



2011 CHAPTER 12

PART 3

PROTECTION OF RESIDENTIAL OCCUPIERS  
FROM EVICTION AND HARASSMENT

**Protection of occupiers against eviction and harassment**

12.—(1) A person is guilty of an offence if, during the subsistence of a residential agreement, that person unlawfully deprives the occupier of occupation on the protected site of any caravan which the occupier is entitled by the agreement to station and occupy, or to occupy, as the occupier's residence on that site.

(2) A person is guilty of an offence if, after the expiration or determination of a residential agreement, that person enforces, otherwise than by proceedings in the court, any right to exclude the occupier from the protected site or from any such caravan as is mentioned in subsection (1), or to remove or exclude any such caravan from the site.

(3) A person is guilty of an offence if, whether during the subsistence or after the expiration or determination of a residential agreement, that person—

- (a) does acts likely to interfere with the peace or comfort of the occupier or persons residing with the occupier, or
- (b) 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) that person intends to cause the occupier to do any of the things mentioned in subsection (5).

(4) The owner of a protected site is guilty of an offence if, whether during the subsistence or after the expiration or determination of a residential agreement—

- (a) that person does acts likely to interfere with the peace or comfort of the occupier or persons residing with the occupier, or
  - (b) that person 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) that person knows, or has reasonable cause to believe, that such conduct is likely to cause the occupier to do any of the things mentioned in subsection (5).
- (5) The things referred to in subsections (3) and (4) are—
    - (a) to abandon the occupation of the caravan or remove it from the site, or
    - (b) to refrain from exercising any right or pursuing any remedy in respect of the caravan.
  - (6) References in subsection (4) to the owner of a protected site include references—
    - (a) to a person with an estate in the site which is superior to that of the owner;
    - (b) to an agent of the owner.
  - (7) References in this section to the occupier include references—
    - (a) to the person who was the occupier under a residential agreement which has expired or been determined, and
    - (b) in the case of the death of the occupier (whether during the subsistence or after the expiration or determination of the agreement), to any person then residing with the occupier being—
      - (i) the surviving spouse or civil partner of the occupier; or
      - (ii) if there is no surviving spouse or civil partner so residing, any member of the occupier's family.
  - (8) A person guilty of an offence under this section is liable—
    - (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding 6 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.
  - (9) In proceedings for an offence under subsection (1) or (2), it is a defence to prove that the accused believed, and had reasonable cause to believe, that the occupier of the caravan had ceased to reside on the site.
  - (10) In proceedings for an offence under subsection (4) it is a defence to prove that the accused had reasonable grounds for doing the acts or withdrawing or withholding the services or facilities in question.
  - (11) Nothing in this section applies to—

- (a) the exercise by any person of a right to take possession of a caravan of which that person is the owner, other than a right conferred by or arising on the expiration or determination of a residential agreement, or
- (b) anything done pursuant to the order of any court.

(12) Proceedings for an offence under this section may be instituted by the district council in whose district the site is situated.