

SCHEDULE 1

Regulation 8

Form of proposal notice

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| FORM OF PROPOSAL NOTICE MOBILE HOMES (SITE RULES) (WALES) REGULATIONS 2014 Mobile Homes (Wales) Act 2013 |
| 1. Clearly set out the proposal(s) being made (<i>see note i</i>) |
| 2. State the reasons for making the proposal(s) |
| 3. I confirm that the proposals comply with regulations 4 and 5 (prescribed matters) (<i>see note ii</i>) |
| 4. I confirm that the consultation response document (<i>see note iii</i>) will be sent to each consultee (<i>see note iv</i>). |
| Deemed date of service of this notice ('first consultation day') (<i>see note v</i>) |
| Responding to the consultation My name and address to which responses are to be sent Date by which any responses must be received (<i>see note vi</i>) Signature Date (<i>see note vii</i>) |
| Data Protection Act 1998 Any representations made in response to the consultation cannot be treated as confidential. To comply with the duties contained in the Mobile homes (Site Rules) (Wales) Regulations 2014, it will be necessary for me to disclose information received from you to others, which may include other occupiers, a tribunal and a local authority. |
| Notes (i) A proposal means a proposal to make, vary or delete a site rule. A proposal notice may contain more than one proposal, as set out in regulation 8(4). (ii) <u>Prescribed matters to which site rules may relate</u> (Regulation 4 – matters prescribed for the purposes of section 52(2)(b) of the 2013 Act) A site rule must be necessary: (a) to ensure acceptable standards are maintained on the site, which will be of general benefit to occupiers; or (b) to promote and maintain community cohesion on the site. |

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Prescribed matters to which site rules are of no effect so far as they make provision in relation to (Regulation 5 (Schedule 5) – matters prescribed for the purposes of section 52(8) of the 2013 Act)

In relation to the sale or gift of a mobile home:

- (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 their agent(s) 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.

The following are examples of “personal details” —

- (a) the home address, other contact details or vehicle registration number of the person concerned;
- (b) any financial information relating to the person concerned;
- (c) a birth certificate or certificate of marriage or civil partnership of the person concerned; and
- (d) details of the age, ethnic origin, sex or sexual orientation of the person concerned.

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

Other matters:

- (a) any matter which is expressed to grant an occupier a right subject to the exercise of a discretion by the owner, except in relation to improvements to an occupier’s plot (although this will not prevent an owner from exercising discretion to grant an occupier a right in order to accommodate that occupier’s disability);
- (b) any matter which is expressed to apply retrospectively;
- (c) any matter which is contrary to the implied terms of the agreement, as defined by sections 48 and 49 of the 2013 Act;

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- (d) any matter which is expressed to apply only to particular persons or to persons of a particular description, apart from where a rule makes an exception for the owner, the owner's family or an employee of the owner (where an employee of the owner does not occupy the site under an agreement to which the 2013 Act applies);
- (e) whether the occupier should be absolutely prohibited from making improvements to the home or pitch;
- (f) whether visitors to the sites should be required to report to the owner on arrival;
- (g) whether any category of person should be restricted from visiting the site, regardless of whether the site has an age restriction in place;
- (h) whether the owner should be allowed to reduce the size of a pitch or its reorientation;
- (i) whether the owner should require the collection of deposits or charge for other services or permissions in addition to charges for the pitch fee, utility charges, for parking or sheds, where the charge is not permitted to be made under the agreement (as defined by sections 48 and 49 of the 2013 Act) or by other legislation;
- (j) whether vehicular access to the site should be restricted in any way;
- (k) whether the occupier may have visitors to stay for short periods of time, whether or not the occupier is present at the time;
- (l) whether the occupier should be required to purchase only goods or services supplied by the owner or such other person as the owner may nominate;
- (m) whether the occupier should be required to use only such tradesmen as the owner may nominate, including the owner;
- (n) whether the site rules may be changed other than by the procedure set out in regulations 7 to 13 of these Regulations;
- (o) whether the site rules may purport to threaten eviction for failure to comply with the site rules.

Where—

- (a) prior to the deposit of a site rule, the occupier of site enjoyed a benefit; and
 - (b) the effect of the coming into force of the deposited site rule is that the enjoyment of the benefit by the occupier will be in breach of the deposited site rule;
- the occupier will not be in breach of the deposited site rule for the period that the benefit continues to subsist.

On the cessation of the benefit, the occupier will be bound by the deposited site rule.

- (iii) The consultation response document is the document referred to in regulation 9, in the form set out in Schedule 2 or in a form substantially to the same effect.
- (iv) Regulation 7 sets out the requirement to consult every occupier and any qualifying residents' association (as defined by section 61 of the Mobile Homes (Wales) Act 2013).
- (v) Regulation 3(2) sets out the rules of service. The first consultation day is the day on which notice is deemed served on a consultee.
- (vi) The date by which any representations made in response to the proposal must be received by the site owner must be at least 28 days after the first consultation day.
- (vii) Signature of the site owner or a person authorised to sign on the site owner's behalf.

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SCHEDULE 2

Regulation 9

Form of consultation response document

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| <p>FORM OF CONSULTATION RESPONSE DOCUMENT MOBILE HOMES (SITE RULES) (WALES) REGULATIONS 2014</p> <p>Mobile Homes (Wales) Act 2013</p> |
| <p>This consultation response document must be issued by the site owner following a consultation on proposed site rules in accordance with regulations 7 and 8 of the Mobile Homes (Site Rules) (Wales) Regulations 2014. The document must be sent to each consultee within 21 days of the last consultation day.</p> |
| <p>1. The decision I have reached regarding whether or not to implement the proposal(s) consulted on (with or without modification):</p> |
| <p>2. Details of the consultation carried out, including the first consultation day and a summary of the representations received in response to the consultation and such modifications as were made to the proposal(s) (if any) as a result of the consultation:</p> |
| <p>3. I attach a copy of any site rules in the form in which I will deposit them with the local authority.</p> |
| <p>4. [If applicable] I will deposit a deletion notice with the local authority, setting out that the following site rules will be deleted.</p> |
| <p>5. You will receive notification within 7 days of the deposit of the site rules and/or the deletion notice with the local authority. <i>(see regulation 13)</i></p> |
| <p>6. <u>Right of appeal</u></p> <p>You may appeal to the tribunal within 21 days of receipt of this consultation document, on one of more of the grounds specified in regulation 10:</p> <ul style="list-style-type: none"> (a) a site rule makes provision in relation to any of the prescribed matters set out in Schedule 5; (b) the owner has not complied with a procedural requirement imposed by regulation 7 to 9 of these Regulations; (c) the owner’s decision was unreasonable having regard, in particular, to— <ul style="list-style-type: none"> (i) the proposal or representations received in response to the consultation; (ii) the size, layout, character, services or amenities of the site; or |

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| <p>(iii) the terms of any planning permission or conditions of the site licence. You must notify me of an appeal made to the tribunal within 21 days of receipt of this consultation document. In the case of an appeal, any site rules or deletion notice will not be deposited with the local authority until after the appeal has been disposed of, determined or abandoned, as set out in regulation 12(2).</p> |
| <p>7. I confirm that any site rules or deletions will come into force at the end of the period of 21 days beginning with the date of service of the notification of the deposit.</p> |
| <p>Notes</p> <p>(i) Where a proposal is to vary or delete a site rule, in accordance with sub-section 52(5) or (6) of the 2013 Act, the site rules in force prior to this consultation remain in force until any appeal in relation to the variation or deletion of a site rule has been disposed of or determined (<i>see</i> regulation 14(2).)</p> |

SCHEDULE 3

Regulation 13

Form of notification of deposit of site rules

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| <p>FORM OF NOTIFICATION OF DEPOSIT OF SITE RULES MOBILE HOMES (SITE RULES) (WALES) REGULATIONS 2014</p> <p>Mobile Homes (Wales) Act 2013</p> |
| <p>This document must be used where new site rules have been made or site rules have been varied and these site rules have been deposited with the local authority in accordance with regulation 12 of the Mobile Homes (Site Rules) (Wales) Regulations 2014.</p> |
| <p>This form must be served on all occupiers(1) of the site and may also be published in a prominent place on the site.</p> |
| <p>1. Site rules were deposited with [give contact details for the local authority with whom the deposit has been made] on [date of deposit].</p> |
| <p>2. From [date](2) the rule(s) take effect as express term(s) of the pitch agreement relating to your home and will bind both me, as site owner and you, as occupier and our successors in title.</p> |
| <p>3. A copy of the site rule(s) is attached and these may also be inspected at the offices of the local authority.</p> |
| <p>4. Where a site rule is a variation to an existing rule, any other site rules already in force but not affected by the variation remain in force unaltered.(3)</p> |
| <p>Signed</p> <p>Site owner(4)</p> <p>Date xxx(5)</p> |
| <p>Notes</p> <p>1 As defined by section 48 of the Mobile Homes (Wales) Act 2013. 2 The day which falls 22 days after the date of this notification. 3 This paragraph is not relevant to the first deposit of rules made after the coming into force of the Mobile Homes (Site Rules) (Wales) Regulations 2014. 4 Signature of the site owner or a person authorised to sign on the site owner's behalf. 5 this date must be within 7 days of the deposit of the site rules with the local authority.</p> |

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SCHEDULE 4

Regulation 13

Form of notification of deposit of deletion notice

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| <p>FORM OF NOTIFICATION OF DEPOSIT OF DELETION NOTICE MOBILES HOMES (SITE RULES) (WALES) REGULATIONS 2014</p> <p>Mobile Homes (Wales) Act 2013</p> |
| <p>This document must be used where site rules have been deleted and notice of the deletion has been deposited with the local authority in accordance with regulation 12 of the Mobile Homes (Site Rules) (Wales) Regulations 2014.</p> |
| <p>This form must be served on all occupiers(1) of the site and may also be published in a prominent place on the site.</p> |
| <p>1. Notification was given to [give contact details for the local authority with whom the deposit has been made] on [date of deposit] that the following rule(s) will cease to have effect from xxx(2)</p> <p>[List the rule(s)]</p> |
| <p>2. From the above date the rule(s) will cease to have effect as express term(s) of the pitch agreement relating to your home and will no longer be binding on both me, as site owner and you, as occupier.</p> |
| <p>3. The remaining site rule(s) (if any) which remain in force, may be inspected at the offices of the local authority.</p> |
| <p>Signed</p> <p>Site owner(3)</p> <p>Date xxx(4)</p> |
| <p>Notes</p> <p>1 As defined by section 48 of the Mobile Homes (Wales) Act 2013.</p> <p>2 The day which falls 22 days after the date of this notification.</p> <p>3 Signature of the site owner or a person authorised to sign on the site owner's behalf.</p> <p>4 This date must be within 7 days of the deposit with the local authority.</p> |

SCHEDULE 5

Regulation 5

Matters prescribed for the purposes of section 52(8) of the 2013 Act

The matters set out in paragraphs 1 and 2 are prescribed matters for the purposes of section 52(8) (Site rules or rules such as are mentioned in section 52(3) of the 2013 Act are of no effect in so far as they make provision in relation to the prescribed matters.)

Matters relating to the sale or gift of a mobile home

1.—(1) 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 their agent(s) to undertake a survey of the mobile home or the pitchbefore 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.
- (2) The following are examples of “personal details”—
- (a) the home address, other contact details or vehicle registration number of the person concerned;
 - (b) any financial information relating to the person concerned;
 - (c) a birth certificate or certificate of marriage or civil partnership of the person concerned; and
 - (d) details of the age, ethnic origin, sex or sexual orientation of the person concerned.
- (3) In sub-paragraphs (c), (d), (e), (f) and (h) of paragraph 1(1), references to selling a mobile home include a reference to marketing, advertising or offering the mobile home for sale.

Other matters

2. The matters are—
- (a) subject to paragraph 3, any matter which is expressed to grant an occupier a right subject to the exercise of discretion by the owner, except in relation to improvements to an occupier's plot;
 - (b) any matter which is expressed to apply retrospectively;
 - (c) any matter which is contrary to the implied terms of the agreement, as defined by sections 48 and 49 of the 2013 Act;
 - (d) any matter which is expressed to apply only to particular persons or to persons of a particular description, apart from where a rule makes an exception for the owner, the

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owner's family or an employee of the owner (where an employee of the owner does not occupy the site under an agreement to which the 2013 Act applies);

- (e) whether the occupier should be absolutely prohibited from making improvements to the home or pitch;
- (f) whether visitors to the site should be required to report to the owner on arrival;
- (g) whether any category of person should be restricted from visiting the site, regardless of whether the site has an age restriction in place;
- (h) whether the owner should be allowed to reduce the size of a pitch or its reorientation;
- (i) whether the owner should require the collection of deposits or charge for other services or permissions in addition to charges for the pitch fee, utility charges, for parking or sheds, where the charge is not permitted to be made under the agreement (as defined by sections 48 and 49 of the 2013 Act) or by other legislation;
- (j) whether vehicular access to the site should be restricted in any way;
- (k) whether the occupier may have visitors to stay for short periods of time, whether or not the occupier is present at the time;
- (l) whether the occupier should be required to purchase only goods or services supplied by the owner or such other person as the owner may nominate;
- (m) whether the occupier should be required to use only such tradesmen as the owner may nominate, including the owner themselves;
- (n) whether the site rules may be changed other than by the procedure set out in regulations 7 to 13 of these Regulations;
- (o) whether the site rules may purport to threaten eviction for failure to comply with the site rules.

3. Sub-paragraph 2(a) of this Schedule does not prevent an owner from exercising discretion to grant an occupier a right in order to accommodate that occupier's disability.

4.—(1) Where—

- (a) prior to the deposit of a site rule, the occupier of a site enjoyed a benefit; and
- (b) the effect of the coming into force of the deposited site rule is that the enjoyment of the benefit by the occupier will be in breach of the deposited site rule;

the occupier will not be in breach of the deposited site rule for the period that the benefit continues to subsist.

(2) On the cessation of the benefit, the occupier will be bound by the deposited site rule.