

LEGAL AID, SENTENCING AND PUNISHMENT OF OFFENDERS BILL

AND

GYSIES AND TRAVELLERS

THE MOBILE HOMES ACT 1983

1. The Mobile Homes Act (MHA) 1983 has, since its inception, applied to non-local authority rented Gypsy/Traveller sites but there was a specific exclusion for local authority sites. Following the European Court of Human Rights (ECtHR) judgment in *Connors v UK* in 2004 when the ECtHR concluded that the eviction of Mr Connors without him being able to present his case in court amounted to a breach of his rights under Article 8 (the right to respect for private and family life and home), the Government stated they would amend the law. After much delay local authority sites finally came under the MHA 1983 on 30th April 2011.
2. The MHA 1983 was extensively amended as of 30th April 2011. Though the vast majority of possession actions are now to be taken in county courts, all other disputes will be dealt with by the Residential Property Tribunal. Legal aid is not available for such tribunals though initial advice and assistance is available under the Legal Help scheme.
3. The Legal Aid Bill will remove legal aid, including the Legal Help scheme, from all MHA 1983 cases except for possession actions (which come under 'loss of home' in Schedule 1 Part 1 of the Bill – the part that lists the services that remain within scope).
4. Thus for many Gypsies and Travellers on rented sites they will be deprived of legal advice of any sort to deal with cases involving: succession; re-siting of the mobile home; rent increases; repairs etc
5. Unfortunately many Gypsy and Traveller residents have previously suffered educational disadvantage. It is well known that there are high levels of literacy problems in the Gypsy and Traveller community. In addition the above matters can be very complex in legal terms.
6. All that is being called for here is initial advice. Even that is being taken away.
7. The Equality Impact Assessment that accompanies the Bill does not even mention Gypsies and Travellers.
8. We would put forward the following amendment:
Advice under the Legal Help Scheme is available for matters arising under the Mobile Homes Act 1983.

Community Law Partnership
July 24th 2011