
Changes to legislation: There are currently no known outstanding effects for the Caravans Act (Northern Ireland) 2011, Paragraph 8. (See end of Document for details)

SCHEDULE

AGREEMENTS UNDER PART 1 OF THIS ACT

PART 1

TERMS IMPLIED BY SECTION 3

Sale of caravan

8.—(1) The occupier shall be entitled to sell the caravan, and to assign the agreement, to a person approved by the owner, whose approval shall not be unreasonably withheld.

(2) The occupier may serve on the owner a request for the owner to approve a person for the purposes of sub-paragraph (1).

(3) Where the owner receives such a request, the owner must, within the period of 28 days beginning with the date on which the request is received—

- (a) approve the person, unless it is reasonable for the owner not to do so, and
- (b) serve on the occupier notice of the decision whether or not to approve the person.

(4) The owner may not give approval subject to conditions.

(5) If the approval is withheld, the notice under sub-paragraph (3) must specify the reasons for withholding it.

(6) If the owner fails to notify the occupier as required by sub-paragraph (3) (and if applicable sub-paragraph (5)), the occupier may apply to the court for an order declaring that the person is approved for the purposes of sub-paragraph (1); and the court may make such an order if it thinks fit.

(7) It is for the owner—

- (a) if the owner served a notice as mentioned in sub-paragraph (3) (and if applicable sub-paragraph (5)) and the question arises whether the notice was served within the required period of 28 days, to show that it was;
- (b) if the owner did not give approval and the question arises whether it was reasonable for the owner not to do so, to show that it was reasonable.

(8) A request or notice under this paragraph—

- (a) must be in writing, and
- (b) may be served by post.

(9) Where the occupier sells the caravan, and assigns the agreement, as mentioned in sub-paragraph (1), the owner shall be entitled to receive a commission on the sale at a rate not exceeding 10% of the sale price.

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(10) Except to the extent mentioned in sub-paragraph (9), the owner may not require any payment to be made (whether to the owner or otherwise) in connection with the sale of the caravan, and the assignment of the agreement, as mentioned in sub-paragraph (1).

(11) In relation to a caravan on a travellers' site (within the meaning given by section 5(3)(c)), this paragraph applies with the omission of—

- (a) sub-paragraph (9); and
- (b) in sub-paragraph (10), the words “Except to the extent mentioned in sub-paragraph (9),”.

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