



Department for
Communities and
Local Government

Park Homes: Making Site Rules

A summary of proposals

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Making Site Rules

Background and Introduction

Approximately 85,000 households live on about 2000 mobile home sites in England. Many of these sites have rules in place that help in ensuring community cohesion and good estate management. The rules also ensure that residents know their rights and responsibilities and disputes are minimised or avoided altogether.

Unfortunately, the rules are frequently abused by site owners to circumvent residents' rights, in particular their freedom to sell their homes. Some sites for example, have rules which require the resident to notify the site owner of an intention to sell a home, require all visitors to report to the site office and ban estate agents' boards and for sale signs. The site owner is then able to block the sale using a variety of ways and acquire the home for a fraction of its true value. He then sells it himself at the full market value or replaces it with a new home and sells that in the open market.

Site rules which could be used to prevent or restrict a resident from selling their home on the open market were banned from 26 May 2013 following the introduction of the Mobile Homes Act 2013.

Inappropriate site rules are however also used to secure other benefits to site owners and reduce residents' rights. Additional powers in the 2013 Act provide for new regulations to be made to combat those other abuses and require existing rules to be remade in consultation with residents.

The Department for Communities and Local Government's proposes to ban those remaining rules that have been used unreasonably to restrict or regulate home owners' activities and use of the site, prevented them from exercising their rights and promoted restrictive trade practices. We also plan to introduce a new system for making rules, which when approved will be part of the pitch agreement.

Under our proposed scheme:

- All existing rules which have not already been banned will cease to be enforceable within a year of the site rules regulations coming into force in autumn 2013.
- If a site owner wants the site to retain rules they must make replacement rules by autumn 2014.
- Any new rules that are made must not concern matters that are banned, must not discriminate against any group of person or give the site owner discretion as to how they are applied. The types of rules that are banned from being made are listed below.
- To make new rules, a site owner will be required to publish a consultation paper which will set out the proposed new rules and the effect the adopted rules will have on the site.

- The minimum period of consultation will be 28 days. The site owner must then consider and take account of written representations received, before deciding which rules shall apply.
- The process by which rules are agreed must be transparent, which is why the site owner must publish the outcome of the consultation so that it is open to scrutiny and challenge.
- Residents will have a right to apply to a tribunal within 21 days of the publication of the outcome of the consultation, if there is evidence that there has been irregularity in making the proposed rules.
- An important feature of the scheme is for the new rules to be deposited with the local authority. Rules that are accepted for deposit will be regarded as having been validly made and can be relied upon to check someone's eligibility to live on a site.
- The replacement rules will also be enforceable and binding on the site owner, residents and will become part of the pitch agreement.
- Local authorities will, therefore, need to satisfy themselves that replacement or new rules deposited with them have been made in accordance with the statutory procedure.
- The local authority will also be able to charge a reasonable fee for the deposit and must publish the rules on its website.

Types of rules that are banned from being made:

(A) Any site rule which aids sale blocking or interferes with sales of homes, such as those that:

1. Require a resident to sell the home to the site owner or offer him first refusal if the home is put up for sale or alternatively requires the resident to receive or accept any bid from the site owner to purchase the home.
2. Require a resident to market the home for sale (whether exclusively or not) through the site owner or any other person or body nominated by him.
3. Prevent a resident from marketing the home through an estate agent or in any other way a resident chooses.
4. Prevent a resident from using a solicitor, or any other person, in the process of the sale transaction.
5. Prevent a resident from advertising the home for sale by means of an advertising board on the pitch or attached to the home (unless the local planning authority has designated the area advertising board free).
6. Prevent any sales poster being affixed to the inside of a window.
7. Require a resident to register or notify the site owner of an intention to market or sell the home.
8. Require a resident to obtain a survey of the home and or pitch or permits the site owner to undertake or obtain such a survey.
9. Require in any way for the site owner to be involved in the sale transaction, including agreeing to the assignment and checking and agreeing paper work.
10. Require any assignment to be conducted in the presence of the site owner.

11. Require a resident or a prospective purchaser to supply to the site owner or any other person or persons:
 - The name and address of the prospective purchaser and those of any other person intending to live with the buyer.
 - Any contact details of the above named people, including work details - for example land and mobile phone numbers and e-mail addresses.
12. Require a resident or a prospective purchaser to supply the site owner or any other person or persons:
 - Birth or marriage certificates of the prospective purchase or any other person intending to live with the buyer.
 - Details of the ethnic origin, sex, sexual orientation of the prospective purchaser or anyone intending to live with the buyer.
 - Any bank statements, details of bank and credit accounts and vehicle registration numbers.
 - Any form of reference that might be required- including a credit reference.
13. Require a prospective purchaser, whether through the auspices of the resident or otherwise, to:
 - Communicate, or exchange correspondence, with the site owner or any other person or persons.
 - Attend any meeting or interview with the site owner, any other person or persons.

(B) Any site rule that restricts home owners' activities and use of the site or prevents them from exercising their rights, such as those that:

1. Are contrary to the Implied Terms in Chapter 2 of Part 1 of Schedule 1 to the Mobile Homes Act 1983 (as amended), including for example, any rule permitting the site owner to access the home or pitch or move a home other than in accordance with the Act.
2. Allow the site owner to reduce the size of a pitch or its reorientation.
3. Absolutely prohibit a resident from making any improvements to the home or the pitch.
4. Allow for the collection of deposits and for charging for other services or permissions in addition to the pitch fee, utility charges and for parking or sheds.
5. Purport to threaten eviction for failure to comply with the rules.
6. Allows the site rules to be changed other than the procedure set out in the site rules regulations.
7. Require all visitors to the site to report to the site owner or the office.
8. Restrict any person whether or not with vehicles to visit any home on the site at reasonable times of the day or in the case of an emergency at any time or prevent residents from allowing visitors to stay overnight for the purpose of a holiday or other short term arrangements.

(C) Any site rule, or purported rule, that promotes restrictive trade practices, such as those that:

1. Require residents to purchase only goods or services of any description supplied by the site owner or such other person as he nominates (including heating oil and LPG).
2. Require residents to only use such tradesmen as the site owner nominates (including the site owner).

This paper applies to England only. You can obtain a full version of the discussion paper "Making Site Rules" by e-mailing parkhomes@communities.gsi.gov.uk