



Llywodraeth Cymru
Welsh Government

Mobile Homes (Wales) Act 2013 – Information Sheet

Site Rules

October 2016



Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

This information sheet is part of a series about the rights and obligations of mobile home owners and site owners in Wales.

It gives some basic information to mobile home owners and site owners about the making of site rules under the Mobile Homes (Wales) Act 2013.

This information sheet does not give an authoritative interpretation of the law, only the courts can do that. Nor does it cover all cases. If further advice or information about legal rights or obligations is needed, a Citizen's Advice Bureau or a solicitor should be contacted.

Introduction

Site rules on residential mobile home sites ensure community cohesion and good management of the site, while also making sure that mobile home owners are clear of the rules that apply to them.

The Mobile Homes (Site Rules)(Wales) Regulations 2014 detail the procedure that a site owner must use when making, varying or deleting a site rule. They establish the process for consulting on proposed changes, grant appeal rights and require local authorities to keep and publish a register of site rules for sites in their area.

Site owners will have a year from 1 October 2014 in which to review existing rules, propose new site rules and consult upon these with home owners and any qualifying residents' association.

The procedures for making site rules must be followed by a site owner/manager. If it is not followed then any rules made will be considered invalid.

The new procedures are designed to ensure that site rules are made fairly, that mobile home owners are engaged in the process and that the rules are transparent and available for public inspection, having been deposited with the local authority.

Consulting on proposed new site rules

When a site owner undertakes a review of existing rules or wants to make any new rules they must first consult with all mobile home owners and any qualifying residents association (QRA). The consultation must be open for responses for a minimum of 28 days.

At the beginning of the consultation the site owner must issue a **Form of Proposal Notice** (see further information section at the end of this document) to all residents which must set out clearly:

- the proposed rules
- the reasons for proposing each rule
- details of rules which are banned under the Mobile Homes (Site Rules)(Wales) Regulations 2014
- the date the consultation ends.

Following the consultation

Within 21 days of the end of the consultation the site owner must send a **Consultation Response Document** to all home owners notifying them of the result of the consultation and which site rules are to be adopted.

Appealing the new site rules

If a mobile home owner wishes to appeal the site owner's decision to adopt, delete or vary a site rule they must apply to the Residential Property Tribunal (RPT) within 21 days of receiving the consultation response document. Mobile home owners can appeal on the ground of:

- the proposed rule is a 'banned' rule
- the owner did not follow the correct consultation procedure
- the owner's decision was unreasonable based on:
 - the consultation responses received
 - the size, layout, character or services of the site
 - the terms of the planning permission.

The resident must inform the site owner that they are appealing the site rules. A list of banned rules is included in the **Form of Proposal Notice**

The Residential Property Tribunal

The Residential Property Tribunal will decide the outcome of the appeal and the site rule disputed will either be:

- accepted
- rejected
- amended
- where the site owner has not complied with the correct procedure for making site rules the tribunal can compel the site owner to comply with the procedure within a set time scale.

Depositing of site rules

Once the new rules are agreed, the site owner must deposit the new site rules with the local authority no later than 42 days after serving the consultation response document. If an appeal has been lodged, the site owner cannot deposit the site rules until the appeal has been determined. Once the appeal has been determined, the site owner has 14 days to deposit the site rules with the local authority, unless otherwise specified by the tribunal.

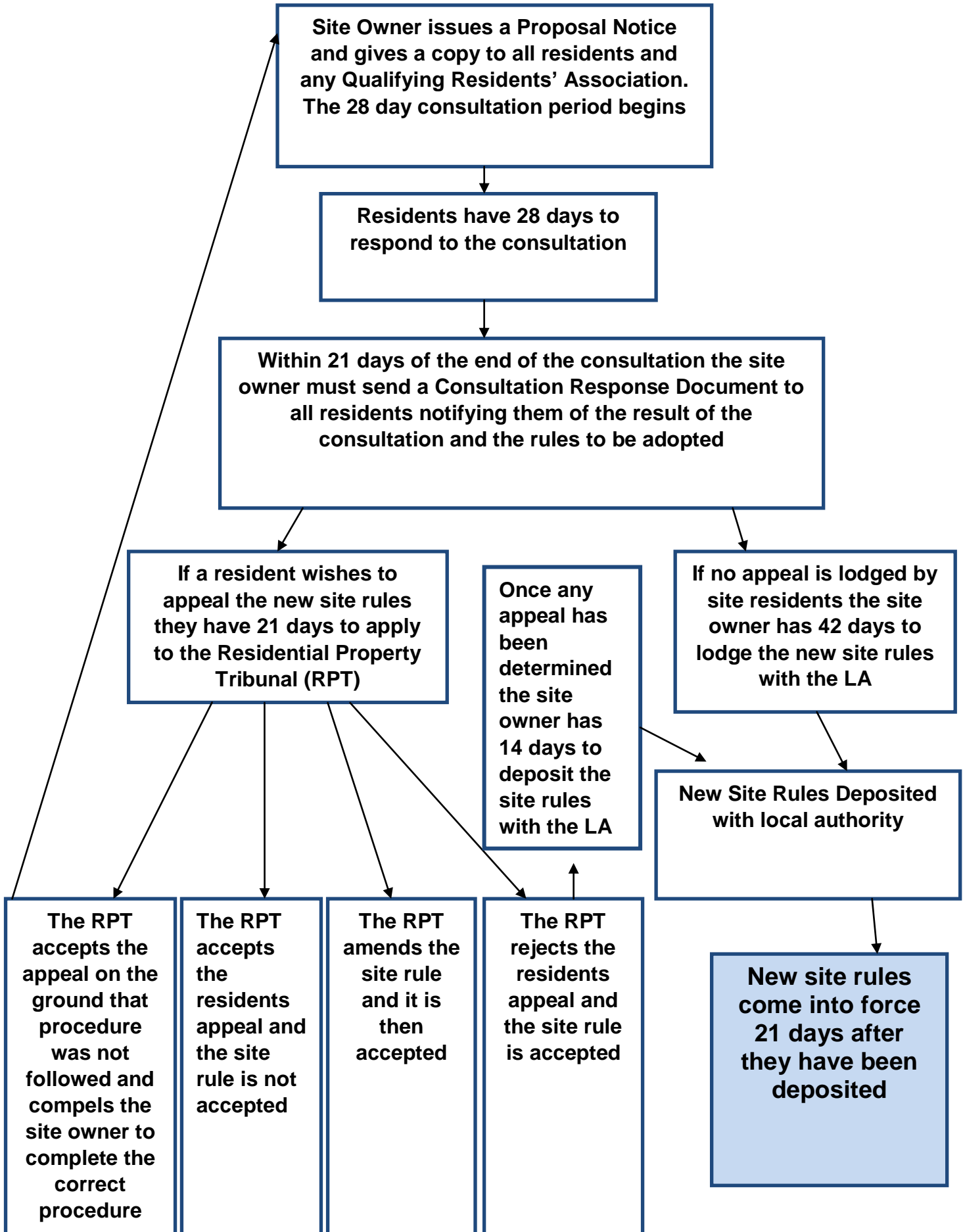
The site owner must notify all residents and any Qualifying Residents' Association, that the rules have been deposited and give details of:

- the date of deposit
- the local authority contact details
- the date any changes will come into force
- provide a copy of the site rules as deposited.

New Rules

The date on which new rules will come into force will be 21 days after the notification of deposit has been given to site residents. Prior to the new rules coming into force, the current rules will continue to be in force.

Making, varying or deleting Site Rules



Question and Answers

What is the benefit of having site rules in place on a site?

Site rules are usually in place to underpin good management of the site and for the benefit of all who use it. With site rules in place, disputes can be more easily resolved or avoided all together. Typically site rules cover, car parking arrangements, permission to have pets (or otherwise), the required age of residents on the site etc.

Why are you requiring sites to review their site rules?

Previously site rules may have been made which unfairly restrict the activities of residents or give site owners an unfair economic advantage. To address this the Mobile Homes (Site Rules) (Wales) Regulations 2014 sets out a list of matters that are no longer allowed to form part of the site rules. The new regulations provide residents with an opportunity to shape the site rules that exist on their site.

What if there are no site rules already in place on my site?

It is not mandatory for a site to have site rules. In practice, many smaller sites are unlikely to have rules in place that cover only a few pitches or homes. Site rules are designed to make sure that everyone living on the site is complying with a common standard.

For larger sites, it is preferable for a site owner to have site rules so that all residents live according the same rules. Site rules are encouraged as these make sure that the entire community know their obligations and can abide by them. If a site does not have any rules in place, the site owner does not have any basis to restrict a residents activities or actions.

What happens if the site owner does not review the site rules by 1 October 2015

Any rules made before 1 October 2014 will continue to have effect for twelve months or until any new rules are made. If a site owner hasn't completed the consultation process before the end of 1 October 2015, the existing rules will cease to have effect.

Further information

All the forms noted in this information factsheet can be accessed and downloaded for printing from the Welsh Government Website at - <http://wales.gov.uk/topics/housing-and-regeneration/legislation/mobile-homes-act/?lang=en>:

- Proposal Notice Document
- Consultation Response Document

- Deposit of site rules Document
- Deposit of deletion notice
- List of banned site rules under the Mobile Homes (Site Rules)(Wales) Regulations 2014