

EQUALITY IMPACT ASSESSMENT – RESULTS

Title of Policy	Amendment of Definition of a Caravan Order 2019
Summary of aims and desired outcomes of Policy	Increase the maximum Caravan Dimensions to reflect modern manufacturers' standards in mobile homes and align with equivalent legislation in England and Wales.
Directorate: division: team	Housing and Social Justice Directorate; Better Homes Division: Housing Services Policy Unit

1. Executive Summary

The legal definition of a caravan has remained unaltered in Scotland since 1968. This definition is one of the key building blocks upon which the legislative framework is built. The definition of a caravan applies to all types of caravan; namely, caravans used as permanent residential accommodation for Gypsy/Travellers, permanent residential mobile home sites and to caravan accommodation used for holiday purposes. The proposed change will affect all these sectors. Those supporting the redefinition pointed most frequently to the advantages of harmonising the approach in Scotland with that in England and Wales where the definition is already in statute.

The public sector equality duty requires the Scottish Government to assess the impact of applying a proposed new or revised policy or practice. It is a legislative requirement. Equality legislation covers the characteristics of age, disability, gender reassignment, gender including pregnancy and maternity, race, religion and belief, and sexual orientation.

An equality impact assessment (EQIA) aims to consider how a policy (a policy can cover: activities, functions, strategies, programmes, and services or processes) may affect, either positively or negatively, on different sectors of the population in different ways. This EQIA has been undertaken to consider the impacts on equality of amending the definition of a caravan but only in respect of the maximum length, width and height. Aside from these changes to the dimensions, the wording of the definition remains unchanged.

The specific benefits identified were making a greater range of mobile homes available to purchasers, allowing manufacturers to standardise their product range, and recognising that people have increasing expectations around quality and space standards. The potential benefits of an increase in the dimension of mobile homes allowing for improved insulation was also raised. However, it was also noted that it would be important that requirements around the space between mobile homes are maintained.

2. Background

The current specification of the dimensions of a caravan is contained in the Caravan Sites Act 1968, and has not been amended since the Act came into force. Under the law, a mobile (park) home, a caravan holiday home, touring caravan or

Gypsy/Traveller home are all capable of coming within the legal definition of a caravan provided they retain the element of mobility.

Mobility means that the caravan must be capable of being moved when assembled from one place to another. This means that it cannot be fixed to the ground. Permanent works, such as a large porch or extension, which fix the caravan to the ground, could mean that a caravan no longer comes within the legal definition of a caravan and instead become a building in terms of the law. This could have serious planning, legal and contract implications for site owners and residents alike such as residents of park homes not having protection under the Mobile Home Act 1983.

The purpose of the Order is to amend the maximum dimensions of caravans defined in the 1968 Act, to take into account more recent improvements to manufacturers' specifications in terms of space and insulation for caravans and twin-unit mobile homes.

3. Scope of the EQIA

This EQIA was carried out with input from housing policy colleagues, and takes into account responses to a public consultation. It also took into account other relevant research. The framing exercise identified that the key relevant characteristics of those living in mobile homes were age and disability. As part of the process, it was also noted that migrant workers sometimes live in mobile homes permanently.

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Key Findings

5. The EQIA process identified that the proposals would:

- benefit all groups who live permanently in mobile homes, and are not specifically related to the protected characteristics.

Recommendation and Conclusions

6. The EQIA process has provided reassurance that the largely technical change to the legal definition of a caravan is not discriminatory against any particular equalities group. In fact, it will bring benefits to some groups.