

Caravan Sites (Security of Tenure)

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TO

Make provision for security of tenure for gypsies and travellers on local authority caravan sites; and for connected purposes.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Secure tenancy

1 Secure tenancy

- (1) In this Act,
 “secure tenancy” means, subject to sections 4 and 10 below, a tenancy granted to a gypsy or traveller whereby he is permitted to station a caravan on a caravan site which the local authority has provided to accommodate gypsies and travellers (“a local authority caravan site”);
 “tenancy” shall include a licence to occupy not amounting to a tenancy as if the right were a tenancy and “tenant” shall include such a licensee. 5
- (2) A local authority may not seek possession of land occupied under a secure tenancy unless— 10
 (a) it has served the tenant with a notice in writing complying with the requirements specified in subsection (3); and
 (b) it has applied for a court order under section 2 and the court has made the order in accordance with the provisions of this Act. 15
- (3) The notice referred to in subsection (1) shall—
 (a) state that the court will be asked to make an order for the possession of the land and be signed by a duly authorised officer;
 (b) set out one or more of the grounds in the Schedule to this Act together with particulars of those grounds relied upon by the local authority in seeking a possession order; 20
 (c) specify a date after which proceedings for the possession of the land may be begun which (except where ground 2 in the Schedule to this Act is relied upon) must not be earlier than four weeks from the date of service expiring on a Monday or on the day the tenant's rent or licence 25

- fee is normally due; where ground 2 is relied upon, the date specified shall not be earlier than the date of the service of the notice;
- (d) cease to be in force twelve months after the date specified under paragraph (c); and
 - (e) inform the tenant that if he needs help or advice about the notice, and what to do about it, he should take it immediately to a Citizens' Advice Bureau, a housing aid centre, a law centre or a solicitor. 5
- (4) The court shall not entertain any proceedings for possession under subsection (2) if the requirements of subsection (3) are not complied with in full, unless it considers it just and equitable to dispense with any of those requirements. 10
- (5) Section 2 of the Caravan Sites Act 1968 (c. 52) (Minimum length of notice) is hereby repealed.
- 2 Termination of secure tenancy: court order**
- (1) A court shall not make an order to terminate a secure tenancy except on one or more of the grounds set out in the Schedule to this Act, which accordingly has effect. 15
 - (2) The court shall not make an order to terminate a secure tenancy –
 - (a) on the grounds set out in Part 1 of that Schedule (grounds 1 to 8), unless it considers it reasonable to make the order,
 - (b) on the grounds set out in Part 2 of that Schedule (ground 9), unless it is satisfied that suitable facilities will be available for the tenant when the order takes effect, 20
 - (c) on the grounds set out in Part 3 of that Schedule (grounds 10 to 13), unless it both considers it reasonable to make the order and is satisfied that suitable facilities will be available for the tenant when the order takes effect; 25
 and Part 4 of that Schedule has effect for determining whether suitable facilities will be available for the tenant.
- 3 Proceedings for possession: anti-social behaviour**
- (1) This section applies where the court is considering whether it is reasonable to make an order for possession on ground 2 set out in the Schedule to the Act (conduct of tenant or other person). 30
 - (2) The court must consider, in particular –
 - (a) the effect that the nuisance or annoyance has had on persons other than the person against whom the order is sought; 35
 - (b) any continuing effect the nuisance or annoyance is likely to have on such persons; and
 - (c) the effect that the nuisance or annoyance would be likely to have on such persons if the conduct is repeated.
- Introductory tenancy* 40
- 4 Introductory tenancy**
- (1) A local authority may elect to operate an introductory tenancy regime under this Act.

- (2) When such an election is in force, every periodic tenancy entered into or adopted by the authority which would otherwise fall within the meaning of section 1 of this Act shall be an introductory tenancy, unless immediately before the tenancy was entered into or adopted the tenant or, in the case of joint tenants, one or more of them, was the holder of a secure tenancy on the same or another local authority caravan site. 5
- (3) Subsection (2) does not apply to a tenancy entered into or adopted in pursuance of a contract made before the election was made.
- (4) For the purposes of this section, a periodic tenancy is adopted by a person if that person becomes the landlord under the tenancy, whether on a disposal or surrender of the interest of the former local authority. 10
- (5) An election under this section may be revoked at any time, without prejudice to the making of a further election.

5 Duration of introductory tenancy

- (1) A periodic tenancy remains an introductory tenancy until the end of the trial period, unless one of the events mentioned in subsection (5) occurs before the end of that period. 15
- (2) The “trial period” is the period of one year beginning with—
- (a) in the case of a periodic tenancy which was entered into by a local authority— 20
- (i) the date on which the tenancy was entered into, or
- (ii) if later, the date on which a tenant was first entitled to possession under the tenancy; or
- (b) in the case of a tenancy which was adopted by a local authority, the date of adoption; 25
- but this is subject to subsections (3) and (4) and to section 6.
- (3) Where the tenant under an introductory tenancy was formerly a tenant under another introductory tenancy any period or periods during which he was such a tenant shall count towards the trial period, provided—
- (a) if there was one such period, it ended immediately before the date specified in subsection (2), and 30
- (b) if there was more than one such period, the most recent period ended immediately before that date and each period succeeded the other without interruption.
- (4) Where there are joint tenants under an introductory tenancy, the reference in subsection (3) to the tenant shall be construed as referring to the joint tenant in whose case the application of that subsection produces the earliest starting date for the trial period. 35
- (5) A tenancy ceases to be an introductory tenancy if, before the end of the trial period— 40
- (a) the circumstances are such that the tenancy would not otherwise be a secure tenancy,
- (b) a person or body other than a local authority becomes the landlord under the tenancy,
- (c) the election in force when the tenancy was entered into or adopted is revoked, or 45

- (d) the tenancy ceases to be an introductory tenancy by virtue of section 15.
- (6) A tenancy does not come to an end merely because it ceases to be an introductory tenancy, but a tenancy which has once ceased to be an introductory tenancy cannot subsequently become an introductory tenancy.
- 6 Extension of trial period by six months** 5
- (1) If both of the following conditions are met in relation to an introductory tenancy, the trial period is extended by 6 months.
- (2) The first condition is that the local authority has served a notice of extension on the tenant at least 8 weeks before the original expiry date.
- (3) The second condition is that either – 10
- (a) the tenant has not requested a review under section 7 in accordance with subsection (1) of that section, or
- (b) if he has, the decision on the review was to confirm the local authority’s decision to extend the trial period.
- (4) A notice of extension is a notice – 15
- (a) stating that the local authority has decided that the period for which the tenancy is to be an introductory tenancy should be extended by 6 months, and
- (b) complying with subsection (5).
- (5) A notice of extension must – 20
- (a) set out the reasons for the local authority’s decision, and
- (b) inform the tenant of his right to request a review of the local authority’s decision and of the time within which such a request must be made.
- (6) In this section and section 7 “the original expiry” date means the last day of the period of one year that would apply as the trial period, apart from this section. 25
- 7 Review of decision to extend trial period**
- (1) A request for review of the local authority’s decision that the trial period for an introductory tenancy should be extended under section 6 must be made before the end of the period of 14 days beginning with the day on which the notice of extension is served. 30
- (2) On a request being duly made to it, the local authority shall review its decision.
- (3) The Secretary of State may make provision by regulations as to the procedure to be followed in connection with a review under this section. Nothing in the following provisions affects the generality of this power.
- (4) Provision may be made by regulations – 35
- (a) requiring the decision on review to be made by a person of appropriate seniority who was not involved in the original decision, and
- (b) as to the circumstances in which the person concerned is entitled to an oral hearing, and whether and by whom he may be represented at such a hearing. 40
- (5) The local authority shall notify the tenant of the decision on the review.

- (6) If the decision on the review is to confirm the original decision, the local authority shall also notify the tenant of the reasons for the decision.
- (7) The review shall be carried out and the tenant notified before the original expiry date.

8 Termination of introductory tenancy 5

- (1) The local authority may only bring an introductory tenancy to an end by obtaining an order of the court for the possession of the land.
- (2) The court shall not entertain proceedings for the possession of the land let under an introductory tenancy unless the local authority has served on the tenant a notice of proceedings complying with this section. 10
- (3) The notice referred to in subsection (2) shall:
 - (a) state that the court will be asked to make an order for the possession of the land and be signed by a duly authorised officer;
 - (b) set out the reasons for the local authority's decision to apply for such an order; 15
 - (c) specify a date after which proceedings for the possession of the land may be begun which must not be earlier than the date on which a notice under section 1(3) of this Act if served would expire;
 - (d) inform the tenant of his right to request a review of the local authority's decision to seek an order for possession and of the time within which such a request must be made; and 20
 - (e) also inform the tenant that if he needs help or advice about the notice, and what to do about it, he should take it immediately to a Citizens' Advice Bureau, a housing aid centre, a law centre or a solicitor.
- (4) The court shall not entertain any proceedings for possession of the land unless they are begun after the date specified in the notice of proceedings. 25
- (5) The court shall make a possession order unless the local authority has not complied with this section.
- (6) Where the court makes a possession order, the tenancy comes to an end on the date on which the tenant is to give up possession in pursuance of the order. 30

9 Review of decision to seek termination of introductory tenancy

- (1) A request for review of the local authority's decision to seek an order for possession of the land let under an introductory tenancy must be made before the end of the period of 14 days beginning with the day on which the notice of proceedings is served. 35
- (2) On a request being duly made to it, the local authority shall review its decision.
- (3) The Secretary of State may make provision by regulations as to the procedure to be followed in connection with a review under this section and nothing in the following provisions affects the generality of this power.
- (4) Provision may be made by regulations – 40
 - (a) requiring the decision on review to be made by a person of appropriate seniority who was not involved in the original decision, and

- (b) as to the circumstances in which the person concerned is entitled to an oral hearing, and whether and by whom he may be represented at such a hearing.
- (5) The local authority shall notify the person concerned of the decision on the review. 5
- (6) If the decision on the review is to confirm the original decision, the local authority shall also notify the tenant of the reasons for the decision.
- (7) The review shall be carried out and the tenant notified before the date specified in the notice of proceedings as the date after which proceedings for the possession of the land may be begun. 10

Demoted tenancy

10 Demotion

- (1) The local authority may apply to a county court for a demotion order providing it has served upon the tenant a notice in writing signed by a duly authorised officer and stating – 15
- (a) that the court will be asked to make a demotion order in respect of the secure tenancy;
- (b) one or more of Grounds 1 and 2 in the Schedule to this Act together with particulars of those grounds relied upon by the local authority in seeking a demotion order; 20
- (c) a date after which proceedings for the demotion of the tenancy may be begun which must not be earlier than 4 weeks from the date of service expiring on a Monday or on the day the tenant's rent or licence fee is normally due;
- (d) that the notice ceases to be in force twelve months after the date so specified; and 25
- (e) that if the tenant needs help or advice about the notice, and what to do about it, he should take it immediately to a Citizens' Advice Bureau, a housing aid centre, a law centre or a solicitor.
- (2) The court shall not entertain any proceedings for demotion under subsection (1) if the requirements of that subsection are not complied with in full, unless it considers it just and equitable to dispense with any of those requirements. 30
- (3) A demotion order has the following effect –
- (a) the secure tenancy is terminated with effect from the date specified in the order; 35
- (b) if the tenant remains in occupation of the land after that date a demoted tenancy is created with effect from that date;
- (c) it is a term of the demoted tenancy that any arrears of rent or licence fee payable at the termination of the secure tenancy become payable under the demoted tenancy; 40
- (d) it is also a term of the demoted tenancy that any rent or licence fee paid in advance or overpaid at the termination of the secure tenancy is credited to the tenant's liability to pay rent or licence fees under the demoted tenancy.
- (4) The court must not make a demotion order unless it is satisfied that the tenant, or a person residing in or visiting the caravan or the land on which the caravan 45

is stationed, has engaged or has threatened to engage in conduct to which sections 153A or 153B of the Housing Act 1996 (anti-social behaviour or use of premises for unlawful purposes) apply, and that it is reasonable to make the order.

- (5) Each of the following has effect in respect of a demoted tenancy at the time it is created by virtue of an order under this section as it has effect in relation to the secure tenancy at the time it is terminated by virtue of the order – 5
- (a) the parties to the tenancy;
 - (b) the period of the tenancy;
 - (c) the amount of the rent or licence fee; 10
 - (d) the dates on which the rent or licence fee are payable.
- (6) Subsection (5)(b) does not apply if the secure tenancy was for a fixed term and in such a case the demoted tenancy is a weekly periodic tenancy.
- (7) If the local authority of the demoted tenancy serves on the tenant a statement of any other express terms of the secure tenancy which are to apply to the demoted tenancy such terms are also terms of the demoted tenancy. 15

11 Duration of demoted tenancy

- (1) A demoted tenancy becomes a secure tenancy at the end of the period of one year (the demotion period) starting with the day the demotion order takes effect; but this is subject to subsections (2) to (5) below. 20
- (2) A tenancy ceases to be a demoted tenancy if any of the following paragraphs applies –
- (a) a local authority ceases to be the owner;
 - (b) the demotion order is quashed;
 - (c) the tenant dies and no one is entitled to succeed to the tenancy. 25
- (3) If at any time before the end of the demotion period the local authority serves a notice of proceedings for possession of the land subsection (4) applies.
- (4) The tenancy continues as a demoted tenancy until the end of the demotion period or (if later) until any of the following occurs – 30
- (a) the notice of proceedings is withdrawn by the local authority;
 - (b) the proceedings are determined in favour of the tenant;
 - (c) the period of 6 months beginning with the date on which the notice is served ends and no proceedings for possession have been brought.
- (5) A tenancy does not come to an end merely because it ceases to be a demoted tenancy. 35

12 Proceedings to end a demoted tenancy

- (1) The local authority may only bring a demoted tenancy to an end by obtaining an order of the court for possession of the land.
- (2) The court must make an order for possession unless it thinks that the procedure under subsections (4) to (6) has not been followed. 40
- (3) If the court makes such an order the tenancy comes to an end on the date on which the tenant is to give up possession in pursuance of the order.

- (4) Proceedings for possession of the land let under a demoted tenancy must not be brought unless the local authority has served on the tenant a notice of proceedings under this section.
- (5) The notice must –
- (a) be signed by a duly authorised officer and state that the court will be asked to make an order for the possession of the land; 5
 - (b) set out the reasons for the local authority’s decision to apply for the order;
 - (c) specify a date after which proceedings for the possession of the land may be begun which must not be earlier than the date on which a notice under section 1(3) of this Act if served would expire; 10
 - (d) inform the tenant of his right to request a review of the local authority’s decision and of the time within which the request must be made; and
 - (e) also inform the tenant that if he needs help or advice about the notice, or about what to do about the notice, he must take the notice immediately to a Citizens’ Advice Bureau, a housing aid centre, a law centre or a solicitor. 15
- (6) The court must not entertain proceedings unless subsection (5) is complied with and proceedings are begun after the date specified under subsection (5)(c). 20

13 Review of decision to seek termination of demoted tenancy

- (1) Before the end of the period of 14 days beginning with the date of service of a notice for possession of the land let under a demoted tenancy the tenant may request the local authority to review its decision to seek an order for possession. 25
- (2) If a request is made in accordance with subsection (1) the local authority must review the decision.
- (3) The Secretary of State may by regulations make provision as to the procedure to be followed in connection with a review under this section.
- (4) The regulations may include provision – 30
- (a) requiring the decision on review to be made by a person of appropriate seniority who was not involved in the original decision;
 - (b) as to the circumstances in which the tenant is entitled to an oral hearing, and whether and by whom he may be represented at the hearing.
- (5) The local authority must notify the tenant – 35
- (a) of the decision on the review;
 - (b) of the reasons for the decision.
- (6) The review must be carried out and notice given under subsection (5) before the date specified in the notice of proceedings as the date after which proceedings for possession of the land may be begun. 40

*Miscellaneous and final provisions***14 Assignment**

It is a term of every secure, introductory or demoted tenancy that the tenant may, with the written consent of the local authority, assign the tenancy –

- (a) to a person entitled to succession under section 15; or 5
- (b) pursuant to a right to exchange under section 16.

15 Succession

- (1) Upon the death of a tenant one succession to the secure, introductory or demoted tenancy will be permitted.
- (2) The person entitled to succeed to the tenancy under subsection (1) will be – 10
 - (a) the spouse of the tenant, or
 - (b) another member of the tenant's family where the tenant has no spouse, provided that this person has been occupying a caravan to which the secure tenancy applies as his principal home at the time of the tenant's death.
- (3) A person succeeding to the tenancy under paragraph (2)(b) must have lived with the tenant throughout the 12-month period ending with the tenant's death. 15
- (4) A person is a member of the tenant's family within the meaning of this section if –
 - (a) he is the spouse of that person, or he and that person live together as husband and wife, or 20
 - (b) he is that person's parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece.
- (5) For the purposes of this section –
 - (a) a relationship by marriage should be treated as a relationship by blood; 25
 - (b) a relationship of the half-blood should be treated as a relationship of the whole blood;
 - (c) the stepchild of a person shall be treated as a child;
 - (d) an illegitimate child shall be treated as a legitimate child of his mother and reputed father. 30

16 Right to exchange

- (1) A tenant shall have the right to exchange his secure, introductory or demoted tenancy with a tenant of corresponding status of another local authority caravan site, subject to the written consent of the local authority or authorities concerned. 35
- (2) Those tenants wishing to exchange their tenancies must notify in writing the local authority or authorities which granted the tenancy of their intention to exchange.
- (3) Unless a local authority refuses consent under subsection (4) or consents conditionally under subsection (5), written consent under subsection (1) must be provided within a period of 42 days, beginning on the day written notification under subsection (2) is received. 40

- (4) A local authority may refuse consent to an exchange of tenancies on the following grounds –
- (a) notice of termination has been served, or an application for a court order made, under section 1 of this Act against one or both of the tenants concerned, 5
 - (b) a court order has been made under section 2 of this Act against one or both of the tenants concerned,
 - (c) at least one of the tenancies was issued in consequence of employment, or
 - (d) one of the tenancies was issued with provisions relating specifically to a physically disabled or elderly person or a person with other special needs and those provisions would not apply to the other party to the exchange. 10
- (5) A local authority may consent to an exchange of tenancies on condition that any outstanding rent or licence fees are paid in full or any breach to the terms of the tenancy are remedied to the satisfaction of the local authority before the exchange takes place. 15
- (6) If a local authority fails to respond to written notification under subsection (2) within the 42 day period stipulated in subsection (3) then it will be deemed that the local authority has consented to the exchange. 20

17 Interpretation

In this Act –

- “caravan” has the meaning given in section 16 of the Caravan Sites Act 1968 (c. 52);
- “court” has the same meaning as in section 5 of the Caravan Sites Act 1968; 25
- “demoted tenancy” has the meaning given in section 10 of this Act;
- “gypsies and travellers” has the meaning given in section 225 of the Housing Act 2004 (c. 34);
- “introductory tenancy” has the meaning given in section 4 of this Act;
- “local authority” has the same meaning as in section 16 of the Caravan Sites Act 1968; 30
- “local authority caravan site” has the meaning given in section 1 of this Act;
- “local authority caravan site providing accommodation to gypsies and travellers” shall be construed in accordance with the provisions of paragraph 11A of Schedule 1 to the Caravan Sites and Control of Development Act 1960 (c. 2); 35
- “secure tenancy” has the meaning given in section 1 of this Act;
- “tenancy” and “tenant” shall be construed in accordance with the provisions of section 1 of this Act. 40

18 Short title, commencement and extent

- (1) This Act may be cited as the Caravan Sites (Security of Tenure) Act 2006.
- (2) This Act shall come into force at the expiration of the period of one month beginning with the day on which it is passed.
- (3) This Act extends to England and Wales only. 45

SCHEDULE

Section 2

GROUND ON WHICH A COURT MAY TERMINATE A SECURE TENANCY

PART 1

GROUND ON WHICH A COURT MAY ORDER TERMINATION OF SECURE TENANCY IF IT CONSIDERS IT REASONABLE 5

1 The grounds on which a court may order the termination of a secure tenancy, if it considers it reasonable, are as follows.

Ground 1

2 Rent or licence fees lawfully due from the occupier have not been paid or an obligation of the secure tenancy has been broken or not performed. 10

Ground 2

3 The occupier, or a person residing with or visiting him, or a person visiting someone who resides with him – 15

- (a) has been guilty of conduct causing or likely to cause a nuisance or annoyance to a person residing, visiting or otherwise engaging in a lawful activity in the locality, or
- (b) has been convicted of – 20
 - (i) using the caravan or any associated facilities, or allowing them to be used, for immoral or illegal purposes, or
 - (ii) an arrestable offence committed in, or in the locality, of the caravan or any associated facilities.

Ground 3

4 The caravan was occupied (whether alone or with others) by a married couple or a couple living together as husband and wife and – 25

- (a) one or both of the partners is the occupier,
- (b) one partner has left because of violence or threats of violence by the other towards – 30
 - (i) that partner, or
 - (ii) a member of the family of that partner who was residing with that partner immediately before the partner left, and
- (c) the court is satisfied that the partner who has left is unlikely to return.

Ground 4

5 The condition of the caravan, any associated facilities, or any of the common parts of the caravan site has deteriorated owing to acts of waste by, or neglect or default of, the occupier or a person residing with him and, in the case of 35

an act of waste by, or the neglect or default of, a person lodging with the occupier or a sub-tenant of his, the occupier has not taken such steps as he ought reasonably to have taken for the removal of the lodger or sub-tenant.

Ground 5

- 6 The condition of furniture provided by the local authority for use under the secure tenancy, or for use in the common parts of the caravan site, has deteriorated owing to ill-treatment by the occupier or a person residing with him and, in the case of ill-treatment by a person lodging with the occupier or a sub-tenant of his, the occupier has not taken such steps as he ought reasonably to have taken for the removal of the lodger or sub-tenant. 5
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Ground 6

- 7 The occupier is the person, or one of the persons, to whom the secure tenancy was granted and the local authority was induced to grant the secure tenancy by a false statement made knowingly or recklessly by – 15
(a) the occupier, or
(b) a person acting on the occupier's instigation.

Ground 7

- 8 (1) The secure tenancy was assigned to the occupier, or to a predecessor in title of his who is a member of his family and is residing on the caravan site and a premium was paid in connection with that assignment. 20
(2) In this paragraph 'premium' means any fine or other like sum or any other pecuniary consideration in addition to rent or a licence fee.

Ground 8

- 9 Work is being carried out on the caravan site to which the secure tenancy applies ("the original secure tenancy") necessitating the removal of the occupier (or a predecessor in title of his) to another part of the caravan site or to a different caravan site, in relation to which another secure tenancy ("the second secure tenancy") has been granted, and – 25
(a) the occupier (or predecessor) accepted the second secure tenancy on the understanding that he would give up occupation when, on completion of the works, the original secure tenancy could again be taken up, and 30
(b) the works have been completed and the original secure tenancy may be so taken up.

PART 2

35

GROUND 10 ON WHICH A COURT MAY ORDER TERMINATION OF SECURE TENANCY IF SUITABLE ALTERNATIVE FACILITIES ARE AVAILABLE

- 10 The grounds on which a court may order the termination of a secure tenancy if suitable alternative facilities are available are as follows.

Ground 9

- 11 The local authority intends within a reasonable time of the termination of the secure tenancy –
- (a) to close or redevelop the caravan site or the part of the site to which the secure tenancy relates, or 5
 - (b) to carry out work on that site or on land let together with, and thus treated as part of, the caravan site.
- and cannot reasonably do so without the secure tenancy being terminated.

PART 3

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 GROUNDS ON WHICH A COURT MAY ORDER TERMINATION OF SECURE TENANCY IF IT
 CONSIDERS IT REASONABLE TO DO SO AND SUITABLE ALTERNATIVE FACILITIES ARE
 AVAILABLE

- 12 The grounds on which a court may order the termination of a secure tenancy if it considers it reasonable to do so and if suitable alternative facilities are available are as follows. 15

Ground 10

- 13 The occupier, or a predecessor in title of his, was granted the secure tenancy in consequence of the occupier or predecessor being in the employment of the local authority and that employment has ceased; and the local authority reasonably requires the termination of the secure tenancy in order to grant a secure tenancy to some other person either engaged in the employment of the local authority, or with whom a contract for such employment has been entered into conditional on a secure tenancy being granted. 20

Ground 11

- 14 The secure tenancy includes provisions which are substantially different from those of ordinary secure tenancies and which are designed to make it suitable for granting to a physically disabled person who requires facilities of a kind relating to that secure tenancy, and – 25
- (a) the occupier does not require facilities intended for a physically disabled person, and 30
 - (b) the local authority requires the facilities for use (whether alone or with members of his family) by such a person.

Ground 12

- 15 (1) The secure tenancy includes provisions which are substantially different from those of ordinary secure tenancies and which are designed to make it suitable for granting to a person with special needs who requires facilities of a kind relating to that secure tenancy, and – 35
- (a) the occupier does not require facilities intended for a person with special needs, and
 - (b) the local authority requires the facilities for use (whether alone or with members of his family) by such a person. 40

- (2) In this paragraph –

“special needs” shall have the same meaning as in schedule 2 of the Housing Act 1985 (c. 68).

Ground 13

- 16 The facilities afforded by the secure tenancy are more extensive than are reasonably required by the occupier and— 5
- (a) the secure tenancy vested in the occupier by virtue of succession, the occupier being qualified to succeed by virtue of section 15 of this Act, and
 - (b) notice seeking possession of land occupied under the secure tenancy was served more than six months but less than twelve months after the date of the previous occupier’s death. 10
- 17 The matters to be taken into account by the court in determining whether it is reasonable to make an order on this ground include—
- (a) the age of the occupier,
 - (b) the period during which the occupier has occupied the caravan as his only or principal home, and 15
 - (c) any financial or other support given by the occupier to the previous occupier.

PART 4

SUITABILITY OF FACILITIES 20

- 18 For the purposes of Parts 2 and 3 of this Schedule, facilities are suitable if they may be the subject of a separate secure tenancy and, in the opinion of the court, they are reasonably suitable to the needs of the occupier and his family.
- 19 In determining whether facilities are “reasonably suitable”, in accordance with paragraph 18, the court shall have regard to the following factors— 25
- (a) the nature of the facilities which it is the practice of the local authority to allocate to persons with similar needs;
 - (b) the distance of the facilities from the place of work or education of the occupier and any members of his family; 30
 - (c) the distance of the facilities from the home of any member of the occupier’s family, if proximity is essential to that person’s or the occupier’s well-being;
 - (d) the needs (as regard extent of facilities) and means of the occupier and his family; and 35
 - (e) the terms on which the facilities are available and the terms of the secure tenancy.

Caravan Sites (Security of Tenure)

A

B I L L

To make provision for security of tenure for gypsies and travellers on local authority caravan sites; and for connected purposes.

*Ordered to be brought in by Julie Morgan,
Mr David Amess, Ms Karen Buck,
Mr Martin Caton, Harry Cohen, Jeremy Corbyn,
Mr David Drew, Nick Harvey, Kelvin Hopkins,
Bob Russell, Mr Andrew Slaughter and
Mrs Betty Williams.*

*Ordered, by The House of Commons,
to be Printed, 4th July 2006.*

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