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Welsh Government

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Mobile Homes (Wales) Act 2013 – Information Sheet

Selling and Gifting a Mobile Home in Wales

October 2014



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

It gives some basic guidance to mobile home owners who use their home as their permanent residence and site managers, about the process for selling or gifting (giving away) a mobile home 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, contact your local Citizen's Advice Bureau or a solicitor.

Introduction

The Mobile Homes (Wales) Act 2013 was passed by the National Assembly for Wales in November 2013. This new law is designed to give greater protections to residential mobile home owners in Wales.

One of the most important changes covers the procedure for selling or gifting (giving away) a mobile home. From the 1 October 2014 the law changes to make it easier for a mobile home owner to sell or gift their home without interference from the site owner, and for transferring (assigning) the written agreement to the new home owner.

This guidance note is designed to explain the changes to the law and the new procedures that must be followed when undertaking a sale or gift of a mobile home in Wales.

1. Selling Your Mobile Home

Am I allowed to sell my mobile home?

Yes. As a mobile home owner, you have the right in law to sell your home on the open market and transfer your agreement to the person who buys your home. The process of passing on the agreement is called 'assignment'. You can also gift it (give it) to a member of your family and assign your agreement to them.

Do I have to give the site owner first refusal to buy my mobile home?

No. There is no requirement for you to give the site owner first refusal – even if you have an agreement that says there is. The site owner may make an offer for the home like any buyer and you may choose to sell to them but you are under no obligation to do so.

Do I have to tell my site owner that I am going to sell my mobile home?

No. You do not have to tell the site owner that you are considering selling your home.

Do I need to use an estate agent?

You may choose to use an estate agent. If you do so, you can use whichever estate agency you prefer.

What if my site owner offers a sales service, do I need to use that?

No. You can choose to use this service but be aware that there may be a fee for this. The fee will be on top of the commission rate that the site owner will receive on completion of the sale.

Do I need to use a solicitor when selling my mobile home?

It is strongly recommended that you take legal advice when selling your mobile home. This is especially important as the Mobile Homes (Wales) Act 2013 places you under obligations to give your buyer certain relevant information before the sale is completed. If you do not provide all the necessary information your purchaser could take legal action against you in the future.

Is a Home Energy Certificate needed?

No. Home Energy Certificates are not required when selling a mobile home.

Will my home need to be surveyed?

No. There is no legal requirement to have the home surveyed. Your buyer might request a survey is carried out. How this is arranged and who pays is a decision for you and your buyer.

Found a Buyer – What Next?

I've found a buyer and we've agreed a price, what happens next?

You need to complete the **Buyers Information Form**.

A copy of the form can be downloaded from the Welsh Government website at <http://wales.gov.uk/topics/housing-and-regeneration/legislation/mobile-homes-act/?lang=en> or from your local authority or a Citizens Advice Bureau.

Buyer's Information Form

This form gives the buyer important information about the sale and the site, its rules, the utilities and your pitch agreement. It is designed to give the buyer all the necessary information they will need to be able to make an informed decision about the purchase. It is very important that you complete this form accurately and honestly as you could be liable in the future if you have given incomplete or misleading information.

The documents which you must give to the buyer are listed in the **Buyer's Information Form**.

What if I haven't got all the paper work or information?

If you are unable to provide some of the information or documents that must be given to the buyer, you must let them know what they are and why you can't provide them. It is your responsibility to make all the proper enquiries to get the necessary information and documents. It is strongly advised that you get legal advice when selling a mobile home so that you can protect yourself from any future problems.

I have completed the forms and given them to my buyer. They are happy to proceed with the sale. What next?

The next step depends on when you got your mobile home.

- **If you originally moved into your home before 1 October 2014**, you and your buyer need to fill in a **Notice of Proposed Sale Form** and give it to the site owner.
- **If you moved into your home after 1 October 2014**, you **don't** need to fill out the Notice of Proposed Sale Form. Your next step will be to fill out the **Notice of Assignment Form**

Notice of Proposed Sale Form

On this form your buyer needs to confirm that they can comply with the site rules about pets, parking and age restrictions.

A copy of the form can be downloaded from the Welsh Government website at <http://wales.gov.uk/topics/housing-and-regeneration/legislation/mobile-homes-act/?lang=en> or from your local authority or a Citizens Advice Bureau.

We have completed the Notice of Proposed Sale Form and given it to the site owner, what next?

If the site owner has evidence that the new buyer does not meet the site rules, they can apply to the Residential Property Tribunal for a refusal order to stop the sale. The site owner has 21 days to apply and tell you that they have done so. If they don't, you can go ahead with the sale. If the site owner applies to the Residential Property Tribunal, you may be asked for more information from you and your buyer. If a refusal order is granted, the sale can't go ahead and you must start the process again. If a refusal order is not granted, you can go ahead with the sale.

Completing the Sale

Can we complete the sale now?

You can complete the sale if:

- the site owner has not objected to the sale and applied to the Residential Property Tribunal within 21 days, or
- the Residential Property Tribunal has decided in your favour, or
- you bought or were gifted you home after 1 October 2014 and didn't need to complete the Notice of Proposed Sale Form.

What do I need to do to complete the sale?

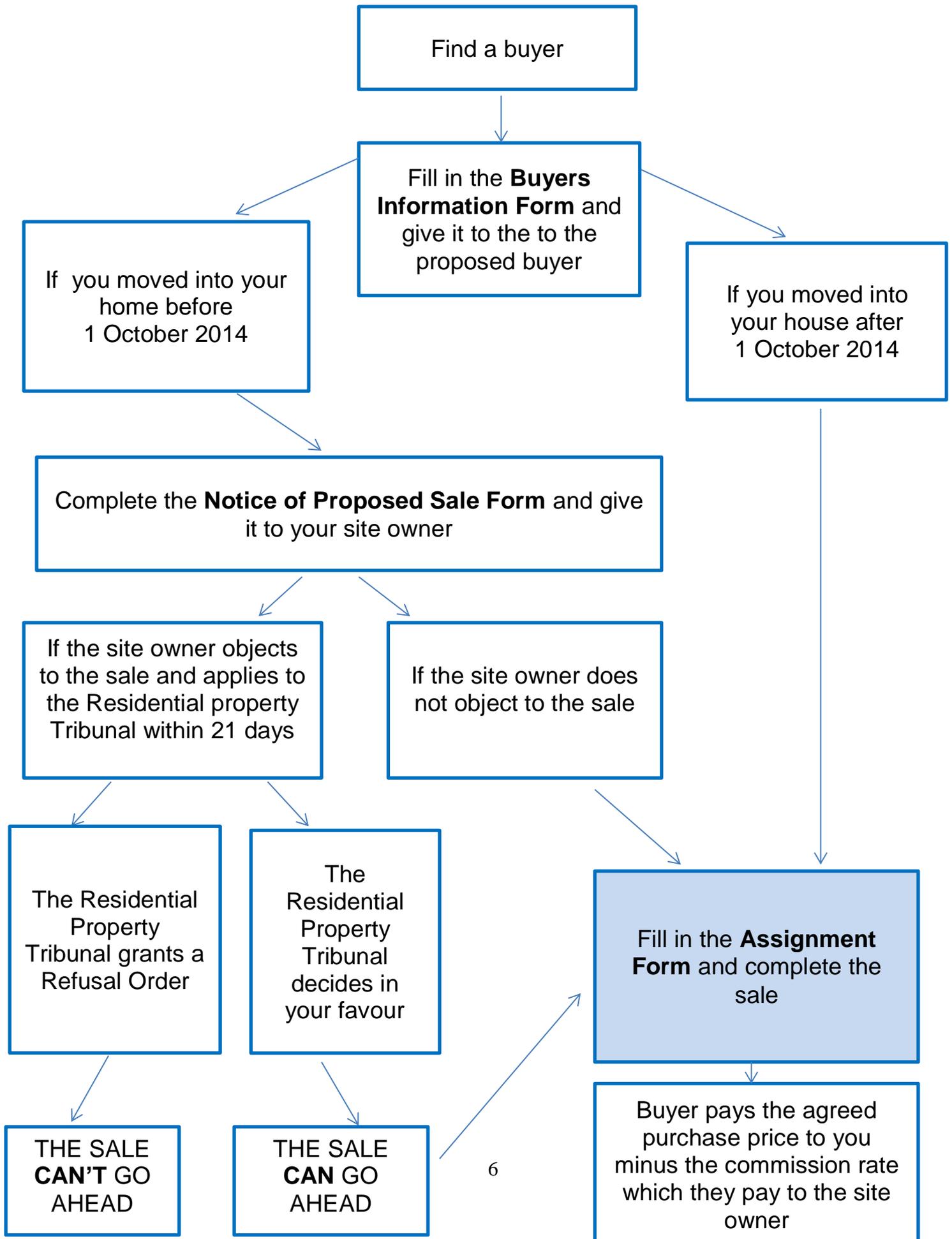
To complete the sale you need to fill in the **Assignment Form**.

A copy of the form can also be downloaded from the Welsh Government website at <http://wales.gov.uk/topics/housing-and-regeneration/legislation/mobile-homes-act/?lang=en> or from your local authority or a Citizens Advice Bureau.

Assignment Form

This form transfers the pitch agreement to your buyer. This is the agreement between a site resident and site owner regarding the siting of your mobile home on the pitch on the site. The new buyer pays you 90% of the sale price and has seven days to tell the site owner using the **Notice of Assignment Form** that the pitch agreement has been transferred; the sale completed and show evidence of payment. The new buyer then has another seven days to pay the 10% commission rate to the site owner.

Selling your mobile home



2. Gifting Your Mobile

Can I give away my mobile home?

Yes. If you own a mobile home you can give it away and assign the agreement to a member of your family. This is known as 'gifting'.

You are not allowed to receive any payments in connection with the gift. The site owner isn't entitled to commission or any other payments.

Who counts as a member of my family?

Under the Mobile Homes (Wales) Act 2013 a member of your family is defined as:

- spouse, civil partner or person living with you in an enduring family relationship
- parents, grandparents, children and grandchildren (including anyone by virtue of a marriage, civil partnership or an enduring family relationship or anyone treated as a child of the person's family)
- brothers, sisters, uncles, aunts, nephews and nieces (including anyone by virtue of a marriage, civil partnership or an enduring family relationship).

I have decided to gift my home to a member of my family. What happens next?

You need to make sure your relative is aware of their responsibilities if they agree to the gift. They will need to know the terms of the pitch agreement, the current pitch fee, when it is next to be renewed and any other charges that might apply e.g. gas, electricity, council tax. They will also need a copy of the site rules and be able to abide by them i.e. in relation to age of occupier, keeping of pets etc.

I have given my relative all the necessary information and they are happy to go ahead with the gift. What next?

The next step depends on when you bought your mobile home.

If you moved into your home before 1 October 2014, you and your relative need to fill in a **Notice of Proposed Gift Form** and give it to the site owner.

If you moved into your home after 1 October 2014, you **don't** need to fill out the Notice of Proposed Gift Form. Your next step is to complete the Notice of Assignment Form

Your relative will need to provide proof to the site owner that they are a member of your family.

Notice of Proposed Gift Form

On this form, your relative needs to confirm that they can comply with the site rules about pets, parking and age restrictions and provide proof that they are a member of your family.

A copy of the form can also be downloaded from the Welsh Government website at <http://wales.gov.uk/topics/housing-and-regeneration/legislation/mobile-homes-act/?lang=en> or from your local authority or a Citizens Advice Bureau.

We have completed the Notice of Proposed Gift Form and given it to the site owner; what next?

The site owner has 21 days to decide whether or not to object to the gift. If the site owner does not object, the sale goes ahead. If the site owner objects to the gift going ahead they must make an application to the Residential Property Tribunal for a refusal order and must notify you in writing of their application. If a refusal order is granted the gift can't go ahead. If a refusal order is not granted then you can go ahead with the gift.

What proof of family relationship do I need to provide?

- written declaration under oath explaining your relationship
- birth or adoption certificate
- marriage or civil partnership certificate

Signing over your home to your relative

Can I now sign my home over to my relative?

You can complete the sale if:

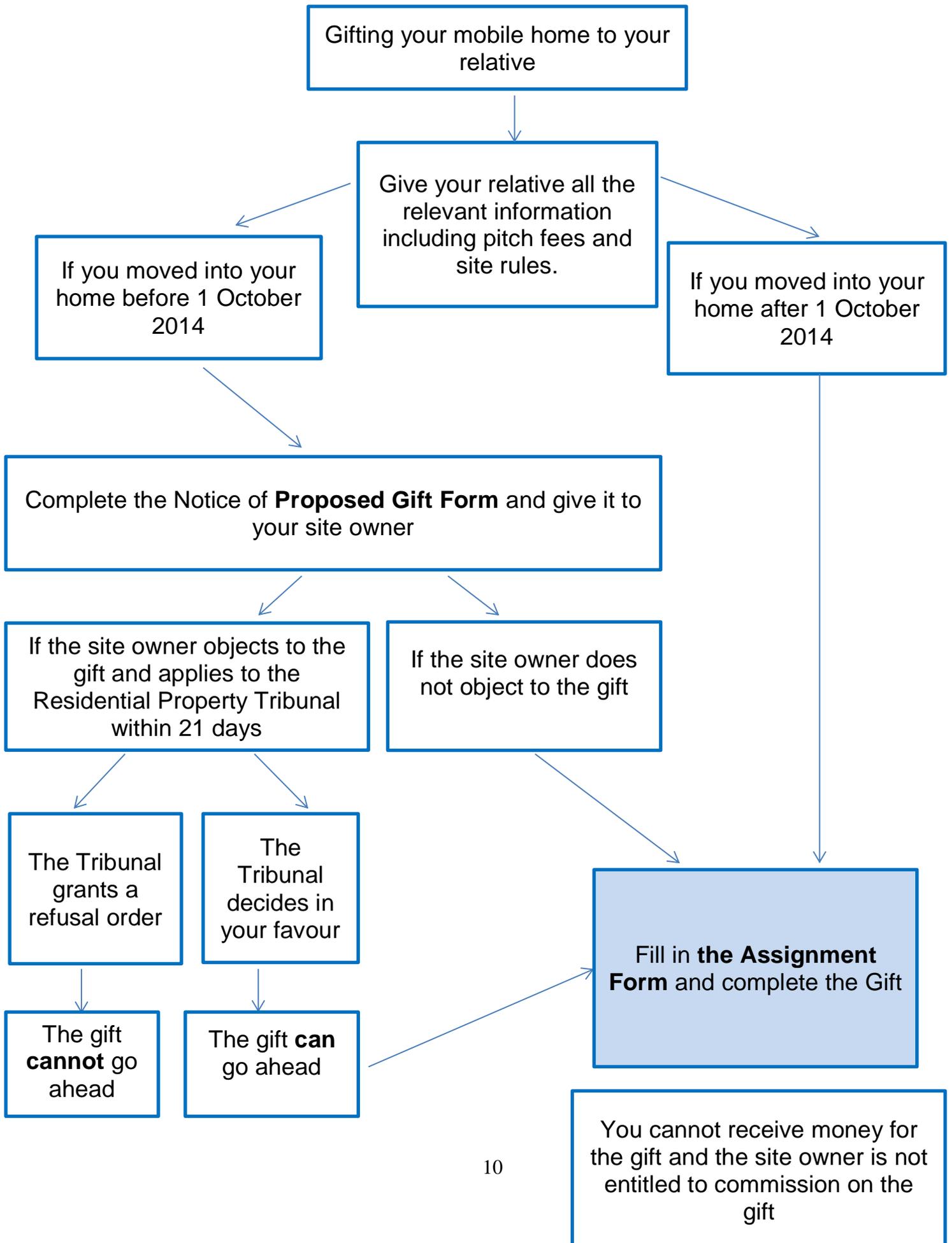
- the site owner has not objected to the gift and applied to the tribunal within 21 days, or
- the Residential Property Tribunal has decided in your favour, or
- you moved into your home after 1 October 2014 and didn't need to complete the Notice of Proposed Sale Form

How do I sign over the agreement to my relative?

You will need to transfer the pitch agreement to your relative - this is called assignment. Both of you will need to complete the **Notice of Assignment Form** and include the relevant information and documents listed in it. When you complete the assignment form, the ownership of the home passes to your relative and they become responsible for the pitch agreement and other liabilities.

Within seven days of the assignment your relative must send the site owner the **Notice of Assignment Form** with the relevant documents.

Gifting your mobile home



3. Selling a mobile home after the home owner dies

What happens if I inherit a mobile home?

Where a home owner dies while occupying the mobile home, the written agreement will pass to the husband or wife or civil partner provided that they were living with the park home owner at the time of death.

In the event that there is no husband, wife or civil partner living with the person, the property would pass to any family member living with the person at the time of death.

If however, you have inherited a mobile home and you don't live there, you are liable for the pitch fees and other outgoings until you sell the property.

You can't move into it without the site owner's permission or rent it out or gift it (give it away) to a relative. You will need to be able to abide the site rules in terms of age, the keeping of pets etc to live in the home.

You can sell the home on the open market. You do not need the site owner's permission to sell the home or seek their approval of the purchaser.

To sell a mobile home you have inherited follow the steps for selling a mobile home as set out in this leaflet.

Follow the guidance based on whether or not the person you inherited the property from acquired the property before or after 1 October 2014.

Further information

All the forms noted in this information sheet can be accessed and downloaded for printing on the Welsh Government Website:

- Buyers Information Form
- Notice of Proposed Sale Form
- Notice of Proposed Gift
- Assignment Form
- Notice of Assignment Form

<http://wales.gov.uk/topics/housing-and-regeneration/legislation/mobile-homes-act/?lang=en>