

# Changes to Site Rules Procedure – questions and answers

## **When did the changes to the new procedure come into effect?**

The changes came into effect from 4 February 2014. They are included in the Mobile Homes Act 2013 and Mobile Homes (Site Rules) (England) Regulations 2014.

## **Do these changes involve all site rules?**

Yes, all site rules will be affected. This includes both existing site rules and new site rules.

## **Will the current site rules still be valid?**

Yes, they will still be valid for a year from 4 February 2014, i.e. until 4 February 2015.

## **What will the site owner need to do for the existing and new rules to be valid beyond 4 February 2015?**

The site manager must follow a required procedure for the rules to be valid beyond 4 February 2015. The site owner must consult with residents regarding any proposals to change site rules. If the rules are agreed, they will be registered with the local authority.

## **How does this process work?**

The site owner must serve a document called a **Proposal Notice** on all occupiers. Any response must be received by the site owner within 28 days from the date of service of the Notice.

## **What is the deemed date of service?**

This refers to how the Proposal Notice may be sent. It can be sent by post or by hand. If it is served by post, the deemed date of service is the second day after it was sent. Therefore, if the postage date was 1 April, the service date will be 3 April. It does not necessarily need to be sent by recorded delivery.

If it is delivered by hand, the deemed date will be the same date if served before 4.30 pm. If served after 4.30 pm, the deemed date of service will be the following day.

The 28 days to respond to the Notice are counted after the deemed date of service.

Therefore, if it is delivered by hand on 1 April at 9am, the site owner must receive any comments regarding the proposals by 29 April.

## **The site owner has a number of proposals regarding the site. Can they all be included in the Proposal Notice?**

Yes, they can all be included in the Proposal Notice. The site owner does not need to serve a separate notice for each rule.

## **What happens if the site owner wants to include a proposal which prevents the occupier from selling the property?**

The site owner cannot include this proposal in the Proposal Notice. There are a number of proposals which are not allowed under the legislation and these are stated in the Proposal Notice.

## **The site owner wants to include a proposal in which he states that his consent is required before an occupier parks his car. Is this possible?**

No, because a rule which requires consent from the site owner, except in relation to improvements to his property, is not permissible under the legislation.

**Should the Proposal Notice be sent to all the occupiers?**

Yes, the notice has to be sent to all occupiers. This will provide each occupier with the opportunity to accept or reject the proposals.

**How should the comments be communicated to the site owner?**

They can be sent in writing in any form, e.g. by letter or email.

**What happens when the site owner receives these comments?**

The site owner will need to decide whether or not to implement the proposals and will need to serve a **Consultation Response Document** on all occupiers within 21 days of the last consultation day, even if no responses have been received. In this document, the site owner must explain their reasons for implementing their proposals and/or provide reasons for not implementing an occupier's proposal.

**What else should the site owner provide with this form?**

The site owner must provide a copy of the site rules that they intend to deposit with the local authority. If they do not intend to deposit the site rules, they must state their intention to register a deletion notice with the local authority and explain which rules will be deleted.

**When should the occupier receive notification of the deposit of site rules or deletion notice?**

The **Consultation Response Document** confirms that occupiers will be notified within 7 days of lodging the site rules or the deletion notice.

**What happens if the occupier is unhappy about the site owner's proposals?**

The agreement confirms the right of appeal to a tribunal. If the occupier does not accept the proposals, they must appeal to the First-tier Tribunal (Property Chamber) within 21 days, from receipt of the Consultation Response Document. The occupier must also write to the site owner to inform them of their intentions.

**What happens if the site owner tries to deposit the site rules before the appeal is heard?**

The site owner cannot deposit the site rules until the appeal has been heard. This is explained on the Consultation Response Document.

**Can I appeal on any grounds?**

It may be necessary to show that the site owner has acted unreasonably in some way, taking into account the size or character of the site. For example, if a site owner has not allowed enough time (28 days from date of service of the Proposal Notice) for occupiers to respond to their proposals, this is a reason to appeal.

**What are the powers of the tribunal?**

The tribunal can decide to accept or reject the proposals depending on whether they determine they are reasonable. The tribunal also has the power to order the consultation to start again or to modify the proposals.

**Is the tribunal decision final?**

Yes, it is final. Both the site owner and occupier will be bound by its decision.

**What will happen if the Tribunal decides that the rules are reasonable?**

The site owner must deposit the site rules with the local authority within 14 days of the Tribunal's decision, unless the Tribunal specifies a longer time period.

**What does the site owner need to do once the rules have been deposited?**

The site owner must notify all the occupiers within 7 days of the deposit of site rules by serving a document called a Notification of Deposit of Site Rules. This document provides confirmation that the site rules are effective and will be express terms of the agreement with the site owner.

**What should the site owner do if he decides that he wishes to delete the site rules?**

The site owner is required to serve a Notice of Deposit of Deletion Notice with the local authority. This confirms that the rules will no longer be effective. The occupiers will also need to be served with this document within 7 days of the deposit.

**Who can view the site rules once lodged at the local authority?**

They may be viewed by anyone. The local authority retains a register which is open to members of the public during working hours.