



# Housing (Scotland) Act 2006

## 2006 asp 1

### PART 6

#### MOBILE HOMES

#### 171 Amendments: harassment and eviction of occupiers of mobile homes

(1) The Caravan Sites Act 1968 (c. 52) is amended as follows—

(a) in section 1(2) (meaning of “protected site”), for “or 11A of Schedule 1 to that Act (exemption of gypsy and other” substitute “of Schedule 1 to that Act (exemption of”,

(b) in section 3 (protection of occupiers against eviction and harassment)—

(i) for paragraph (c) of subsection (1) substitute—

“(c) if, whether during the subsistence or after the expiration or determination of a residential contract, the person—

(i) does anything likely to interfere with the peace or comfort of the occupier or persons residing with the occupier; or

(ii) 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) knows, or has reasonable cause to believe, that that conduct is likely to cause the occupier to abandon the occupation of the caravan or remove it from the site or to refrain from exercising any right or pursuing any remedy in relation to the caravan.”,

(ii) subsections (1A) and (1B) are repealed,

(iii) in subsection (3) (penalties for offences), for the words from “liable” to the end substitute “liable on summary conviction—

(a) in the case of a first offence, to a fine not exceeding the statutory maximum;

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*Status: This is the original version (as it was originally enacted).*

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- (b) in the case of a second or subsequent offence, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding 6 months, or to both.”
    - (iv) for subsection (4A), substitute—
      - “(4A) In proceedings for an offence under subsection (1)(c) of this section it shall be a defence to prove that the accused had reasonable grounds for doing the acts or withdrawing or withholding the services or facilities in question.”
  - (c) in section 4(6) (restriction on suspension of eviction orders), for the words from “if” to the end of paragraph (b) substitute “if—
    - (a) no site licence under Part 1 of the Caravan Sites and Control of Development Act 1960 (c. 62) is in force in respect of the site; and
    - (b) paragraph 11 of Schedule 1 to that Act does not apply;”.
- (2) The amendments made by subsections (1)(a) and (b) do not apply in relation to conduct occurring before the day on which those provisions comes into force.
- (3) The amendment made by subsection (1)(c) does not apply in relation to proceedings begun before the day on which that provision comes into force.