).

- (2) The specified documents are—
- (a) a copy of the site licence and any conditions attached to it;
- (b) a copy of the Model Standards issued from time to time by the Welsh Ministers; and
- (c) any other relevant document that specifies the reason for attaching or varying a condition to a site licence.
- (3) The specified respondent is the local authority.

**Applications relating to a compliance notice**

**64.—**(1) This paragraph applies to an application under section 17(2) of the 2013 Act (compliance notice).

- (2) The specified documents are—
- (a) a copy of the site licence and any conditions attached to it;
- (b) a copy of the compliance notice; and
- (c) any other relevant documents supporting the application.

- (3) The specified respondent is the local authority.

#### **Applications relating to emergency action**

**65.—**(1) This paragraph applies to an application under section 21(9) of the 2013 Act (emergency action).

- (2) The specified documents are—
  - (a) any notices served by the local authority on the owner of the land under section 21(3) or (8) of the 2013 Act; and
  - (b) any other relevant documents supporting the application.
- (3) The specified respondent is the local authority.

#### **Applications relating to a demand for expenses**

**66.—**(1) This paragraph applies to an application under section 22(7) of the 2013 Act (demand for expenses).

- (2) The specified documents are—
  - (a) a copy of the demand for expenses served by the local authority on the owner of the land under section 22(6) of the 2013 Act;
  - (b) proof of conviction of an offence under section 18(1), if appropriate;
  - (c) a copy of any relevant notices served by the local authority on the owner of the land under sections 17(1), 20(2), 21(3) or (8) of the 2013 Act; and
  - (d) any other relevant documents supporting the application.
- (3) The specified respondent is the local authority.

#### **Applications relating to the revocation of a site licence**

**67.—**(1) This paragraph applies to an application under section 28(2) of the 2013 Act (application to revoke a site licence).

- (2) The specified documents are—
  - (a) any evidence under section 29(3) or (4) that the local authority has had regard to;
  - (b) if applicable, the notice served by the local authority under section 29(6)(a); and
  - (c) any other relevant documents supporting the application.
- (3) The specified respondent is the site owner.

#### **Applications relating to the decision of whether a person is a fit and proper person**

**68.—**(1) This paragraph applies to an application under section 29(6)(b) of the 2013 Act (appeal against a decision that a person is not a fit and proper person to manage a site).

- (2) The specified documents are—
  - (a) the notice served by the local authority under section 29(6)(a);
  - (b) any documents containing evidence under section 29(3) and (4); and
  - (c) any other relevant documents supporting the application.
- (3) The specified respondent is the local authority.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

**Applications relating to interim managers**

**69.**—(1) This paragraph applies to an application under section 30(5) of the 2013 Act (appointment of interim manager).

- (2) The specified documents are—
  - (a) any relevant correspondence that the applicant has given or received in connection with the appointment of an interim manager; and
  - (b) any other relevant documents supporting the application.
- (3) The specified respondent is the local authority.

**Applications relating to repayment orders where site is unlicensed**

**70.**—(1) This paragraph applies to an application under section 33(4) of the 2013 Act (application for a repayment order where site is unlicensed).

- (2) The specified documents are—
  - (a) any evidence relating to the matters mentioned in section 33(6);
  - (b) any evidence relating to the matters mentioned in section 33(9); and
  - (c) any other relevant documents supporting the application.
- (3) The specified respondent is the site owner or the site manager, as the case may be.

**Applications relating to the Site Rules Regulations**

**71.**—(1) This paragraph applies to an application under regulation 10 of the Site Rules Regulations (right to appeal to tribunal in relation to the owner’s decision).

- (2) The specified documents are—
  - (a) the proposal notice issued under regulation 8;
  - (b) the consultation response document issued under regulation 9; and
  - (c) any other relevant documents supporting the application.
- (3) The specified respondent is the site owner.

**72.**—(1) This paragraph applies to an application under regulation 17 of the Site Rules Regulations (right to appeal to tribunal in relation to a deposit).

- (2) The specified documents are—
  - (a) the consultation response document issued under regulation 9; and
  - (b) any relevant documents supporting the application.
- (3) The specified respondent is the site owner.”