



## 2011 CHAPTER 12

### **PART 3**

#### **PROTECTION OF RESIDENTIAL OCCUPIERS FROM EVICTION AND HARASSMENT**

##### **Provision for suspension of eviction orders**

**13.—**(1) If in proceedings by the owner of a protected site the court makes an order for enforcing in relation thereto any such right as is mentioned in section 12(2), the court may—

- (a) suspend the enforcement of the order for such period not exceeding 12 months from the date of the order as the court thinks reasonable; and
- (b) if it does so, impose such terms and conditions, including conditions as to the payment of rent or other periodical payments or of arrears of such rent or payments, as the court thinks reasonable.

(2) Subsection (1)(a) is—

- (a) without prejudice to any power apart from this section to postpone the operation or suspend the execution of an order, and
- (b) subject to the following provisions of this section.

(3) The court may from time to time, on the application of either party—

- (a) extend, reduce or terminate the period of suspension ordered under subsection (1)(a), or
- (b) vary any terms or conditions imposed under subsection (1)(b),

but the court shall not extend the period of suspension for more than 12 months at a time.

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*Changes to legislation: There are currently no known outstanding effects for the Caravans Act (Northern Ireland) 2011, Section 13. (See end of Document for details)*

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(4) In considering whether or how to exercise its powers under this section, the court shall have regard to all the circumstances, and in particular—

- (a) whether the occupier has failed, whether before or after the expiration or determination of the relevant residential agreement, to observe—
  - (i) any terms or conditions of that agreement,
  - (ii) any conditions of the site licence, or
  - (iii) any reasonable rules made by the owner for the management and conduct of the site or the maintenance of caravans on the site;
- (b) whether the occupier has unreasonably refused an offer by the owner to renew the residential agreement or make another such agreement for a reasonable period and on reasonable terms;
- (c) whether the occupier has failed to make reasonable efforts to obtain elsewhere other suitable accommodation for the occupier's caravan (or, as the case may be, another suitable caravan and accommodation for it).

(5) Where the court makes such an order as is mentioned in subsection (1) but suspends the enforcement of that order by virtue of this section, the court shall make no order for costs unless it appears to the court, having regard to the conduct of the owner or of the occupier, that there are special reasons for making such an order.

(6) The court shall not suspend the enforcement of an order by virtue of this section if—

- (a) no site licence is in force in respect of the site, and
- (b) paragraph 11 of the Schedule to the Caravans Act (exemption for sites owned by council) does not apply.

(7) Where a site licence in respect of the site is expressed to expire at the end of a specified period, the period for which enforcement may be suspended by virtue of this section shall not extend beyond the expiration of the licence.

(8) The power of the court under subsection (1) to suspend the enforcement of an order applies to any order made but not executed before commencement.

**Changes to legislation:**

There are currently no known outstanding effects for the Caravans Act (Northern Ireland) 2011, Section 13.