EXPLANATORY MEMORANDUM TO

THE HOUSING AND REGENERATION ACT 2008 (CONSEQUENTIAL AMENDMENTS TO THE MOBILE HOMES ACT 1983) ORDER 2011

2011 No.

THE MOBILE HOMES ACT 1983 (AMENDMENT OF SCHEDULE 1 AND CONSEQUENTIAL AMENDMENTS) (ENGLAND) ORDER 2011

2011 No.

1. This explanatory memorandum has been prepared by the Department for Communities and Local Government and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

2.1 Section 318 of the Housing and Regeneration Act 2008 ("the 2008 Act") removes the exclusion of local authority (borough or district council in England) Gypsy and Traveller sites from the Mobile Homes Act 1983 ("the 1983 Act"). The main effect of this is that residents of such sites will become subject to the 1983 Act and their agreements, to which the Caravan Sites Act 1968 applies at the moment, will become agreements to which the 1983 Act also applies. Schedule 1 to the 1983 Act sets out the implied terms which are included in agreements made under the Act. The amendments to Schedule 1 to the 1983 Act provide a separate set of implied terms for agreements to occupy pitches on local authority and county council Gypsy and Traveller sites. These new implied terms will apply to new agreements in relation to such sites which are made on or after 30th April 2011. However the order commencing section 318 of the 2008 Act ("the Commencement Order", a draft of which is attached to this memorandum for reference at Annex A) will include transitional provisions applying the new implied terms into existing agreements to occupy pitches on local authority Gypsy and Traveller sites (but not into existing agreements to occupy pitches on county council Gypsy and Traveller sites as the 1983 Act has applied to such agreements since January 2005).

2.2 These Orders also make amendments to the 1983 Act some of which are consequential on the amendments to Schedule 1 and some of which are consequential on applying the Act to local authority Gypsy and Traveller sites.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 Article 3 of the Commencement Order provides that the repeals brought into force when section 318 is commenced will not apply for the purposes of the operation of sections 1(3), (4) and (6) and 2(2) to (4) of the 1983 Act in relation to transit pitches on local authority Gypsy and Traveller sites. The Housing and Regeneration (Consequential Amendments to the Mobile Homes Act 1983) Order 2011 ("the Consequential Amendments Order") reproduces the effect of that saving as a textual amendment on the face of the 1983 Act. As county councils often share Gypsy and Traveller sites with, or let them to, other local authorities for new agreements in

relation to pitches on county council Gypsy and Traveller sites having made provision for pitches on local authority sites it is consequential on that to also amend provision for pitches on county council sites. (NB existing agreements on county council sites are unaffected by the provisions of these Orders)

4. Legislative Context

4.1 Section 318 of the 2008 Act amends the definition of a "protected site" in section 5 of the 1983 Act by removing the exclusion for "land occupied by a local authority as a caravan site providing accommodation for gipsies". The 1983 Act confers a certain security of tenure, and other rights and responsibilities, on those with agreements to station a caravan on a protected site.

4.2 The Consequential Amendments Order is made under sections 320 and 321 of the 2008 Act and makes amendments which are consequential on the 1983 Act applying to local authority Gypsy and Traveller sites.

4.3 The Mobile Homes Act 1983 (Amendment of Schedule 1 and Consequential Amendments) (England) Order 2011 ("the Schedule 1 Order") is made under section 2A of the 1983 Act and amends the implied terms which are to be included in agreements in respect of pitches on local authority (district and borough councils) and county council Gypsy and Traveller sites in England. The existing Part 1 of Schedule 1 to the 1983 Act would be divided into Chapters, Chapter 1 setting out the application and interpretation of Part 1 of Schedule 1, Chapter 2 setting out the implied terms for all sites in England and Wales (except local authority Gypsy and Traveller sites), except for one small amendment these implied terms are the ones currently in Part 1 of Schedule 1. Chapters 3 and 4 set out the implied terms for transit and permanent pitches on local authority Gypsy and Traveller sites.

4.4 The provisions of the Schedule 1 Order and then the Consequential Amendments Order will come into force on 30th April 2011, immediately after section 318 of the 2008 Act is commenced. The intention is for the Commencement Order to include transitional provision for residents with subsisting agreements on that date.

5. Territorial Extent and Application

5.1 These Orders extend to England and Wales. The amendments to Schedule 1 to the 1983 Act in the Schedule 1 Order apply to local authority and county council Gypsy and Traveller sites in England only. The amendments in the Consequential Amendments Order apply to Gypsy and Traveller sites in England only.

6. European Convention on Human Rights

The Secretary of State for Communities and Local Government has made the following statement regarding Human Rights:

In my view the provisions of the Housing and Regeneration Act 2008 (Consequential Amendments to the Mobile Homes Act 1983) Order 2011 and the provisions of the Mobile Homes Act 1983 (Amendment of the Schedule 1 and Consequential Amendments) (England) Order 2011 are compatible with the Convention rights

7. Policy background

What is being done and why

7.1 Unlike residents of other residential mobile home sites, Gypsies and Travellers currently occupy pitches on local authority sites under licences made under the Caravan Sites Act 1968. This Act provides limited protection from eviction and harassment. In particular, in order to evict

a person from one of these sites, a local authority need only give four weeks notice to terminate the licence, without needing to provide a reason and seek a possession order from the court. The court does not have the opportunity to consider whether it is reasonable to grant the order, although it can suspend the possession order for up to a year at a time.

7.2 The European Court of Human Rights ruled in the case of *Connors v United Kingdom* (2005) 40 EHRR 9 that the lack of procedural safeguards for Gypsies and Travellers facing eviction from local authority owned sites was incompatible with Article 8 of the European Convention on Human Rights, which provides a right to respect for a person's private, home and family life.

7.3 By contrast, under the 1983 Act residents occupy pitches under agreements which include a number of implied terms that are set out in Part 1 of Schedule 1 to that Act. In particular, the implied terms provide that in order to evict a resident under the 1983 Act a site owner must prove that a term of the agreement has been breached and that it is reasonable to terminate it, and seek a possession order. It also gives a number of other rights and responsibilities to site owners and residents.

7.4 The Schedule 1 Order inserts new sets of implied terms for agreements relating to local authority and county council Gypsy and Traveller sites. These terms differ from the current implied terms, in particular, in that theyl:

- disapply the right to assign the agreement when the caravan is sold;
- disapply a number of the implied terms where the pitch is a transit pitch.

7.5 The new implied terms for local authority and county council Gypsy and Traveller sites arise from views expressed by partners, and following public consultation (see below).

7.6 To ensure that existing residents of local authority Gypsy and Traveller sites are aware of their rights and responsibilities under the 1983 Act, the Commencement Order will make transitory provision to require local authorities to give a written statement to the existing occupiers of permanent pitches within 28 days of 30th April 2011.

Consultation

7.7 Communities and Local Government held a number of partner engagement events across the country in 2007/8 with both local authorities (district, borough and county councils) and Gypsies and Travellers to explain the provisions of the 1983 Act and to seek feedback on applying them to Gypsy and Traveller sites. Concerns were raised at these meetings about the impact some of the provisions of the 1983 Act could have on these sites. There was particular concern about the provisions enabling residents to assign an agreement if they sold their caravan. The main concern was that this would cut across local authority allocation policies for their sites, leading to pitches being occupied by those most able to pay for them rather than those most in need. The feedback from the partner engagement events helped inform the consultation document *Implementing the Mobile Homes Act 1983 on local authority Gypsy and Traveller sites* which is available on the Communities and Local Government website at:

Thttp://www.communities.gov.uk/archived/publications/housing/implementingmobilehomesact

7.8 The consultation offered two options for dealing with the concerns expressed about assignment: disapply the provisions relating to assignment on local authority and county council Gypsy and Traveller sites; or amend the provisions to require authorities to consider the needs of other Gypsies and Travellers in their area as well the proposed assignee in deciding whether to approve the assignment. It also proposed disapplying a provision that enables a person who inherits the caravan, where there is no family member living with the resident when they die, to assign the agreement. The remaining proposals were for minor amendments relating to repairs and

refurbishment which would enable authorities to require residents to move their caravan to a pitch on a different site to allow for extensive refurbishment work, and clarification that the authority's responsibility for repairs extends to the amenity blocks and other facilities that they provide on a pitch on one of their Gypsy and Traveller sites.

8. Consultation outcome

8.1 The consultation period ran from 25 September to 19 December 2008 and there were 52 responses. A Government response has been published and is available on the Communities and Local Government website at:

http://www.communities.gov.uk/publications/planningandbuilding/implementinghomesresponses

8.2 On assignment, 26 respondents were in favour of the option to disapply the provisions on assignment in relation to local authority and county council Gypsy and Traveller sites and 16 respondents (all local authorities and county councils) preferred the second option that would allow assignment with requirements on approval. Some local authority respondents said they did not want to be placed in the position where they would have to make a decision on the approval of a proposed assignee under Option 2. Disapplying the mandatory implied terms on assignment will not prevent the parties to the agreement providing a right to assign in the express terms of an agreement. A further 6 respondents proposed further options similar to the rights available to social housing tenants, that is, assignment to someone who would succeed to an agreement and assignment by exchange - again, parties would not be prevented from providing for this in the express terms of an agreement.

8.3 Respondents supported the Government's proposal to disapply the provision which enables a person who inherits a caravan on a resident's death, if there is no family member living with the resident when they die, to have the agreement transferred to him. However the Government decided not to pursue this amendment because it does not now consider that the 2008 Act provides the necessary powers to amend the 1983 Act in this way.

8.4 Respondents were in agreement (often unanimously) with the remaining proposals for minor amendments relating to site repairs and refurbishment.

8.5 Three respondents to the consultation questioned how the 1983 Act would apply to transit pitches. Transit pitches are intended as temporary accommodation (for up to 3 months) for Gypsies and Travellers who are travelling through an area. Residents on a transit pitch often have a licence that specifies the length of time they can stay on the pitch. Providing a level of security of tenure on transit pitches equal to that on residential pitches would undermine their purpose; potentially making them unavailable both for Gypsies and Travellers leading a nomadic life and for local authorities who may need to use transit pitches in order to be able to take more effective enforcement action against unauthorised encampments. As a result of further enquiries with local authorities who provide transit pitches, the Order disapplies many of the standard implied terms of Part 1 of Schedule 1 to the 1983 Act which would be inappropriate for temporary accommodation. The Order replicates as far as possible the arrangements currently in place on existing transit pitches.

8.6 Two respondents disagreed with the policy of applying the 1983 Act to local authority Gypsy and Traveller sites, one arguing that the rights of Gypsies and Travellers on local authority sites should be aligned with tenants in conventional social housing. The Government considers that local authority gypsy and traveller sites share characteristics with other types of caravan site accommodation, such as 'Park Home' sites, private and county council Gypsy and Traveller sites and should therefore be covered by the same legislation.

9. Guidance

9.1 There is no proposal to issue any guidance for this instrument.

10. Impact

10.1 There is no impact on business, charities or voluntary bodies as result of this instrument.

10.2 The impact on the public sector is set out in the attached Impact Assessment. There will be a one-off administrative cost of applying the 1983 Act to residents: drawing up and issuing new agreements. There will also be a new burden for local authorities of ongoing costs of dealing with disputes arising under the 1983 Act.

11. Regulating small business

11.1 The legislation does not apply to small businesses.

12. Monitoring & review

12.1 Communities and Local Government will monitor implementation of this policy through the National Association of Gypsy and Traveller Liaison Officers (NAGTO) – the organisation for local authority officers working with Gypsies and Travellers – and through the Department's meetings with Gypsy and Traveller representative groups. The Department will undertake an evaluation of the policy three years after implementation.

13. Contact

13.1 Philip Davies at the Department for Communities and Local Government
Tel: 0303 444 2081 or e-mail: philip.davies@communities.gov.uk can answer any queries regarding the instrument.

ANNEX A

STATUTORY INSTRUMENTS

2011 No. (C.)

HOUSING, ENGLAND

The Housing and Regeneration Act 2008 (Commencement No. 8 and Transitional, Transitory and Saving Provisions) Order 2011

Made - - - -

The Secretary of State, in exercise of the powers conferred by sections 320, 322 and 325 of the Housing and Regeneration Act 2008([1]), makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Housing and Regeneration Act 2008 (Commencement No.8 and Transitional, Transitory and Saving Provisions) Order 2011.

(2) In this Order—

"the 1983 Act" means the Mobile Homes Act 1983([2]);

"the 2008 Act" means the Housing and Regeneration Act 2008;

"commencement date" means 30th April 2011;

"existing agreement" means a local authority agreement which is made before the commencement date;

"gypsies and travellers" means persons of nomadic habit of life, whatever their race or origin, but does not include members of an organised group of travelling showpeople, or persons engaged in travelling circuses, travelling together as such([3]);

"local authority agreement" means an agreement under which a person is entitled to station a mobile home on a local authority gypsy and traveller site in England;

"local authority gypsy and traveller site" means any land which is occupied by a local authority as a caravan site providing accommodation for gypsies and travellers;

"permanent pitch" means a pitch on which a person is entitled to station a mobile home under the terms of an agreement to which the 1983 Act applies and which is not a transit pitch;

"pitch" means land, forming part of a local authority gypsy and traveller site in England and including any garden area, on which a person is entitled to station a mobile home; and

"transit pitch" means a pitch on which a person is entitled to station a mobile home, under the terms of an agreement to which the 1983 Act applies, for a fixed period of up to 3 months.

(3) Other expressions used, but not defined, in this Order and which are used in the 1983 Act have the same meaning in this Order as they have in the 1983 Act.

([1]) 2008 c. 17.
([2]) 1983 c. 34.
([3]) Section 5 of the Mobile Homes Act 1983, before amendment by section 318 of the Housing and Regeneration Act 2008 (c. 17), provides that the 1983 Act does not apply to land occupied by a local authority as a caravan site providing accommodation for gipsies. The definition of 'gipsies' which this exclusion relied upon was repealed by section 80 of the Criminal Justice and Public Order Act 1994 (c. 33), though it was saved for the purpose of interpreting section 5. This definition of 'gypsies and travellers' derives from that saved definition.

Commencement: local authority gypsy and traveller sites

2.—(1) Section 318 (protected mobile home sites to include sites for gypsies and travellers) of the 2008 Act comes into force on the commencement date in relation to local authority gypsy and traveller sites in England.

(2) Section 321(1) (repeals) of, and Schedule 16 to, the 2008 Act come into force on the commencement date in relation to local authority gypsy and traveller sites in England so far as they relate to the following repeals—

Title	*Repeal*
Mobile Homes Act 1983 (c. 34)	In section 5(1), in the definition of "protected site", the words from "does not include" to "that,".
Criminal Justice and Public Order Act 1994 (c. 33)	In section 80(4), the words from "in the definition" to "1983 or".

(3) Paragraphs (1) and (2) are subject to articles 3 to 7.

Transit pitches: saving for certain purposes of the 1983 Act

3. The repeals made by the provisions brought into force by article 2 do not apply for the purposes of the operation of sections 1(3), (4) and (6) and 2(2) to (4) of the 1983 Act([4]) in relation to a transit pitch.

Existing agreements: general transitional provision

4. Subject to article 5, the 1983 Act applies to an existing agreement as it would apply to a local authority agreement made after the coming into force of the provisions brought into force by article 2 and the Mobile Homes Act 1983 (Amendment of Schedule 1 and Consequential Amendments) (England) Order 2011([5]).

Existing agreements: transitional disapplication of certain terms and obligations

5. Notwithstanding article 4—

(a) sections 1(2) to (9) and 2(2) to (4) of the 1983 Act do not apply to an existing agreement, and

(b) in relation to an existing agreement—

(i) paragraphs 3 and 4 (termination) of Chapter 3, or paragraphs 3 to 6 (termination) of Chapter 4, of Part 1 of Schedule 1 to the 1983 Act([6]), whichever Chapter may be applicable in a particular case, do not apply for the purposes of any proceedings commenced before the commencement date in which termination of the agreement is at issue;

(ii) paragraph 8 (re-siting of mobile home) of Chapter 4 of Part 1 of that Schedule does not apply to a requirement that the occupier's right to station the mobile home is exercisable for any period in relation to another pitch where the requirement is made before the commencement date;

(iii) paragraph 15(2) and (6) to (11) (pitch fee) of Chapter 4 of Part 1 of that Schedule does not apply in relation to the first pitch fee review under that agreement where the pitch fee review date for that review is within 28 days of the commencement date;

(iv) paragraph 16 (pitch fee) of Chapter 4 of Part 1 of that Schedule does not apply where works relating to an improvement were carried out before the commencement date;

(v) paragraph 19(c) and (d) (occupier's obligations) of Chapter 4 of Part 1 of that Schedule may not be enforced in relation to any breach of the agreement which occurs within 3 months of the commencement date;

(vi) paragraph 19(e) (occupier's obligations) of Chapter 4 of Part 1 of that Schedule does not apply in relation to costs and expenses incurred before the commencement date;

(vii) paragraph 20(f) (owner's obligations) of Chapter 4 of Part 1 of that Schedule does not apply where works relating to the improvements start before, or within the period of 28 days beginning with, the commencement date; and

(viii) paragraph 20(g) (owner's obligations) of Chapter 4 of Part 1 of that Schedule does not apply in relation to any matter which arises before, or within the period of 28 days beginning with, the commencement date.

([4]) 1983 c. 34. In England and Wales, section 1 was substituted, and section 2 was amended, by sections 206 and 265 of, and paragraph 9 of Schedule 15 to, the Housing Act 2004 (c. 34).

([5]) S.I. 2011/[????]

([6]) Chapters 3 and 4 of Part 1 of Schedule 1 to the 1983 Act were inserted by the Mobile Homes Act 1983 (Amendment of Schedule 1 and Consequential Amendments) (England) Order 2011.

Existing agreements: local authority's duty to provide a written statement

6.—(1) In relation to an existing agreement in respect of a pitch which, by virtue of this Order, becomes a permanent pitch, the local authority must within the period of 28 days beginning with the commencement date give to the other party to the agreement a written statement which complies with the following paragraphs.

(2) The written statement must—

(a) specify the names and addresses of the parties,

(b) include particulars of the pitch that are sufficient to identify it,

(c) set out the express terms contained in the agreement,

(d) set out the terms to be implied terms by virtue of the application of the 1983 Act to the agreement, and

(e) be in the form set out in the Schedule to this Order or a form substantially to the same effect.

(3) Subject to paragraph (4), if any express term—

(a) is contained in the agreement, but

(b) was not set out in a written statement given to the other party in accordance with paragraph (1),

the term is unenforceable by the local authority or any person within section 3(1) of the 1983 Act.

(4) Where the local authority fails to give the other party to the agreement a written statement in accordance with paragraph (1), the other party may, at any time after the 28 days mentioned in that paragraph has expired, apply to a tribunal for an order requiring the local authority—

(a) to give the person a written statement which complies with paragraph (2)(a) to (e), and

(b) to do so not later than such date as is specified in the order.

(5) In paragraph (4) "tribunal" has the same meaning as in the 1983 Act and a tribunal's jurisdiction under that paragraph is to be treated as jurisdiction under the 1983 Act.

(6) A statement required to be given to a person under this article may be either delivered to them personally or sent by post.

(7) A written statement under this article is not to be treated as a written statement for the purposes of section 1 or 2 of the 1983 Act.

(8) A written statement under this article is to be treated as a written statement for the purposes of Chapter 4 of Part 1 of Schedule 1 to the 1983 Act.

Existing agreements: general saving

7. The repeals made by the provisions brought into force by article 2 do not affect any right or liability which has accrued in relation to an existing agreement or any remedy in respect of any such right or liability.

Signed by authority of the Secretary of State for Communities and Local Government

Name
Parliamentary Under Secretary of State
Date Department

SCHEDULE

Article 6(2)

Written Statement in relation to the Mobile Homes Act 1983

IMPORTANT – PLEASE READ THIS STATEMENT CAREFULLY AND KEEP IT IN A SAFE PLACE. IT SETS OUT THE TERMS ON WHICH YOU ARE ENTITLED TO KEEP YOUR MOBILE HOME ON SITE AND TELLS YOU ABOUT THE RIGHTS WHICH ARE GIVEN TO YOU BY LAW. IF THERE IS ANYTHING YOU DO NOT UNDERSTAND YOU SHOULD GET ADVICE (FOR EXAMPLE FROM A SOLICITOR OR A CITIZENS ADVICE BUREAU).

PART 1

Express Terms (other than those specified in Part 4)

1. The Mobile Homes Act 1983 ("the 1983 Act") applies to the agreement.

Parties to the agreement

2. The parties to the agreement are—

……

(*Name and address of person entitled to station a mobile home on the pitch*)

……

(*Name and address of the local authority*)

Start date

3. The agreement began on…….. (*insert date*)

Particulars of the pitch

4. The particulars of the land on which you are entitled to station your mobile home are—

……..……
……....……
……..……

Plan

5. A plan showing—

(a) the size and location of the pitch;

(b) the size of the base on which the mobile home is stationed; and

(c) measurements between identifiable fixed points on the site and the pitch and base;

is attached to this statement.

Local authority's interest

6. The local authority's estate or interest in the land will end on……..

(*If this statement applies insert date*); or

The local authority's planning permission for the site will end on…….

(*If this statement applies insert date*)

This means that your right to stay on the site will not continue after either of these dates unless the local authority's interest or planning permission is extended. (*If only one of these statements applies, cross out the words which do not apply. If neither of these statements apply, delete this paragraph.*)

Pitch fee

7. The pitch fee is payable weekly/monthly/quarterly/annually

(*Cross out the words which do not apply*)

The pitch fee is…….

The following services are included in the pitch fee—

Water

Sewerage

……

……

(*Cross out the services which are not included and add any others which are included in the pitch fee*)

Review of pitch fee

8. The pitch fee will be reviewed on…… (*Insert date*)

This date is the review date.

Additional charges

9. An additional charge is made for the following matters—

……

……

……

(*List the matters for which an additional charge is made*)

PART 2

Information about your rights

The 1983 Act

10. Because you have an agreement with a local authority which entitles you to keep your mobile home on its site and live in it as your home, you have certain rights under the 1983 Act, affecting in particular your security of tenure and the review of the pitch fee.

Implied terms

11. These rights, which are contained in the implied terms set out in Part 3 of this statement, apply automatically and cannot be overridden, so long as your agreement continues to be one to which the 1983 Act applies.

Express terms

12. If you are not happy with any of the express terms of your agreement (as set out in Part 4 of this statement) you should discuss them with the local authority, who may agree to change them.

Unfair terms

13. If you consider that any of the express terms of the agreement (as set out in Part 4 of this statement) are unfair, you can, in accordance with the provisions of the Unfair Terms in Consumer Contracts Regulations 1999([7]), complain to the Office of Fair Trading or any qualifying body.

PART 3

Implied Terms

Under the 1983 Act certain terms are automatically included in your agreement. These implied terms are set out in Part 1 of Schedule 1 to the 1983 Act.

(*Implied terms to be inserted by the local authority*)

PART 4

Express terms of the agreement

This part of the written statement sets out other terms of the agreement which are agreed between you and the local authority in addition to the implied terms.

(*Express terms to be inserted by the local authority*)

([7]) S.I. 1999/2083.

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 of this Order brings into force section 318 (protected mobile home sites to include sites for gypsies and travellers) of the Housing and Regeneration Act 2008 and related repeals in Schedule 16 to that Act. The provisions commenced result in the application of the Mobile Homes Act 1983 to local authority gypsy and traveller sites in England.

Articles 3 to 7 are transitional, transitory and saving provisions in relation to agreements for pitches on local authority gypsy and traveller sites.

Article 3 saves the disapplication of certain provisions in relation to agreements for transit pitches. Broadly these disapplications mean that the 28 day time limit for providing a written statement, the right to seek a court or tribunal order in relation to the giving of a written statement, and the right to apply to the court or tribunal to amend the terms of such an agreement, do not apply to these agreements.

Article 4 provides that on or after the commencement date the 1983 Act, as amended by section 318 of the 2008 Act and the Mobile Homes Act 1983 (Amendment of Schedule 1 and Consequential Amendments) (England) Order 2011, applies to existing agreements in the same way it applies to a new agreement entered into on that date.

Article 5 disapplies, in relation to existing agreement, certain provisions of section 1 of, and Schedule 1 to, the 1983 Act (inserted into that Act by the Mobile Homes Act 1983 (Amendment of Schedule 1 and Consequential Amendments) (England) Order 2011).

Article 6 is a transitory provision which requires local authorities to give a written statement to the occupiers of permanent pitches within 28 days of the commencement date and it (and the Schedule to the Order) sets out what such a statement must include.

Article 7 is a general saving provision to ensure that rights and liabilities under existing agreements are not affected by the application of the 1983 Act to these agreements.

An impact assessment has been prepared in respect of this Order. It has been deposited in the Library of each House of Parliament and is available from the Department for Communities and Local Government, Eland House, Bressenden Place, London SW1E 5DU or email gypsies@communities.gsi.gov.uk

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

Provision	*Date of Commencement*	*S.I. No.*
Sections 1 to 3 and Schedule 1	08.09.2008	2008/2358
Section 4	08.09.2008, 01.12.2008 and 01.04.2010	2008/2358, 2008/3068 and 2010/862
Sections 5 to 18 and Schedules 2 to 4	01.12.2008	2008/3068
Section 19	01.12.2008 and 01.04.2010	2008/3068 and 2010/862
Sections 20 to 30	01.12.2008	2008/3068
Section 31	01.04.2010	2010/862
Section 32 and 33	01.04.2009 and 01.04.2010	2009/803 and 2010/862
Section 34	01.04.2009	2009/803
Section 35	01.04.2010	2010/862
Section 36	01.04.2009	2009/803
Section 37	08.09.2008	2008/2358
Sections 38 to 43	01.12.2008	2008/3068
Section 44	08.09.2008	2008/2358
Section 45	01.12.2008	2008/3068
Sections 46 and 47	08.09.2008	2008/2358
Section 48	01.12.2008	2008/3068
Section 49	08.09.2008	2008/2358
Section 50 and Schedule 5	08.09.2008, 01.12.2008 and 01.04.2009	2008/2358, 2008/3068 and 2009/803

Section 51 and Schedules 6 and 7	08.09.2008	2008/2358
Sections 52 to 55	08.09.2008	2008/2358
Section 56 and Schedule 8	08.09.2008, 01.12.2008, 01.04.2009 and 01.04.2010	2008/2358, 2008/3068, 2009/803 and 2010/862
Section 57	08.09.2008, 01.12.2008 and 01.04.2010	2008/2358, 2008/3068 and 2010/862
Section 58	08.09.2008, 01.12.2008, 01.04.09 and 01.04.2010	2008/2358, 2008/3068, 2009/803 and 2010/862
Section 59	08.09.2008	2008/2358
Sections 60 to 63	01.04.2010	2010/862
Section 64	16.02.2009 and 01.04.2010	2009/363 and 2010/862
Sections 65 to 71 and Schedules 6 and 7	08.09.2008 and 01.04.2010	2008/2358 and 2010/862
Section 72	08.09.2008	2008/2358
Sections 73 to 80	08.09.2008 and 01.04.2010	2008/2358 and 2010/862
Sections 81 to 85	08.09.2008	2008/2358
Section 86	08.09.2008 and 01.04.2010	2008/2358 and 2010/862
Sections 87 to 92	08.09.2008	2008/2358
Section 93	08.09.2008 and 01.04.2009	2008/2358 and 2009/803
Section 94	01.04.2010	2010/862
Section 95 to 98	08.09.2008 and 01.04.2010	2008/2358 and 2010/862
Sections 99 to 104	08.09.2008	2008/2358
Section 105	08.09.2008	2008/2358
Sections 106 to 111	01.04.2010	2010/862
Sections 112 and 113	08.09.2008 and 01.04.2010	2008/2358 and 2010/862
Section 114	08.09.2008 and 07.09.09	2008/2358 2009/2096
Section 115	01.04.2010	2010/862
Section 116	08.09.2008 and 01.04.2010	2008/2358 and 2010/862
Section 117	08.09.2008 and 01.04.2010	2008/2358 and 2010/862
Section 118	01.04.2010	2010/862
Section 119	08.09.2008 and 01.04.2010	2008/2358 and 2010/862
Section 120 to 126	01.04.2010	2010/862
Section 127	08.09.2008 and 01.04.2010	2008/2358 and 2010/862
Section 128 to 130	01.04.2010	2010/862
Section 131	08.09.2008 and 01.04.2010	2008/2358 and 2010/862
Section 132 to 143	01.04.2010	2010/862
Sections 144 and 145	01.04.2009 and 01.04.2010	2009/803 and 2010/862
Sections 146 to 173	01.04.2009 and 01.04.2010	2009/803 and 2010/862
Section 174	08.09.2008 and 01.04.2010	2008/2358 and 2010/862
Section 175 to 191	01.04.2010	2010/862

Sections 192 to 197	08.09.2008	2008/2358
Section 198	08.09.2008 and 01.04.2010	2008/2358 and 2010/862
Section 199 to 201	01.04.2010	2010/862
Section 202	08.09.2008 and 01.04.2010	2008/2358 and 2010/862
Sections 203 to 211	01.04.2010	2010/862
Section 212	08.09.2008 and 01.04.2010	2008/2358 and 2010/862
Section 213	01.04.2010	2010/862
Section 214	08.09.2008 and 01.04.2010	2008/2358 and 2010/862
Section 215	08.09.2008 and 01.04.2010	2008/2358 and 2010/862
Section 216	08.09.2008	2008/2358
Sections 217 to 227	01.04.2010	2010/862
Section 228	01.04.2009 and 01.04.2010	2009/803 and 2010/862
Sections 229 to 233	01.04.2010	2010/862
Section 234	01.04.2009 and 01.04.2010	2009/803 and 2010/862
Sections 235 to 239	01.04.2010	2010/862
Section 240	01.04.2009 and 01.04.2010	2009/803 and 2010/862
Section 241 to 243	01.04.2010	2010/862
Section 244	01.04.2009 and 01.04.2010	2009/803 and 2010/862
Section 245 to 274	01.04.2010	2010/862
Sections 275 and 276	08.09.2008 and 01.04.2010	2008/2358 and 2010/862
Section 277 and Schedule 9	08.09.2008, 01.12.2008, 01.04.2009 and 01.04.2010	2008/2358, 2008/3068, 2009/803 and 2010/862
Section 278	01.04.2010	2010/862
Sections 295 and 296	01.12.2008	2008/3068
Section 297	01.01.2009	2008/3068
Section 298	01.12.2008 and 01.01.2009	2008/3068
Section 299 and Schedule 11	01.12.2008 and 20.05.2009	2008/3068 and 2009/1261
Section 300	07.09.09	2009/2096
Sections 301 and 302	01.12.2008 and 07.09.09	2008/3068 and 2009/2096
Section 303 and Schedule 12 (partially)	01.12.2008	2008/3068
Section 308	01.12.2008	2008/3068
Section 309	01.12.2008 and 06.04.2009	2008/2068 and 2009/803
Section 311 and Schedule 14	01.12.2008	2008/3068
Section 314 and Schedule 15 (partially)	02.03.09	2009/415
Section 315 (partially)	01.12.2008	2008/3068
Section 316	07.09.09	2009/2096
Section 317	22.09.2008	2008/2358
Section 321 and Schedule 16 (partially)	22.09.2008, 01.12.08, 02.03.09, 01.04.2009 20.05.2009 and 07.09.09	2008/2358, 2008/3068, 2009/415, 2009/803, 2009/1261 and 2009/2096