



Owning, buying and selling a park home. Know your rights. Understand your obligations.

Caravan, leisure, mobile and park homes are all essentially one and the same thing, in that they provide semi static, detached bungalow-style accommodation set in a plot or 'pitch' on a private estate. In the eyes of the law, whatever the terminology, if you own and occupy the property (although not the pitch) on a permanent basis you are afforded certain statutory rights under 1983 and the 2013 Mobile Homes Acts.

Central to the 1983 Act is the right to the 'written statement', which details the terms under which you will occupy the property. This includes 'implied' terms (being rights and obligations from the 1983 Act) and 'express' terms (being those which have been included by the Park Homes owner). This written statement covers a variety of factors ranging from ownership and occupation of the land and property, to when you are allowed to put the bins out; it includes:

- ✿ Security of tenure
- ✿ Rights concerning the inheritance of the home
- ✿ Rights to give the home to a family member
- ✿ The right to sell on the park
- ✿ Right to light and access to the park home
- ✿ Road maintenance around the home
- ✿ Required distance between mobile/park homes
- ✿ Rights to adequate drainage
- ✿ Rights against removal of amenities

When considering such encompassing yet critical terms, to avoid confusion and/or dispute and allow for a better long term residency, you obviously need to understand and agree with each and every one of them.

The later 2013 Act predominantly covers your rights and obligations should you wish to buy, sell or gift a Mobile or Park home. Although this does provide you with greater flexibility and protection, it does commit you to certain obligations, and a failure to meet these could result in the site owner taking legal action against you or the seller.

Considerations include;

- ✿ if you are buying the home from a resident you do not need to contact the site owner. You do not have to give any personal details to the site owner or attend an interview with them, even if you are told you do.
- ✿ the site owner's approval of the buyer is no longer required. However, if you acquired your home before 26 May 2013 you will need to notify the site owner of the proposed sale.
- ✿ any site rules which could be used by a site owner to block sales or interfere in the sale process are banned
- ✿ it is also a criminal offence to put people off buying a home by telling lies.
- ✿ both buyer and seller need to follow a set procedure and use certain forms when completing the process. Different rules apply between buying a home from a resident or the site owner.

Although you now have legal governance and protection under the Acts, you will probably be aware that buying or selling property in a mobile home park or similar is not the same as buying a 'bricks and mortar' freehold or leasehold property. You may have also heard that you do not need to obtain legal advice. While your details will not be registered with the Land Registry and there is no legal obligation to instruct a solicitor on your part, buying or selling a park home is a significant transaction that generates serious financial and emotional consequences.

You are entering into a legally binding contract on a substantial asset, so obtaining specialist independent legal advice is a sensible option.

The Government itself advises:

“Like any other home purchase, buying a park home is a major commitment. You are, therefore, strongly advised to take advice from a solicitor or another professional - independent from the seller or site owner - when buying a home.”

Fosters Law have a wealth of experience in the industry and provide specialist legal advice for anyone looking to buy or sell property in caravan, leisure or mobile home parks, including Equity Release or Part Exchange transactions. Although we work with a number of park owners, we act exclusively for the individual buyer or seller, at all times guaranteeing independent legal advice. We are fully experienced in the intricacies of the industry and find that, following our advice and representation, clients are better informed and protected, which places them in an improved position for their respective sale or purchase.

Fosters Law are Solicitors regulated by the Solicitors Regulation Authority, adhering to Solicitors' Code of Conduct, acting throughout England and Wales.

Conveyancing procedure on a purchase of a park home

Take Instructions

We take your instructions and receive the details of the transaction from the Estate Agents or the park home owner.

Request Documentation

We will request the draft written statement and the site documentation (title, site licence and insurance) from the park home owner or their Solicitors, and will let you know when this arrives.

Investigation of Title

On receipt of the documentation we will proceed with the investigation of Title.

Pre-Contract Enquiries

Although we will not usually raise general Pre-Contract enquiries with the park home owner or their Solicitors, we can raise specific enquiries to deal with any issues you want. You will have inspected the property and you should let us know if there are any aspects you would like clarified.

Survey

Although it is uncommon for buyers of a park home to have a survey undertaken, we would still recommend (at the very least) a condition survey of the home, to confirm if there are any major problems with it.

Report to You and Signing Up

When all the preliminary matters have been dealt with we will report to you and let you have copies of any important documents. This will usually include a plan of the property and details of any relevant rights and restrictions.

You will need to read through the report carefully, and ask us if you want anything clarified. We will then ask you to sign the new written statement and will make arrangements for you to pay to us the money for your purchase (including our costs and any expenses incurred on your behalf).

Insurance

Although the park home owner will usually insure the home itself and the site, you would be advised to effect adequate contents insurance cover as from the date of completion.

Completion Arrangements

We suggest that a few days before the agreed completion date, you contact the Seller to arrange a handing over of the keys. The usual arrangement is that the Seller will leave the keys at the site office for you to collect on the morning of completion. We will, of course, report to you at your new address. Sometimes there is money due to you and we will then send you a statement together with

a cheque unless you have instructed us to have the money placed direct in a Bank or Building Society account.

Conveyancing procedure on a sale of a park home

It is said that a change is as good as a rest and whilst a new start is often refreshing, selling up and moving home is rarely restful. Not only do you have to prepare, market and sell your property, you also have to simultaneously coordinate the purchase of your new home. That is a lot of plates to be spinning at once. And it is here when a good conveyancing team can ensure that every form is filled, every box is ticked and every call chased so that you complete on time with the minimum amount of stress.

At Fosters Law, we are experts at managing your transaction or transactions. We look after your interests and work with the chain according to your wishes.

For your reference, the process is:

Take Instructions

We take your instructions and receive details of the transaction from the Estate Agents or park home owner.

Obtain Title Documents

We apply for your title documents, including a copy of your current written statement.

Preparation of legal papers

On Receipt of your documentation, we will prepare the legal papers and send these to the Buyer's Solicitors (or to the Buyer direct, if there are no solicitors acting on the "other side").

Completion arrangements

We suggest that a few days before the agreed completion date, you contact the Buyer to arrange a handing over of the keys. The usual arrangement is that you will leave the keys at the site office for your Buyer to collect on the morning of completion. We will, of course, report to you at your new address. Sometimes there is money due to you and we will then send you a statement together with a cheque unless you have instructed us to have the money placed direct in a Bank or Building Society account.

Approval of Agent's Account

We will ask you to approve the Estate Agent's account and any account issued by the park home owner and will then settle this from the sale proceeds at completion.

Notes to buying and selling

Please note the various stages in the above paragraphs:

1. Where your sale and purchase have to be synchronised then we will normally report to you and ask you to sign the legal paperwork when we are ready on both transactions.
2. If you are buying, but the sale transaction has not yet been arranged, it is a good idea for you to let us have the details of your current property so that we can apply for the title documents. We can then have all the documentation prepared in readiness.

Financial Aspects

1. Payment of service charges

On completion you will usually have to pay a proportionate part of the service charges in respect of the home. It is impossible to calculate exactly how much you will have to pay until the final completion date is known, but usually you should account for paying something in the region of £200.00 to £400.00, depending on the amount of the annual service charges.

2. Bank Transfer Fee

On the completion of a purchase there is usually a Bank transfer effected. Our charge for this is £30 plus VAT. In addition, if you wish us to send funds direct to your new or existing Bank account

following a sale, we are happy to do this at the same charge. This may in fact save you money as opposed to waiting for a cheque to come through the post and be cleared.

3. Our fees

Please contact us for an estimate of our fees. We will always confirm our fees in writing together with a note of the other likely disbursements. We will also supply you with details of our Terms and Conditions when we send you your quotation.

If you have any general enquiries or would like to instruct us, please contact us – details below.

Park Homes ~ Know your rights. Understand your obligations.

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