

**WHY HAVE A RESIDENTS ASSOCIATION?**

(The Mobile Homes (Written Statement) (Scotland) Regulations 2013 set out clear guidelines on RAs.)\*

First, by common law, every citizen in the UK has the 'Right of Association'; this means, regardless of the Mobile Homes Act or any other legislation, you and like-minded persons may set up any kind of association to promote the collective interests of a group. You need no one's permission. Should you wish to set up a Residents Association on your site you may also do so without reference to the site owner or anyone else but if you wish to become a'Qualifying Residents Association' (QRA) then this is where the legal guidelines come in under the above regulations. See extracts from the regulations below.

**What is the point of a Park Home Community RA?**

Primarily it is to promote and protect the interests of its members and to represent these interests to the local authority, councillors, the Scottish Government and of course, in interactions with the site owner. While collectively asserting residents’ legal rights, among the interests of members might also be social events, efforts to combat loneliness, fund raising for events etc. Some RA's have garden competitions, garden parties, coffee mornings, tours and outings, visits, Christmas lunches, open days and even a fish and chip night. Others maintain their park, (although this is generally a site owner responsibility) volunteer to clear snow, grit park roads and paths, cut grass or maintain a community garden or open space for events. Some own property such as communal greenhouses, storage huts, marquees for events, tractors, grass cutters, snowploughs and Christmas lights. All of them stand up for their members whenever the need arises!

To set up an RA, the procedure would be to canvass your neighbours about what you would like your RA to do and then set up an embryo association. Anyone living permanently on the park with a Written Statement contract under the Mobile Homes Act, may be members - except family, employees and associates of the site owner. It is preferable to have a constitution, a committee, a list of members (which at this stage can be kept private) and to elect office bearers - chair, secretary, treasurer. You may also wish to levy a small fee; at one successful RA, the fee is £25 per person which coupled with grants allows the RA to do most of the activities mentioned above.

Having set up the RA the next step, if you would like it, is to have it recognised by the site owner as a Qualifying Residents Association. You must follow the procedure set out in the Written Statement regulations; see that procedure below\*. It is important to note that to be a qualifying RA your membership must include OVER 50% of the HOMES on the park, not 50% of the residents.

In matters for the QRA there is only one vote per home although in general matters you will probably allow one vote per person.

While your site owner may refuse or decline to recognise your QRA, they have no choice in law and are bound by the regulations. It is important to keep a written record of your request for recognition in case of future dispute. Note also that the new licensing laws from 2017 will take account of any breaches of the Written Statement Regulations 2013 in deciding a licence application and refusal to recognise or consult a QRA in appropriate circumstances is such a breach.

When your RA (QRA or not) is set up, maintain constant and close contact with your MSPs, local authority officials and your councillors since they are the ones who will have the say when site owners apply for a new licence under the 2017 regulations. It is usually the Environmental Health Department which licenses caravan and park home sites. Invite your local councillors (and officials) to meet your RA and to see the park; most councillors have never heard of park homes; be in touch with your MSPs and invite them in also. Copy all correspondence with your site owner to the Licensing Authority (the local Council) so that they are up to speed with all your issues, good or bad, and liaise with your site manager, if you have one. In general RAs and siteowners/managers should be working together for the common good.

**Finally, when you have an RA set up you should join SCOPHRA (Scottish Confederation of Park Homes Residents Associations) Contact SCOPHRA at:** **scophra@outlook.com** **who will help with advice, assistance and support in your endeavours. See our website at www.scophra.scot**

**The following extract from The Mobile Homes Act (Written Statement)Scotland Regulations 2013 is your legal right to form and belong to a Qualifying Residents Association**

**\*The Written Statement (Scotland) Regulations 2013…**A site owner must…(f) consult a qualifying residents’ association, if there is one, about all matters which relate to the operation and management of, or improvements to, the protected site and may affect the occupiers either directly or indirectly.

**Qualifying residents’ association**

**31.**— (1) A residents’ association is a qualifying residents’ association in relation to a

protected site if—

(a) it represents the occupiers of mobile homes on the site;

(b) at least 50% of the occupiers of the mobile homes on the site are members of the

association;

(c) it is independent from the owner, who together with any agent or employee of the

owner is excluded from membership;

(d) subject to paragraph (c), membership is open to all occupiers who own a mobile

home on that site;

(e) it maintains a list of members which is open to public inspection together with the

rules and constitution of the association;

(f) it has a chairman, secretary and treasurer who are elected by and from the

members; and

(g) with the exception of administrative decisions taken by the chairman, secretary and

treasurer acting in their official capacities, decisions are taken by voting and there

is only one vote exercisable by the occupier for each mobile home.

(2) When calculating the percentage of occupiers for the purpose of sub-paragraph (1)(b) and

determining who shall exercise the vote in relation to sub-paragraph (1)(g), each mobile home

shall be taken to have only one occupier and, in the event of there being more than one

occupier of a mobile home who is a member of the association or who exercises any vote, its

occupier is to be taken to be the occupier whose name first appears on the agreement.