

MOBILE HOMES ACT 2013

EXPLANATORY NOTES

COMMENTARY

Pitch agreements

Section 10: Implied terms: removal of requirement for site owner consent to sale or gift

Existing agreements

New paragraphs 7B (sale of mobile home) and 8B (gift of a mobile home)

38. New paragraphs 7B and 8B set out the requirements that must be met before an occupier is entitled to sell the mobile home or give it to a family member and assign the agreement where there is an existing agreement. The first requirement is that the occupier serves notice on the owner that he proposes to sell or gift the mobile home. The notice must include the name of the person to whom he proposes to sell or give the mobile home and such other information as may be prescribed in regulations made by the Secretary of State. In the case of a gift, the notice must also include “relevant evidence” as defined in new paragraph 8A(3). The second requirement is that either the occupier does not, within 21 days of when the owner receives the notice of the proposed gift or sale, receive a notice back from site owner that the owner has made an application to the tribunal for an order preventing the occupier from selling or gifting the mobile home (“a refusal order”) or that the owner makes such an application to the tribunal within the 21-day period and the tribunal rejects that application. Where a sale proceeds under paragraph 7B, the site owner is entitled to receive a commission on the sale.
39. New paragraphs 7B and 8B also confer powers on the Secretary of State to make regulations (subject to the negative resolution procedure) prescribing the grounds on which an owner may apply to the tribunal for a refusal order (see paragraphs 7B(7) and 8B(7)) and specifying the procedural requirements to be followed by the parties in connection with the sale or gift (see paragraphs 7B(10) and 8B(9)). The grounds on which an owner may apply for a refusal order would be likely, for example, to include the age of the buyer and the keeping of pets, where a site has rules in relation to such matters.