

*These notes refer to the Caravans Act (Northern Ireland)
2011 (c.12) which received Royal Assent on 16 March 2011*

Caravans Act (Northern Ireland) 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1: Agreements for residential occupiers on protected sites

Section 1 - Application of this Part

Section 1 clarifies to whom and for what purpose Part 1 of the Act applies. Part 1 applies to the residential caravan sector and covers any residential agreement made either before or after commencement of the Act relating to owner-occupiers of caravans who are entitled to station their caravan on a protected site, and occupy it as their only or main residence, for more than twelve months. The inclusion of this time period is intended to ensure that sites used to provide temporary accommodation, including transit and emergency/halting sites which are designed to support the traditional nomadic lifestyle of Irish Travellers, are not inappropriately brought within the scope of Part 1.

Protected sites (defined in section 17) are sites for which planning permission or site licenses do not restrict use of the site to holiday use only or the times of the year during which the site can be used.

Section 2 – Particulars of agreements

Section 2 places a requirement on the owners of protected sites to provide caravan owners with written statements covering a range of issues within a specific time period. Section 2 also provides the Department for Social Development with a power to make regulations extending the range of requirements for the written statement.

Section 2 provides a mechanism for caravan owners on protected sites to seek redress through the courts where a site owner has failed to provide a written statement in accordance with the requirements of this section.

Section 3 – Terms of agreements

Section 3 refers to Part 1 of the Schedule to the Act which sets out the terms that are to be implied in any residential agreement.

The remainder of section 3 describes the powers of the court when matters relating to residential agreements are brought for its consideration, including the

terms that a court can order to be implied in a residential agreement (these are included in full in Part 2 of the Schedule to the Act).

Section 4 – Power to amend implied terms

Section 4 provides the Department for Social Development with a power to amend the terms that are to be implied in any residential agreement (Parts 1 and 2 of the Schedule) by subordinate legislation. It also places a duty on the Department to review the operation of Parts 1 and 2 of the Schedule at least once every five years.

Section 5 – Successors in title

Section 5 makes provision for residential agreements to continue in effect when ownership of the caravan is lawfully assigned or inherited on the death of the owner. The aim of the provision is to protect the rights of those who lived with the caravan owner.

Sub-section (7) covers the rights of succession where the caravan owner lived alone on a protected site other than a ‘travellers’ site’. In these circumstances, there is no automatic right or requirement on the successor in title to live in the caravan as their main or only residence.

In the case of a travellers’ site (that is a site provided and managed by the Housing Executive for Irish Travellers), the successor in title has an automatic right to live in the caravan as long as they are a member of the Irish Traveller community and intend to occupy the caravan as their only or main residence.

Section 6 – Jurisdiction

Section 6 provides the county court covering the area in which the protected site is located with the jurisdiction to hear and make decisions on matters relating to residential agreements and other issues included in Part 1 of the Act. Arbitration is also available as an alternative to court proceedings where the relevant parties have agreed, in writing, to this course of action.