



Ministry
of Justice

The Right Honourable
Lord Keen of Elie QC

Chris Johnson
The Community Law Partnership
4th Floor, Ruskin Chambers
191 Corporation Street
Birmingham B4 6RP

Your ref: 2250\10\CJ\gme
MoJ ref: 77399

14 May 2020

Dear Chris

EVICTION ACTIONS AGAINST GYPSIES AND TRAVELLERS

Thank you for your letter of 30 March, addressed to the Lord Chancellor, The Rt. Hon. Robert Buckland QC, MP, regarding the evictions or threatened evictions against Gypsies and Travellers. I am responding to your correspondence, as this falls within my portfolio.

I apologise for the delayed response. I note and share your concerns about the treatment of Gypsies and Travellers at this time particularly in light of the Government's advice about staying at home and social distancing.

I should clarify that the Ministry of Housing, Communities and Local Government (MHCLG) has policy responsibility for Gypsies and Travellers while the Ministry of Justice (MoJ) is responsible for the courts and court procedures for possession. It is on this basis that we worked with MHCLG to produce Practice Direction 51Z which imposes a stay of 90 days on proceedings for possession brought under Civil Procedure Rules (CPR) Part 55 and all proceedings seeking to enforce an order for possession by a warrant or writ of possession; the stay does not apply to such proceedings when brought against trespassers under CPR r.55.6 and is made in the interests of the proper administration of justice and in the interests of protecting public health by limiting the movement of people in the present health crisis. This practice is only current during the Covid-19 crisis and the Government measures are intended to protect renters affected by coronavirus.

However, I understand there are other options for evicting travellers which are criminal sanctions operated by the police and local authority. You will need to consult MHCLG on the measures they have in place to protect the traveling community at this time. I am sure you will appreciate that as far as the justice system is concerned, it has to be fair in its handling of all matters, and as such the overriding objective of the Civil Procedure Rules is to enable the courts to deal with cases justly and at proportionate cost.

In response to the coronavirus the Lord Chief Justice has issued various messages to the judiciary noting the vital importance that the administration of justice does not grind to a halt. This included "our immediate aim is to maintain a service to the public, ensure as many hearings in all jurisdictions can proceed and continue to deal with all urgent matters". As such, HMCTS have issued guidance agreed with


the senior judiciary at a national level that all courts and tribunals hear matters relating to urgent and vitally important issues such as the deprivation of liberty, public safety, and individuals' rights and welfare. It is, therefore, judicial discretion which cases are listed and heard at this time given the very limited court capacity and resource

My officials have contacted MHCLG and have been informed that on 11 April, the Minister for Communities wrote to all local authority chief executives to highlight that some Gypsies and Travellers may need specific support, including access to basic services such as water, sanitation and waste disposal. It is understood that many local authorities have already put in place measures to protect those that need help.

The Minister for Rough Sleeping and Housing also wrote to caravan site owners and managers on 27 March to ensure people who live permanently in caravan parks or are staying in caravan parks while their primary residence is unavailable may continue to do so:
<https://www.gov.uk/government/publications/letter-from-minister-hall-to-caravan-and-park-home-owners>.

Local authorities are best-placed to determine when it is appropriate to use their powers under Sections 77 and 78 of the Criminal Justice and Public Order Act (1994). However, they should consider how best to support Gypsy and Traveller communities in their area.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Ken J. Elie". The signature is written in a cursive, slightly slanted style.

RT HON LORD KEEN OF ELIE QC