
WELSH STATUTORY INSTRUMENTS

2014 No. 1763 (W. 178)

MOBILE HOMES, WALES

The Mobile Homes (Selling and Gifting) (Wales) Regulations 2014

<i>Made</i>	- - - -	<i>2 July 2014</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>4 July 2014</i>
<i>Coming into force</i>	- -	<i>1 October 2014</i>

The Welsh Ministers make the following Regulations in exercise of their powers under sections 52(3) and (8), 63(1), (8) and (9) of, and paragraphs 9(4) and (6), 10(5), (7), (8) and (10), 11(2) and (4), 12(2) and (5) and 13(5), (7) and (9), of Chapter 2 of Part 1 of Schedule 2 to, the Mobile Homes (Wales) Act 2013⁽¹⁾.

Title and commencement

1. The title of these Regulations is the Mobile Homes (Selling and Gifting) (Wales) Regulations 2014 and they come into force on 1 October 2014.

Interpretation

2. In these Regulations—

“the 2013 Act” (“*Deddf 2013*”) means the Mobile Homes (Wales) Act 2013;

“agreement” (“*cytundeb*”) means an agreement to which Part 4 of the 2013 Act applies;

“Gypsies and Travellers” (“*Sipsiwn a Theithwyr*”) has the meaning given by section 62 of the 2013 Act;

“occupier” (“*meddiannydd*”), has the meaning given by section 55 of the 2013 Act;

“pitch” (“*llain*”) has the meaning given by section 55(1) of the 2013 Act;

“pitch fee” (“*ffi am y llain*”) has the meaning given by section 62 of the 2013 Act;

“pre-commencement rules” (“*rheolau cyn cychwyn*”), in relation to a site, means rules made by the owner before the commencement of section 52 of the Mobile Homes (Wales) Act 2013 which relate to a matter mentioned in section 52(2) of the 2013 Act;

“proposed occupier” (“*meddiannydd arfaethedig*”) 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” (“*safle*”) means a protected site as defined in section 2(2) of the 2013 Act;

“site rules” (“*rheolau safle*”) has the meaning given by section 52(2) of the 2013 Act; and

“written statement” (“*datganiad ysgrifenedig*”) means the written statement required under section 49(1) of the 2013 Act.

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

3. (1) The documents prescribed for the purposes of paragraph 11(2)(a) of Chapter 2 of Part 1 to Schedule 2 to the 2013 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 11(2)(b) of Chapter 2 of Part 1 of Schedule 2 to the 2013 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 9(4) or 10(8) of Chapter 2 of Part 1 of Schedule 2 to the 2013 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 1 of Chapter 1 of Part 1 of Schedule 2 to the 2013 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 24 of

Chapter 2 of Part 1 of Schedule 2 to the 2013 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 10(1) of Chapter 2 of Part 1 of Schedule 2 to the 2013 Act (and “new agreement” has the meaning given to it in paragraph 9(2) 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 same effect.

Existing agreements: Notice of proposed sale

4. (1) The information prescribed for the purposes of paragraph 10(5) of Chapter 2 of Part 1 of Schedule 2 to the 2013 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 10 of Chapter 2 of Part 1 of Schedule 2 to the 2013 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 them) 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 same effect.

Existing agreements: Notice of proposed gift

5. (1) The information prescribed for the purposes of paragraph 13(5) of Chapter 2 of Part 1 of Schedule 2 to the 2013 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 13 of Chapter 2 of Part 1 of Schedule 2 to the 2013 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 them) 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 same effect; and
- (b) accompanied by the relevant evidence (as defined by paragraph 12(2) of Chapter 2 of Part 1 of Schedule 2 to the 2013 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 12(2)(a) of Chapter 2 of Part 1 of Schedule 2 to the 2013 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 10(7) of Chapter 2 of Part 1 of Schedule 2 to the 2013 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 13(7) of Chapter 2 of Part 1 of Schedule 2 to the 2013 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 12(2) of Chapter 2 of Part 1 of Schedule 2 to the 2013 Act).

(3) Where a site is owned by a social landlord registered under Part 1 of the Housing Act 1996⁽²⁾, there is an additional prescribed ground for the purposes of paragraphs 10(7) and 13(7) of Chapter 2 of Part 1 of Schedule 2 to the 2013 Act, where the landlord has a policy in place for the allocation of pitches to Gypsies and Travellers, which a sale or gift to the proposed occupier would contravene.

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

8. The rate prescribed for the purposes of paragraphs 9(4) and 10(8) of Chapter 2 of Part 1 of Schedule 2 to the 2013 Act is 10% 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 9(1), 10(1), 12(1) or 13(1) of Chapter 2 of Part 1 of Schedule 2 to the 2013 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 same effect).

(2) Within 7 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) (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 9(4) or 10(8) of Chapter 2 of Part 1 of Schedule 2 to the 2013 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 them) 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 same 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 9(4) or 10(8) of Chapter 2 of Part 1 of Schedule 2 to the 2013 Act (as the case may be).

(2) Within 7 days of receipt of those details, the assignee must pay the commission into the bank account.

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

11. (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 their agent 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.

2 July 2014

Carl Sargeant
Minister for Housing and Regeneration, one of
the Welsh Ministers

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SCHEDULE 1

Regulation 3

Notice to proposed occupier

<p>BUYER'S INFORMATION FORM (notice to proposed occupier) (form to be completed by the seller and given to the proposed buyer)</p>
<p>To [insert name of proposed buyer]</p> <p>From [insert name and address of seller]</p>
<p>Section 1 – financial information</p> <p>(i) Proposed sale price The sale price of the mobile home is £ [insert amount]</p> <p>(ii) Amount of commission payable to the site owner If you purchase the mobile home, you will be required to deduct the amount of £..... [insert amount] from the sale price and pay this amount directly to the site owner's bank account following the completion of the sale and assignment of the agreement (see note (i)).</p> <p>(iii) Pitch fee The amount of the pitch fee payable to the site owner is £[insert amount] per week/month/quarter/year [delete as appropriate]. The pitch fee is payable on[insert day/date payable]. The next pitch fee review date is[insert date]. The following services are included in the pitch fee — Arrears of pitch fee and/or of charges payable under the agreement I have arrears/no arrears (delete as appropriate) of pitch fees. The amount of arrears is £(insert outstanding amount) covering the period(insert start date) to (insert end date). I have entered into the following arrangement entered with the site owner to clear the arrears </p> <p>(iv) Council tax The council tax valuation band applicable to the mobile home is[insert council tax valuation band].</p> <p>(v) Outstanding loans secured on mobile home I am the legal owner of the mobile home which I am selling with vacant possession, and I confirm there are no outstanding loans secured on the mobile home []</p>

Section 2 – information about the seller’s agreement (see note (ii))

This agreement was made/assigned to me [*delete as appropriate*] on[*insert date*].

Important Note

If the agreement was made on or after 1 October 2014 or was assigned to the seller on or after that date, the seller is not required to notify the site owner of their intention to sell the mobile home and assign the agreement.

If the agreement was made between the seller and site owner before 1 October 2014 or was assigned to the seller before that date, then if you and the seller decide to go ahead with the transaction, the seller will be required by law to notify the site owner of their intention to sell their mobile home and assign the agreement to you. The seller will also be required to provide the site owner with certain information about you which you will be required to verify by completing a ‘notice of proposed sale’ which the seller will send to the site owner. The site owner will have a 21 day period, beginning with the date when they received the notice of proposed sale, during which they may apply to a tribunal, on one of the grounds prescribed in regulation 7 of the Mobile Homes (Selling and Gifting) (Wales) Regulations 2014, for a refusal order to prevent the sale from going ahead.

In all cases however, you do not need to contact the site owner directly before completion of the sale of the mobile home. If you are contacted by the owner or on the owner’s behalf, you do not need to provide any personal details or details of the proposed transaction at this stage. If you go ahead with the purchase, you will be obliged to complete the assignment in accordance with regulation 9 of and Schedule 4 to the Regulations. You will also need to notify the site owner of the sale of the mobile home and assignment of the agreement within 7 days of the date of assignment, by serving a notice of assignment in the form specified in Schedule 5 to the Regulations.

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Section 3 – information about the site and site owner

(i) Name of the site owner(s):

.....
.....[insert name(s)]

(ii) Address at which notices may be served on the site owner(s):

.....
.....

[insert site owner’s address for service of notices if this has been supplied to you, or where this address has not been supplied, any other known address of the site owner]

(iii) Local authority responsible for the area in which the site is situated

.....
.....

[insert name and address of local authority]

Details of any legal proceedings in respect of any matters relating to the mobile home, the agreement or the site to which you are a party and which have been issued or commenced but have not been disposed of by the tribunal or court or withdrawn

.....
.....

Name

Signed

Date

Documents

Important notes

The seller is required to provide the information set out in this form and the documents listed below to the proposed buyer at least 28 days before the completion of the sale of the mobile home and assignment of the agreement.

If the proposed buyer consents to the information and documents being provided less than 28 days before the date of completion of the sale and assignment of the agreement, the proposed buyer must set this out in writing, letting the seller know their chosen date by which the information and documents is to be provided.

I enclose the following documents for your information (*place a tick against each document supplied*)

- (i) A copy of my agreement (including implied terms) and written statement []
- (ii) A copy of any pre-commencement rules which are in force []
- (iii) A copy of any site rules which are in force []
- (iv) Documentary evidence of charges payable to **the site owner** for
 - Gas []
 - Electricity []
 - Water []
 - Sewerage []
 - use of garage, parking space or outbuilding []
 - any other services []

(Details should be included, if applicable, of when these charges are payable and when they are next due for review)

- (v) Documentary evidence of charges payable to **a third party** for
 - Gas []
 - Electricity []
 - Water []
 - Sewerage []
 - use of garage, parking space or outbuilding []
 - any other services []

(Details should be included, if applicable, of when these charges are payable and when they are next due for review)

- (vi) A copy of any valid warranty for the mobile home []
- (vii) Details of any survey of the mobile home, base or pitch which you have had carried out at any time during the 12 months preceding the date of this notice []

Where you are unable to provide a document listed above, please given an explanation below as to why this is the case:

.....
.....

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Notes

- (i) Under the Mobile Homes (Wales) Act 2013 the maximum amount of commission that the site owner can require you to pay is 10% of the purchase price. Under regulation 10 of the Mobile Homes (Selling and Gifting) (Wales) Regulations 2014 you are required to pay the commission to the site owner within 7 days of receipt of the site owner's bank details, following notification to the site owner of completion of the sale and assignment of the agreement.
- (ii) Agreement means an agreement under section 48(1) of the Mobile Homes (Wales) Act 2013 and includes the written statement provided to the seller under section 49(1) of the Mobile Homes (Wales) Act 2013 where the seller has one.

Warning to seller:

If you fail to comply with the duty to provide this information you may be liable for a civil claim for breach of your statutory duty, in accordance with paragraph 11(6) of Part 1 of Schedule 2 to the Mobile Homes (Wales) Act 2013.

SCHEDULE 2

Regulation 4

Notice of proposed sale

<p>NOTICE OF PROPOSED SALE FORM (form to be completed by the seller and buyer and given to the site owner— For existing agreements only (see note (i))</p>								
<p>To (insert name of site owner) From(insert name of seller(s))</p>								
<p>Section 1 – Parties I am/we are the legal owner(s) of the mobile home at (insert name and address of mobile home) which I am/we are proposing to sell to(insert name of buyer(s)).</p>								
<p>Section 2 (to be completed only if the site has rules on age restrictions, pets or vehicles) [See note (ii)]</p> <p>(i) I have provided the proposed occupier [buyer] with a copy of the rules. The proposed occupier [buyer] confirms that they have read and understood the rules (or have had them explained to them) and are able to comply with them.</p> <p>(ii) Site with rule(s) relating to the keeping of animals: The proposed occupier does not intend to keep animals on the site/intends to keep the following animals on the site (<i>delete as appropriate</i>). If you intend keeping animals, insert details of the type and number of animal(s) and, where the animal is a dog, the breed: </p> <p>(iii) Sites with rule(s) relating to the parking of vehicles on the site: The proposed occupier intends to park/not to park (<i>delete as appropriate</i>) vehicles on the site. <i>Give a description of the vehicles in question. Do not give the registration numbers</i></p> <p>(iv) Sites with rule(s) relating to the age of occupiers: The proposed occupier confirms that the following persons would occupy the mobile home as their only or main residence:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; width: 60%;">Name</th> <th style="text-align: left; width: 40%;">Age</th> </tr> </thead> <tbody> <tr> <td>.....</td> <td>.....</td> </tr> <tr> <td>.....</td> <td>.....</td> </tr> <tr> <td>.....</td> <td>.....</td> </tr> </tbody> </table>	Name	Age
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Section 3 – Signature (see note (iii))

Signed
(the seller)

Dated:

Signed
(the buyer)

Dated:

For the attention of the site owner

If you have any queries please let the seller know as soon as possible. If you decide to apply to a tribunal for a refusal order you must make the application and must serve notice of the application on the seller, within 21 days of receipt of this notice.

If the seller does not receive notice of your application for a refusal order within the 21 day period, the seller may proceed with the sale without consulting you further and the tribunal will not be able to consider your application.

Notes

- (i) An existing agreement is an agreement made before the commencement of section 48(1) of the Mobile Homes (Wales) Act 2013 which was made on or before 30 September 2014 and which has not been assigned since that date. This form only needs to be completed for mobile homes being sold under existing agreements. Where an agreement was made on or after 1 October 2014 or was made before that date but has been assigned on one or more occasions since 30 September 2014, the mobile home may be sold and the agreement assigned without the need to notify the site owner (see paragraph 9(1) of Chapter 2 of Part 1 of Schedule 2 to the Mobile Homes (Wales) Act 2013).
- (ii) In accordance with regulation 7 of the Mobile Homes (Selling and Gifting) (Wales) Regulations 2014, the only grounds upon which an application for a refusal order may be made 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,
 - (d) by parking a number of vehicles on the site in excess of the number specified in the rule.
- (iii) Before signing the form you must ensure that the information provided is (to the best of your knowledge and belief) truthful, accurate and up-to-date.

SCHEDULE 3

Regulation 5

Notice of proposed gift

<p>NOTICE OF PROPOSED GIFT FORM (form to be completed by the occupier and given to the site owner — For existing agreements only (see note (i))</p>
<p>To(insert name of site owner) From(insert name of occupier)</p>
<p>Section 1 I am/we are the legal owner(s) of the mobile home at <i>(insert name and address of mobile home)</i> Which I am/we are proposing to gift to <i>(insert name of proposed occupier)</i> who is my(insert your relationship to the proposed occupier) (see note (ii)). I attach the following relevant evidence <i>(tick one or more as appropriate)</i> (see note (iii))</p> <ul style="list-style-type: none"> — a written declaration under oath, explaining the family relationship between the occupier and the proposed occupier [] — birth certificate or certificate of adoption [] — a certificate of marriage or civil partnership [] — other relevant evidence (please describe) [] <p>..... </p>

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Section 2 (to be completed only if the site has rules on age restrictions, pets or vehicles) [See note (iv)]

- (i) I have provided the proposed occupier with a copy of the rules.
- (ii) The proposed occupier confirms that they have read and understood the rules (or have had them explained to them) and are able to comply with them.
- (iii) Sites with rule(s) relating to the keeping of animals:

The proposed occupier does not intend to keep animals on the site/intends to keep the following animals on the site (*delete as appropriate*).

If the proposed occupier intends to keep animals, insert details of the type and number(s) of animals(s) and, where the animal is a dog, the breed:

.....
.....
.....

(iv) Sites with rule(s) relating to the parking of vehicles on the site:

The proposed occupier intends to park/not to park (*delete as appropriate*) vehicles on the site.

.....
.....
.....

Give a description of the vehicles in question. Do not give the registration numbers

(v) Sites with rule(s) relating to the age of occupiers:

The proposed occupier intends that the following persons would occupy, the mobile home as their only or main residence:

Name	Age
.....
.....
.....

Section 3 – Signature (see note (v))

Signed:	Dated:
(the occupier)	
Signed:	Dated:
(the proposed occupier)	

For the attention of the site owner

If you have any queries please let the occupier know as soon as possible. If you decide to apply to a tribunal for a refusal order you must make the application and must serve notice of the application on the occupier, within 21 days of receipt of this notice.

If the occupier does not receive notice of your application for a refusal order within the 21 day period, the occupier may proceed with the sale without consulting you further and the tribunal will not be able to consider your application.

Notes

- (i) As existing agreement is an agreement made before the commencement of section 48(1) of the Mobile Homes (Wales) Act 2013 which was made on or before 30 September 2014 and which has not been assigned since that date. This form only needs to be completed for mobile homes being gifted under existing agreements. Where an agreement was made on or after 1 October 2014 or was made before that date but has been assigned on one or more occasions since 30 September 2014, the mobile home may be sold and the agreement assigned without the need to notify the site owner (see paragraph 12(1) of Chapter 2 of Part 1 of Schedule 2 to the Mobile Homes (Wales) Act 2013).
- (ii) In accordance with the definition in section 55 of the Mobile Homes (Wales) Act 2013, a person is considered to be a member of a person's family—
 - the person's spouse or civil partner or any person who lives together with the person as a partner in an enduring family relationship,
 - the person's parents, grandparents, children and grandchildren (including any person who is in that relationship by virtue of a marriage or civil partnership or an enduring family relationship) and any other person treated by the person as a child of the person's family, and
 - the person's brothers, sisters, uncles, aunts, nephews and nieces (including any person who is in that relationship by virtue of a marriage or civil partnership or an enduring family relationship).
- (iii) You need to provide relevant evidence to show that you are gifting the mobile home to a family member, as set out in paragraphs 12 and 13 of Chapter 2 of Part 1 of Schedule 2 to the Mobile Homes (Wales) Act 2013. Regulation 6 lists the relevant evidence that is prescribed by the Welsh Ministers but any other satisfactory evidence that shows the person you propose to gift the mobile home to is a member of your family, will also meet the definition of relevant evidence.
- (iv) Under regulation 7 of the Mobile Homes (Selling and Gifting) (Wales) Regulations 2014, the only grounds upon which an application for a refusal order may be made 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,
 - (d) by parking a number of vehicles on the site in excess of the number specified in the rule.
- (v) Before signing the form you must ensure that the information provided is (to the best of your knowledge and belief) truthful, accurate and up-to-date.

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

SCHEDULE 4

Regulation 9(1)

Assignment form

<p>Assignment Form (to be completed by the assignor(s) and the assignee(s))</p>		
<p>In this form, “the agreement” means the agreement under the Mobile Homes (Wales) Act 2013 between the occupier and the site owner under which the occupier is entitled to station the mobile home on a pitch.</p>		
<p>Section 1: The Parties [see note (i)] Between the assignor: (insert name and address of person assigning the agreement) And the assignee: (insert name and address of person to whom the agreement is being assigned) The assignor assigns the agreement to the assignee along with all the rights and responsibilities under it.</p>		
<p>Section 2: Sales (only for completion for sales of mobile homes, not for gifts) The assignee has paid the assignor a purchase price of £.....(insert sale price) for (a) the mobile home sited at and (b) for the assignment of the agreement. Payment of Commission From the purchase price of £..... the assignee agrees to pay to the site owner the amount of £..... in respect of the commission due to the site owner under the Mobile Homes (Wales) Act 2013 [see note (ii)].</p>		
<p>Section 3: The Pitch Fee The assignee agrees to pay the pitch fee and keep to the terms of the agreement. The current pitch fee is £..... per week/month/quarter/year (delete as appropriate) The next pitch fee review date is(insert annual review date) The assignee promises to indemnify the assignor against any claim or legal action that arises because the assignee has failed to make payments they owe or to keep to the terms of the agreement.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> Assignor Name Signed Date </td> <td style="width: 50%; border: none;"> Assignee Name Signed Date </td> </tr> </table>	Assignor Name Signed Date	Assignee Name Signed Date
Assignor Name Signed Date	Assignee Name Signed Date	

Notes

- (i) The assignor is the person who is selling or gifting the mobile home and assigning the agreement and the assignee is the person to whom the mobile homes is being sold or gifted and the agreement assigned.
- (ii) Under the Mobile Homes (Wales) Act 2013 the maximum amount of commission that the site owner can require you to pay is 10% of the purchase price. Under regulation 10 of the Mobile Homes (Selling and Gifting) (Wales) Regulations 2014 you are required to pay the commission to the site owner within 7 days of the date on which the site owner provides you with details of the bank account into which they require the commission to be paid.

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SCHEDULE 5

Regulation 9(7)

Notice of assignment

<p>NOTICE OF ASSIGNMENT (to be completed by the assignee(s) and sent to the site owner(s) within 7 days of the assignment of the agreement taking place)</p>
<p>Section 1 – Details of the parties</p> <p>To:(insert name of site owner(s))</p> <p>From:(insert name(s) of new occupier(s))</p> <p>I am/We are the new occupiers of the mobile home stationed at</p> <p>.....</p> <p>.....</p> <p>The pitch agreement was assigned to me/us on(insert date of assignment) by(insert name of previous occupier(s)) in the terms set out in the written statement/agreement and including those implied into the agreement by the Mobile Homes (Wales) Act 2013.</p> <p>The previous occupier’s forwarding address is:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>Note: Where there is a conflict between an express term contained in the agreement and an implied term, the implied term overrides the express term and it is the implied term that governs the agreement.</p>
<p>Section 2 – purchase price and payment of commission (to be completed for sales only, not for gifts)</p> <p>Purchase Price</p> <p>I/We purchased the mobile home for £.....(insert total purchase price) of which the amount of £.....(insert amount) is the commission due to the site owner under the Mobile Homes (Wales) Act 2013.</p> <p>Payment of Commission</p> <p>The site owner is required to provide me with details of the bank account into which the commission should be paid, as soon as practicable after receipt of this notice.</p> <p>Note: The new occupier has 7 days from the date of receipt of the site owner’s bank details during which to pay the commission to the site owner.</p>

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<p>Section 3 – persons residing in the mobile home</p> <p>I/We confirm that the following persons will occupy the mobile home as their only or main residence</p> <table><thead><tr><th>Name</th><th>Age</th></tr></thead><tbody><tr><td>.....</td><td>.....</td></tr><tr><td>.....</td><td>.....</td></tr><tr><td>.....</td><td>.....</td></tr><tr><td>.....</td><td>.....</td></tr></tbody></table> <p>(NB: Ages of persons residing in the mobile home to be provided only if the park has site rules in relation to age)</p>	Name	Age
Name	Age									
.....									
.....									
.....									
.....									
<p>Section 4 (to be completed only if the park has site rules on age restrictions, pets or vehicles)</p> <p>I/We have read and understood the site rules (or have had them explained to me/us) and agree to comply with them.</p>										
<p>Section 5 – Documents</p> <p>I enclose the following documents which were provided to me by the previous occupier for your information (place a tick against each document supplied);</p> <table><tbody><tr><td>A copy of the assignment instrument</td><td>[]</td></tr><tr><td>A copy of any pre-commencement rules/site rules</td><td>[]</td></tr><tr><td>A copy of the agreement, implied terms and written statement</td><td>[]</td></tr><tr><td>Documentary evidence of the price paid for the mobile home</td><td>[]</td></tr></tbody></table>	A copy of the assignment instrument	[]	A copy of any pre-commencement rules/site rules	[]	A copy of the agreement, implied terms and written statement	[]	Documentary evidence of the price paid for the mobile home	[]		
A copy of the assignment instrument	[]									
A copy of any pre-commencement rules/site rules	[]									
A copy of the agreement, implied terms and written statement	[]									
Documentary evidence of the price paid for the mobile home	[]									
<p>Section 6 – Signature</p> <p>Signed: _____ Dated: _____</p> <p>Note: Before signing the form you must ensure that the information provided is (to the best of your knowledge and belief) truthful, accurate and up-to-date.</p>										

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 in Part 4 of the Mobile Homes (Wales) Act 2013 (“the 2013 Act”).

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. 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 9(2) of Chapter 2 of Part 1 of Schedule 2 to the 2013 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 their family (as defined in section 55(3) of the 2013 Act), they must supply the site owner with the ‘relevant evidence’ (as defined in paragraph 12(2) of Chapter 2 of Part 1 of Schedule 2 to the 2013 Act). Pursuant to the power in paragraph 12(2)(a), regulation 6 prescribes certain types of evidence that will constitute the ‘relevant evidence’. Pursuant to paragraph 12(2)(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 4 and 5) 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 the payment of commission.

Regulation 11 provides that where a rule made by the owner prior to 1 October 2014 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.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a Regulatory Impact Assessment as to the likely costs and benefits of complying with these Regulations. The Impact Assessment prepared for the Mobile Homes (Wales) Bill 2013 is relevant and a copy may be obtained from the Department of Housing, Welsh Government, Rhydycar Business Park, Merthyr Tydfil, CF48 1UZ.