



# Housing Act 2004

## 2004 CHAPTER 34

### PART 6

#### OTHER PROVISIONS ABOUT HOUSING

### CHAPTER 3

#### MOBILE HOMES

##### *Protection from eviction etc.*

#### **209 Protected sites to include sites for gypsies**

- (1) Section 1 of the Caravan Sites Act 1968 (c. 52) (application of provisions for protection of residential occupiers of caravan sites) is amended as follows.
- (2) In subsection (2) (under which “protected site” includes certain local authority sites) for “paragraph 11 of Schedule 1 to that Act (exemption of land occupied by local authorities) substitute “paragraph 11 or 11A of Schedule 1 to that Act (exemption of gypsy and other local authority sites)”.
- (3) The amendment made by subsection (2) above does not affect the operation of—
  - (a) section 2 of the Act (minimum length of notice) in relation to any notice given before the day on which this section comes into force, or
  - (b) section 3 of the Act (protection from eviction) in relation to any conduct occurring before that day, or
  - (c) section 4 of the Act (suspension of eviction orders) in relation to any proceedings begun before that day.
- (4) In subsection (3)(b) the reference to section 3 of the Act is to that section whether as amended by section 210 of this Act or otherwise.

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*Status: This is the original version (as it was originally enacted).*

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## **210 Extension of protection from harassment for occupiers of mobile homes**

- (1) Section 3 of the Caravan Sites Act 1968 (protection of occupiers against eviction and harassment) is amended as follows.
- (2) In subsection (1) (offence where person, with the specified intent, does acts calculated to interfere with the peace or comfort of the occupier etc.) for “calculated to interfere” substitute “likely to interfere”.
- (3) After subsection (1) insert—
  - “(1A) Subject to the provisions of this section, the owner of a protected site or his agent shall be guilty of an offence under this section if, whether during the subsistence or after the expiration or determination of a residential contract—
    - (a) he does acts likely to interfere with the peace or comfort of the occupier or persons residing with him, or
    - (b) he persistently withdraws or withholds services or facilities reasonably required for the occupation of the caravan as a residence on the site,
 and (in either case) he knows, or has reasonable cause to believe, that that conduct is likely to cause the occupier to do any of the things mentioned in subsection (1)(c)(i) or (ii) of this section.
  - (1B) References in subsection (1A) of this section to the owner of a protected site include references to a person with an estate or interest in the site which is superior to that of the owner.”
- (4) In subsection (3) (penalties for offences), for the words from “be liable” onwards substitute “be liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding 12 months, or to both;
  - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 2 years, or to both.”
- (5) After subsection (4) insert—
  - “(4A) In proceedings for an offence under subsection (1A) of this section it shall be a defence to prove that the accused had reasonable grounds for doing the acts or withdrawing or withholding the services or facilities in question.”
- (6) The amendments made by this section do not apply in relation to any conduct occurring before the day on which this section comes into force.
- (7) In the case of an offence committed before section 154(1) of the Criminal Justice Act 2003 (c. 44) comes into force, the amendment made by subsection (4) has effect as if for “12 months” there were substituted “6 months”.

## **211 Suspension of eviction orders**

- (1) In section 4(6) of the Caravan Sites Act 1968 (c. 52) (provision for suspension of eviction orders) for the words from “in the following cases” to the end of paragraph (b) substitute “if—
  - (a) no site licence under Part 1 of that Act is in force in respect of the site, and

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*Status: This is the original version (as it was originally enacted).*

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- (b) paragraph 11 or 11A of Schedule 1 to the Caravan Sites and Control of Development Act 1960 (c. 2) does not apply;”.
- (2) The amendment made by subsection (1) does not apply in relation to proceedings begun before the day on which this section comes into force.