



TRIBUTUNALS  
JUDICIARY

**PRACTICE DIRECTIONS  
PROPERTY CHAMBER, FIRST-TIER TRIBUNAL  
MOBILE HOMES ACT 1983  
THE MOBILE HOMES (SELLING AND GIFTING) REGULATIONS 2013**

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1. This Practice Direction is to apply to all applications to the First-tier Tribunal (Property Chamber) by a site owner for a refusal order under section 7B or 8B of the Mobile Homes Act 1983.
2. All applications for a refusal order must be received by the Tribunal within 21 days of the site owner's receipt of notice of the proposed sale or gift.

**Proof of notice**

3. The legislation requires that a site owner who seeks a refusal order from the Tribunal must not only ensure that the application is made to the Tribunal within 21 days of receiving notice of the proposed sale or gift from the mobile home occupier but also he/she must have notified the occupier of the application within that 21 day period. Therefore the Tribunal will require proof that the occupier has been notified of the application. It is unlikely that a simple statement that the occupier has been notified will suffice. Where the Tribunal has received an application from a site owner which does not include proof that notice of the application has been given to the occupier by the site owner, the proceedings may be stayed for a period of 7 days for such proof to be provided.

**Treatment of evidence relevant to the grant of a refusal order**

4. There are a limited number of grounds on which the Tribunal can make a refusal order which are set out below. The Tribunal will need to be satisfied that one of those grounds is likely to be made out by the site owner.
5. Therefore where a site owner seeks a refusal order in respect of a proposed sale, he/she is also required to provide cogent evidence of the grounds relied upon in the application. The grounds are that: if the proposed occupier were to become the occupier, he or she or a person intending to reside with the proposed occupier would breach a pre-commencement rule or site rule –
  - (a) by reason of age;
  - (b) by keeping animals that are of a description specified in the rule;
  - (c) by parking vehicles on the site that are of a description specified in the rule; or
  - (d) by parking a number of vehicles on the site in excess of the number specified in the rule.
6. Likewise, where a site owner seeks a refusal order in respect of a proposed gift, the site owner is also required to provide cogent evidence of the grounds relied upon in the application. The grounds are (1) or (2) below.

- (1) That if the proposed occupier were to become the occupier the proposed occupier or a person intending to reside with the proposed occupier would breach a pre-commencement rule or site rule –
  - (a) by reason of age;
  - (b) by keeping animals that are of a description specified in the rule;
  - (c) by parking vehicles on the site that are of a description specified in the rule; or
  - (d) by parking a number of vehicles on the site in excess of the number specified in the rule.
- (2) That the proposed occupier has failed to provide the site owner with the relevant evidence namely one or more of the following:
  - (a) written information on oath given by the occupier and proposed occupier which explains the relationship of the proposed occupier to the occupier;
  - (b) a birth certificate or certificate of adoption;
  - (c) a certificate of marriage or civil partnership.

### **Conduct of the Tribunal Proceedings**

7. On receipt of an application the Tribunal will:
  - (a) Notify the site owner and occupier that an application has been received;
  - (b) Where an application has been received that does not include proof that the occupier has been notified of the application by the site owner, the site owner will invited to provide such proof within 7 days and warned that if such proof is not provided, the application may be struck out.
  - (c) Seven days after the receipt of an application, the Tribunal will consider, on the basis of the application and any accompanying or additional documents:
    - (i) whether to strike out the application because no proof that the occupier was served with notice of the proceedings has been provided;
    - (ii) whether to give notice that the Tribunal will consider striking out the application because there is no reasonable prospect of the applicant's proceedings or case, or part of it, succeeding. The Tribunal will consider the evidence provided by the site owner that one or more of the grounds for refusal will be made out.
  - (d) If the Tribunal gives notice under paragraph (c)(ii), the parties will be invited to make written representations in relation to the proposed striking out within 7 days.
  - (e) If the application is not struck out under paragraph (c) above, the Tribunal will notify the proposed purchaser (or proposed occupier in the case of proposed gift) that an application for a refusal order has been received and invite the such person to join the application as a party and will give directions for the urgent determination of the application. In particular the Tribunal will make provision for the respondent to provide a written response to the application and shall set a date for the hearing or paper determination of the application within 14 days unless it is satisfied that there are urgent or exceptional circumstances which justify convening an earlier date.

### **The Tribunal's Determination**

8. The Tribunal must issue its determination as soon as possible and in any event within 48 hours of the hearing or paper determination.
9. This Practice direction is made by the Senior President of Tribunals with the agreement of the Lord Chancellor in the exercise of powers conferred by section 23 of the Tribunals, Courts and Enforcement Act 2007.

**SIR JEREMY SULLIVAN, SENIOR PRESIDENT OF TRIBUNALS**

**9 September 2013**