



Appeal under the Mobile Homes (Wales) Act 2013 (“the Act”) section 23 against:

A compliance notice served by a local authority under section 17(1) of the Act with regard to an alleged breach of condition(s) attached to a site licence, or

The taking of emergency action by the local authority under section 21 of the Act, or

The demand by a local authority for a charge for expenses under section 22 of the Act in respect of default or emergency action

This application form is also available in Welsh. Please contact the tribunal for a Welsh version of this form

This is the correct form to use if

1. under section 17(1) of the Act, a local authority which has issued a site licence in respect of a relevant regulated site for residential mobile homes, has served a compliance notice on you as the owner of the land, alleging failure to comply with a licence condition and requiring you to take such steps as the local authority considers appropriate to ensure compliance with the condition, and you wish to appeal to the tribunal against the notice under section 17(2) of the Act; **OR**
2. under section 21(3) of the Act, a local authority which has issued a site licence in respect of a relevant regulated site for residential mobile homes, has served on you, as the owner of the land, a notice of the emergency action that the authority has taken or intends to take on the land, and under section 21(9) you wish to appeal to the tribunal against the taking of the emergency action by the local authority; **OR**
3. under section 22(6) of the Act, a local authority has served on you as the owner of the land a demand for expenses incurred by the local authority (in accordance with section 22(1)):
 - a) in taking action under section 20 to ensure the conditions of a compliance notice are met following the conviction of the owner under section 18(1), or
 - b) In taking emergency action under section 21

and you wish to appeal to the tribunal under section 22(7) against that demand for expenses.

The application to the Tribunal under section 17(2) to appeal against a compliance notice must be made before the end of the period of 21 days beginning with the day on which the compliance notice was served.

The application to the Tribunal under section 21(9) to appeal against the taking of emergency action by the local authority must be made before the end of the period of 21 days beginning with the day on which the notice under section 21(8) describing the emergency action taken or to be taken, was served on the owner of the land.

The application to the Tribunal under section 22(7) must be made before the end of the period of 21 days beginning with the day on which the demand for expenses under section 22 (6) was served.

The tribunal may allow an appeal to be made to it after the end of the appeal period if it is satisfied that there is a good reason for the failure to appeal before the end of that period and for any delay since then in applying for permission to appeal out of time (section 23(3).)

Note to Applicants

Applicants are advised that any information that they provide to the Tribunal may be recorded in a decision document. All decisions made by the Tribunal are open to the public.

Documents

You must send the following document(s) (“required document(s)”) with this application:

- A copy of your site licence with condition attached.
- A copy of the local authority’s compliance notice if applicable.
- A copy of the local authority’s notice of emergency action if applicable.
- A copy of the local authority’s demand for expenses if applicable.
- Proof of conviction of an offence under section 18(1) if appropriate relating to the demand for expenses.
- A copy of any other relevant notices served by the local authority on the owner of the land under sections 17(1), 20(2), 21(3) or (8) of the Act where appropriate in an application relating to a demand for expenses
- Any other relevant documents supporting the application.

Failure to send any required document(s) might make this application invalid.

Please do not send any other documents at this time. If and when further documents, information or evidence are needed, you will be asked to send them separately.

Application Fee

Unless you are entitled to a waiver or reduction, you must send the Application Fee with the application and the required documents.

The amount of the application fee will depend on the number of pitches or Mobile Homes to which this application relates.

Number of pitches or Mobile Homes to which this application relates	Application Fee
Where the application relates to one pitch or Mobile Home	£155
Where the application relates to two pitches or Mobile Homes	£205
Where the application relates to three or four pitches or Mobile Homes	£410
Where the application relates to five or more pitches or Mobile Homes	£515

The fee must be paid by either a crossed cheque or postal order drawn in favour of the “Welsh Government” or by bank transfer, details of which can be provided upon request.. Do not send cash under any circumstances. Cash payments will not be accepted.

Please note:

If you do not send the correct fee payable to the “Welsh Government” or if you send cash, the application and the cash will be returned to you at your risk.

Waiver of Fees

If the Applicant(s) or the partner(s) of any Applicant(s) is/are in receipt of certain income-related benefits, the Application Fee may be waived or reduced.

To claim a waiver or reduction in the Application Fee, the Applicant(s) in receipt of such benefit or Applicant(s) whose partner(s) is/are in receipt of such benefit must complete a waiver application form which can be obtained from the Residential Property Tribunal. This will not be copied to the other parties.

Language Preference

The Residential Property Tribunal welcomes receiving correspondence in Welsh or English. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding. The Tribunal also welcomes phone calls in Welsh or English.

You may submit forms, documents and make written representations to the tribunal in Welsh or English.

Please inform the tribunal of your language preference by completing box 3 below.

It is important that you read the notes above carefully before you complete this form.
Please write clearly in BLACK ink.

MH3

1. DETAILS OF SITE

Address of Site:	
------------------	--

2. DETAILS OF APPLICANT

Name:	
-------	--

Address for correspondence	
----------------------------	--

Telephone:

Day:

Evening:

Mobile:

Email address:

Name and address and detail of agent (if relevant)
--

Where details of an agent have been given, all correspondence and communications will be with them until the Tribunal is notified that they are no longer acting for the applicant(s).

3. LANGUAGE PREFERENCE

Please indicate your language preference:

Written correspondence? Welsh / English (please delete as appropriate)

Verbal communication? Welsh / English (please delete as appropriate)

Do you wish to speak Welsh in any legal proceedings that may result from this application i.e. tribunal hearing or pre-trial review?

Yes / No (please delete as appropriate)

4. DETAILS OF SITE OWNER

Name:	
Address for correspondence	
Telephone:	
Day:	
Evening:	
Mobile:	
Email address:	

5. DETAILS OF LOCAL AUTHORITY

Name:	
Address for correspondence	
Telephone:	
Day:	
Evening:	
Mobile:	
Email address:	

6. TYPE OF DECISION APPEALED

Please tick the appropriate box below:

- Against a compliance notice;
- Against a notice of emergency action;
- Against a demand for expenses in respect of action in default or emergency action;

Date on which the relevant document (compliance notice/ notice of emergency action / demand for expenses, as appropriate) was served. _____

Note: In the case of a notice of emergency action the grounds on which an appeal may be brought under section 21(10) are:

- a) that there was no imminent risk of serious harm to the health or safety of any person who is or may be on the land (or where the action is still being taken, that there is no such risk); **or**

- b) that the action the authority has taken was not necessary to remove the imminent risk of serious harm (or, where the action is still being taken, that it is not necessary to remove the risk).

Please enclose:

- A copy of the licence with condition attached **or**
- A copy of the notice or demand served on you by the local authority.

7. DETAILS OF GROUNDS ON WHICH YOU WISH TO APPEAL

Please summarise below the ground(s) on which you wish to appeal. (Continue on a separate sheet if required).

8. CAN WE DEAL WITH YOUR APPLICATION WITHOUT A HEARING?

It may be possible for your application to be dealt with entirely on the basis of written representations and documents and without the need for parties to attend and make oral representations. ("A paper determination").

Please let us know if you would be happy for the case to be dealt with by way of paper determination.

YES NO

NB: Even if you have asked for a paper determination the Tribunal may decide that a hearing is necessary. You can also ask for a hearing at any time before the determination is made. Please go on to complete the remainder of the form on the assumption that a hearing will be held

9. AVAILABILITY

If there are any dates or days we must avoid during the next three months (either for your convenience or the convenience of any witness or expert you may wish to call) please list them here.

Dates on which you will NOT be available:

Date: _____ Date: _____ Date: _____

Date: _____ Date: _____ Date: _____

10. VENUE REQUIREMENTS

Please provide details of any special requirements you or anyone who will be coming with you may have. Hearings are held in local venues. It will assist the Clerks to book a suitable venue if they have been made aware of your needs.

11. STATEMENT OF TRUTH

I believe that the facts stated in this application are true.

Signed:

Name (in capitals)

Capacity (if appropriate)(eg Director,
Company Secretary):

Date:

CHECK LIST

Please check that:

- You have completed this form IN FULL.
- You have enclosed all the required documents.
- That you have paid the appropriate fee.

The Tribunal will not process your application if you have not done so.

If you have any questions about how to fill in this form or the procedure the Tribunal will use, please contact the Residential Property Tribunal on 0300 025 2777 or e-mail rpt@gov.wales

The tribunal will accept applications by email to rpt@gov.wales or in hard copy by post.

Please send the completed application form and the required documents to:

**Residential Property Tribunal
Oak House
Cleppa Park
Celtic Springs
Newport
NP10 8BD**