

*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 2: Agreements for other occupiers of caravan sites

Section 7 – Application of this Part

Section 7 clarifies to whom and for what purpose Part 2 of the Act applies. Part 2 is intended to apply to the seasonal (holiday) caravan sector and covers any seasonal agreement made either before or after commencement of the Act relating to caravan owners (other than those to whom Part 1 of the Act applies) who are entitled to station their caravan on a caravan site for a period exceeding 28 days. The inclusion of this time period is intended to ensure that touring caravans are not inappropriately brought within the scope of Part 2.

Section 8 – Particulars of agreements

Section 8 places a requirement on the owners of caravan sites (to whom Part 2 applies) to provide caravan owners with written statements covering the terms and conditions upon which their agreement is based within a specific time limit. Any express term of the agreement not given in writing will be unenforceable by the site owner. The intention is to provide site owners with an incentive to comply with the duty to provide a written statement and protect occupiers from the application of terms that have not been given in writing.

Section 9 – Implied terms as to consultation with occupiers' association

Section 9 creates implied terms in all seasonal agreements. These terms relate to the need to consult a qualifying occupiers' association, if one exists, about matters relating to the operation and management of the site or about site improvements. Section 9 also includes the criteria used to determine whether an association is a qualifying occupiers' association and a mechanism for the site owner to recognise it or a court to order the owner do so.

Section 10 – Jurisdiction

Section 10 provides the county court covering the area in which the caravan site is located with the jurisdiction to hear and make decisions on matters relating to seasonal agreements and other issues included in Part 2 of the Act. Arbitration

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is also available as an alternative to court proceedings where the relevant parties have agreed, in writing, to this course of action.