

Résolution CM/ResDH(2013)174
Connors contre Royaume-Uni
Exécution de l'arrêt de la Cour européenne des droits de l'homme

(Requête n° 66746/01, arrêt du 27 mai 2004, définitif le 27 août 2004)

*(adoptée par le Comité des Ministres le 11 septembre 2013,
lors de la 1177e réunion des Délégués des Ministres)*

Le Comité des Ministres, en vertu de l'article 46, paragraphe 2, de la Convention de sauvegarde des droits de l'homme et des libertés fondamentales, qui prévoit que le Comité surveille l'exécution des arrêts définitifs de la Cour européenne des droits de l'homme (ci-après nommées « la Convention » et « la Cour »),

Vu l'arrêt définitif qui a été transmis par la Cour au Comité dans l'affaire ci-dessus et la violation constatée ;

Rappelant l'obligation de l'Etat défendeur, en vertu de l'article 46, paragraphe 1, de la Convention, de se conformer aux arrêts définitifs dans les litiges auxquels il est partie et que cette obligation implique, outre le paiement de la satisfaction équitable octroyée par la Cour, l'adoption par les autorités de l'Etat défendeur, si nécessaire :

- de mesures individuelles pour mettre fin aux violations constatées et en effacer les conséquences, dans la mesure du possible par *restitutio in integrum* ; et
- de mesures générales permettant de prévenir des violations semblables ;

Ayant invité le gouvernement de l'Etat défendeur à informer le Comité des mesures prises pour se conformer à l'obligation susmentionnée ;

Ayant examiné le bilan d'action fourni par le gouvernement indiquant les mesures adoptées afin d'exécuter l'arrêt, y compris les informations fournies en ce qui concerne le paiement de la satisfaction équitable octroyée par la Cour (voir document DH-DD(2013)348) ;

S'étant assuré que toutes les mesures requises par l'article 46, paragraphe 1, ont été adoptées,

DECLARE qu'il a rempli ses fonctions en vertu de l'article 46, paragraphe 2, de la Convention dans cette affaire et

DECIDE d'en clore l'examen.

**Execution of judgments of the European Court of Human Rights
Action report**

**Connors v. United Kingdom (Application No. 66746/01)
Information submitted by the United Kingdom Government on 11 March 2013
(anglais uniquement)**

Case summary

1. Case description:

Prior to 2005, Gypsies and Travellers who occupied pitches on local authority sites ('local authority Gypsy and Traveller sites') were provided limited statutory protection from eviction under the Caravan Sites Act 1968. In order to evict a Gypsy or Traveller from their site, a local authority needed to only give twenty eight days' notice to terminate the licence. If the resident did not leave, the authority could seek a possession order from the court. The authority did not need to provide a justification to seek a possession order, and the court did not have an opportunity to consider whether it was reasonable to grant the order.

In 2004, in the case of Connors v. United Kingdom, the European Court of Human Rights ruled that the lack of procedural safeguards to eviction from local authority Gypsy and Traveller sites breached Article 8 of the European Convention for Human Rights, which provides a right to respect for private, family and home life.

Individual measures

2. Just satisfaction:

The just satisfaction award was paid in 2004. Evidence was previously submitted.

3. Other individual measures:

No further individual measures are required.

General measures

4. General measures:

The government has brought into force in England and Wales legislation that provides improved protection against eviction for occupiers of local authority Gypsy and Traveller sites. Amendments made to the Caravan Sites Act 1968 by the Housing Act 2004 enable the courts to suspend, for up to twelve months at a time, the enforcement of a possession order made in respect of local authority Gypsy/Traveller sites.

In addition, the Housing and Regeneration Act 2008, which received Royal Assent on 22/07/2008, amends the Mobile Homes Act 1983 so as to confer greater security of tenure on those living on residential caravan sites. Section 318 of the 2008 Act amends the definition of "protected site" in the Mobile Homes Act 1983, extending the protections in the 1983 Act to local authority Gypsy and Traveller sites. In order to evict a Gypsy or Traveller from their site a local authority will need to satisfy the court that (i) a term of the agreement to occupy a pitch has been breached and the occupier has failed to comply with a notice to remedy the breach, and (ii) it is reasonable to terminate the agreement.

On 25 September 2008, the government published a consultation paper "Implementing the Mobile Homes Act 1983 on local authority Gypsy and Traveller sites". The consultation paper related to proposals for amendments to the 1983 Act in respect of local authority Gypsy and Traveller sites in England, and transitional provisions. The consultation was completed on 19 December 2008 and a summary of consultation responses was published on 11 October 2010:
<http://www.communities.gov.uk/publications/planningandbuilding/implementinghomesresponses>

Secondary legislation bringing into force section 318 and amendments to the implied terms of the 1983 Act for local authority and county council Gypsy and Traveller sites in England came into force on 30/04/11:
<http://www.legislation.gov.uk/ukdsi/2011/9780111506011/contents>
<http://www.legislation.gov.uk/ukdsi/2011/9780111505991/contents>
<http://www.legislation.gov.uk/ukdsi/2011/1002/contents/made>

Section 318 of the Housing and Regeneration Act 2008 is not yet in force in Wales, but the Welsh Government is committed to implementation and the provision is expected to enter into force on 26 June 2013. The Committee of Ministers is now supervising implementation of the Court's judgment in *Buckland v. United Kingdom* which addresses the situation in Wales.

5. Publication:

The judgment of the European Court was published in the European Human Rights Reports at (2005) 40 EHRR 9.

It was listed on the BAILLI website: <http://www.bailii.org/eu/cases/ECHR/2004/223.html>

It was also published in the Times Law Report: (2004) Times, 10 June

6. Dissemination:

The Department for Communities and Local Government issued a guidance document "Applying the Mobile Homes Act 1983 on local authority Traveller sites" to all local authorities in England in April 2011:

<http://www.communities.gov.uk/publications/planningandbuilding/mobilehomesguidance>

This guidance was sent out to local authorities so that they would be aware of the changes that would apply to their Traveller sites following implementation of legislation to improve protection against eviction for occupiers of local authority Gypsy and Traveller sites in England.

7. State of execution of judgment:

The Court, in paragraph 69 of its judgment in *Buckland v. United Kingdom*, indicated that once the amendment to the Mobile Homes Act 1983 has entered into force, the domestic courts are able to assess the proportionality of a proposed eviction in compliance with the procedural requirements of Article 8. The government therefore considers that *Connors* has been implemented in England.

The outstanding point of implementation relating to Wales will be dealt with in the implementing the *Buckland* judgment. The government therefore considers that supervision of execution of the *Connors* judgment can be closed.