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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make detailed provision in relation to the selling and gifting of mobile homes and the assignment of agreements under provisions which have been inserted into the Mobile Homes Act 1983 (“the 1983 Act”) by sections 9 and 10 of the Mobile Homes Act 2013.

Regulation 3 prescribes the information and documents which the occupier of a mobile home must provide to a prospective purchaser (referred to as “the proposed occupier”) before a sale can be completed; and Schedule 1 prescribes the form in which that information must be provided.

Regulations 4 (in relation to sales) and 5 (in relation to gifts) prescribe the information that an occupier must provide to the site owner in cases where the agreement which the occupier proposes to assign is not a new agreement (“new agreement” is defined in paragraph 7A(3) of Chapter 2 of Part 1 of Schedule 1 to the 1983 Act). Schedules 2 and 3 prescribe the forms to be used when providing that information to a site owner.

Where the occupier of a mobile home proposes to give the mobile home and assign the agreement to a member of his or her family (as defined in section 5 of the 1983 Act), he or she must supply the site owner with the ‘relevant evidence’ (as defined in paragraph 8A(3) of Chapter 2 of Part 1 of Schedule 1 to the 1983 Act). Pursuant to the power in paragraph 8A(3)(a), regulation 6 prescribes certain types of evidence that will constitute the ‘relevant evidence’. Pursuant to paragraph 8A(3)(b) the ‘relevant evidence’ is also any other satisfactory evidence that the person concerned is a member of the occupier’s family.

Regulation 7 prescribes the grounds on which a site owner may apply to the tribunal for an order preventing the occupier from selling or gifting the mobile home (as the case may be), and assigning the agreement, to the proposed occupier (a “refusal order”). The right to apply for a refusal order only arises in cases where the agreement is not a new agreement.

Regulation 8 prescribes the maximum amount of commission payable to the site owner by the new occupier on the sale of a mobile home.

Regulation 9 (and Schedules 5 and 6) contain the procedural requirements to be complied with by the parties in connection with the assignment of the agreement, and regulation 10 specifies the procedural requirements to be complied with in connection with payment of commission.

Regulation 11 prescribes a period of 12 months from 26th May 2013 at the end of which any rules made by the owner prior to 26th May 2013 which relate to the management or conduct of the site shall cease to have effect.

Regulation 12 provides that where a rule made by the owner prior to 26th May 2013 relates to the sale of a mobile home, it will be of no effect in so far as it makes provision in relation to any of the matters specified in that regulation.

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>.