



Caravan Sites and Control of Development Act 1960

1960 CHAPTER 62

PART I

CARAVAN SITES

Miscellaneous and supplemental

25 Registers of site licences

- (1) Every local authority shall keep a register of site licences issued in respect of land situated in their area, and every such register shall be open for inspection by the public at all reasonable times.
- (2) Where under subsection (2) or subsection (4) of section ten of this Act a local authority endorse on a site licence the name of any person in the circumstances described in those subsections, they shall record his name, and the date entered in the licence, in the register of site licences.

26 Power of entry of officers of local authorities

- (1) Subject to the provisions of this section, any authorised officer of a local authority shall, on producing, if so required, some duly authenticated document showing his authority, have a right at all reasonable hours to enter any land which is used as a caravan site or in respect of which an application for a site licence has been made,—
 - (a) for the purpose of enabling the local authority to determine what conditions should be attached to a site licence or whether conditions attached to a site licence should be altered;
 - (b) for the purpose of ascertaining whether there is, or has been, on or in connection with the land any contravention of the provisions of this Part of this Act;

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- (c) for the purpose of ascertaining whether or not circumstances exist which would authorise the local authority to take any action, or execute any work, under this Part of this Act;
- (d) for the purpose of taking any action, or executing any work, authorised by this Part of this Act to be taken or executed by the local authority:

Provided that admission to any land shall not be demanded as of right unless twenty-four hours notice of the intended entry has been given to the occupier.

- (2) If it is shown to the satisfaction of a justice of the peace—
 - (a) that admission to any land has been refused, or that refusal is apprehended, or that the occupier of the land is temporarily absent and the case is one of urgency, or that an application for admission would defeat the object of the entry; and
 - (b) that there is reasonable ground for entering on the land for any such purpose as is mentioned in subsection (1) of this section,

the justice may by warrant under his hand authorise the local authority by any authorised officer to enter the land, if need be by force:

Provided that such a warrant shall not be issued unless the justice is satisfied either that notice of the intention to apply for the warrant has been given to the occupier, or that the occupier is temporarily absent and the case is one of urgency, or that the giving of such notice would defeat the object of the entry.

- (3) An authorised officer entering any land by virtue of this section, or of a warrant issued thereunder, may take with him such other persons as may be necessary.
- (4) Every warrant granted under this section shall continue in force until the purpose for which the entry is necessary has been satisfied.
- (5) A person who wilfully obstructs any person acting in the execution of this section, or of a warrant under this section, shall be liable on summary conviction to a fine not exceeding five pounds.

27 Power of Minister to repeal or amend local enactments

- (1) The Minister may within the period of two years beginning with the commencement of this Act by order repeal or amend any provision in any local Act passed before the commencement of this Act or in any order or other instrument made under an Act of Parliament before the commencement of this Act, where it appears to him that that provision is superseded by or inconsistent with the provisions of this Part of this Act.
- (2) Before making an order under this section the Minister shall consult with any local authority, and with the council of any county, in any part of whose area the local Act or instrument is in force.
- (3) An order made under this section—
 - (a) may contain such transitional, supplemental or incidental provisions as appear to the Minister to be expedient, and
 - (b) shall be made by statutory instrument.

28 Crown land

The provisions of this Part of this Act relating to site licences shall apply to land the occupier of which is not the Crown notwithstanding that an interest in the land belongs to Her Majesty in right of the Crown or of the Duchy of Lancaster, or to the Duchy of Cornwall, or belongs to a government department or is held in trust for Her Majesty for the purposes of a government department.

29 Interpretation of Part I

(1) In this Part of this Act, unless the context otherwise requires—

" caravan " means any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted, but does not include—

(a) any railway rolling stock which is for the time being on rails forming part of a railway system, or

(b) any tent;

" caravan site " has the meaning assigned to it by subsection (4) of section one of this Act;

" development order " means an order made under section thirteen of the Act of 1947 (under which orders may be made which, in some cases, themselves grant permission for development and, in other cases, provide that permission shall be granted on an application in that behalf);

" existing site " has the meaning assigned to it by section thirteen of this Act;

" local authority " means a council of a borough or urban or rural district and the Council of the Isles of Scilly;

" occupier " has the meaning assigned to it by subsection (3) of section one of this Act and "occupied" and " occupation " shall be construed accordingly;

" site licence " has the meaning assigned to it by subsection (1) of section one of this Act;

" the Minister " means the Minister of Housing and Local Government.

(2) Any reference in this Part of this Act to the carrying out of works shall include a reference to the planting of trees and shrubs and the carrying out of other operations for preserving or enhancing the amenity of land.

(3) For the purposes of any provision of this Part of this Act relating to the expiration of permission granted under Part III of the Act of 1947 for any use of land, permission granted for the use of land for intermittent periods shall not be regarded as expiring at any time so long as the permission authorises the use of the land for further intermittent periods.

(4) Any reference in this Part of this Act to permission granted under Part III of the Act of 1947 for the use of land as a caravan site shall be taken as a reference to such permission whether or not restricted in any way or subject to any condition or limitation, and any reference in this Part of this Act to such permission shall include a reference to permission deemed to be granted under the said Part III.

(5) In this Part of this Act references to the local planning authority shall, where appropriate, be taken as references to any local authority to whom any of the functions of the local planning authority under Part III of the Act of 1947 have been delegated.

30 Part repeal of s. 269, Public Health Act, 1936

- (1) Section two hundred and sixty-nine of the Public Health Act, 1936 (which empowers local authorities in England and Wales, excluding London, to control by means of licences the use of movable dwellings within their areas) shall cease to have effect in relation to caravans ; and in subsection (5) of that section, paragraph (ii) thereof (which exempts from the provisions of the said section a movable dwelling belonging to and regularly used by a travelling showman in the course of travelling for the purposes of his business) shall be omitted.
- (2) Any condition contained in a licence which, at the commencement of this Act, is held by the occupier of any land under the said section two hundred and sixty-nine shall, until such time as a site licence is issued in respect of that land, continue to have effect as if subsection (1) of this section had not been enacted; and, subsection (7) of the said section two hundred and sixty-nine (which imposes penalties for failure to comply with a condition attached to a licence granted under that section) shall apply to any failure on the part of an occupier of land to comply with any condition having effect by virtue of this subsection, not being a condition limiting the number of caravans which may be stationed on the land.

31 Exclusion of London from Part I

Except as otherwise expressly provided, this Part of this Act shall not apply to land in the administrative county of London.

32 Application of Part I to Scotland

- (1) This Part of this Act shall apply to Scotland with the following modifications:—
- (a) for any reference to the Minister there shall be substituted a reference to the Secretary of State;
 - (b) for any reference to the Act of 1947 there shall be substituted a reference to the Town and Country Planning (Scotland) Act, 1947; and for any reference to any Part or section of the Act of 1947 specified in the first column of the following table there shall be substituted a reference to the Part or section of the Town and Country Planning (Scotland) Act, 1947, specified in relation thereto in the second column of that table:—

TABLE

Part or section of Act of 1947	Part or section of Town and Country Planning (Scotland) Act, 1947
Part III	Part II
Section twelve	Section ten
Section thirteen	Section eleven
Section sixteen	Section fourteen
Section twenty-three	Section twenty-one
Section twenty-six	Section twenty-four

- (c) for any reference, in relation to any land, to a magistrates' court acting for the petty sessions area in which the land is situated there shall be substituted

a reference to the sheriff having jurisdiction in the place where the land is situated ;

- (d) any reference in subsection (3) of section one, or in section twelve, of this Act to a licence in relation to land (except in the expression " site licence ") shall be construed as a reference to a grant of any right or permission relating to the land but not amounting to an estate or interest therein ;
- (e) in section nine, for subsection (2) there shall be substituted the following subsections:—

“(2) Where a person convicted under this section for failing to comply with a condition attached to a site licence has on two or more previous occasions been convicted thereunder for failing to comply with a condition attached to that licence, the court before whom he is convicted may, if the court thinks fit, make an order for the revocation of the said site licence.

(2A) The holder of a site licence in respect of which an order is made under the last foregoing subsection may, without prejudice to any other form of appeal under any rule of law, appeal against the order in the same manner as against a conviction; and an order so made shall not come into force—

- (a) until the expiration of the period of fourteen days commencing with the date on which the order was made or such longer or extended period so commencing as may be specified by the court either in the said order or subsequently from time to time on application in that behalf by the holder of the site licence ; nor
- (b) if an appeal against the order or the conviction which gave rise thereto is duly taken within the said period of fourteen days or, as the case may be, any longer or extended period specified under the foregoing paragraph, until the date when that appeal is determined or abandoned or deemed to have been abandoned.”

and, in subsection (3), for the reference to a simple contract debt there shall be substituted a reference to a civil debt;

- (f) in section sixteen, in subsection (1), paragraph (c) shall be omitted;
- (g) in section seventeen, in subsection (2), for the references to sections thirty-six and thirty-seven of the Town and Country Planning Act, 1959, there shall be substituted references respectively to sections thirty-five and thirty-six of the Town and Country Planning (Scotland) Act, 1959;
- (h) in section twenty-four—
 - (i) in subsection (1), the words " within their area " shall be omitted;
 - (ii) in subsection (6), for the reference to the Acquisition of Land (Authorisation Procedure) Act, 1946, there shall be substituted a reference to the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947; and
 - (iii) in subsection (8) for the words from " the council of a county " to the end of the subsection there shall be substituted the words " a district council within the meaning of section thirty-nine of the Local Government (Scotland) Act, 1947 ";
- (i) in section twenty-six, any reference to a justice of the peace shall be construed as including a reference to a sheriff;

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- (j) in section twenty-seven in subsection (2), the words " and with the council of any county" shall be omitted;
 - (k) in section twenty-nine—
 - (i) in subsection (1), for the definition of " local authority " there shall be substituted the following definition:—
 - “ local authority ' means, in relation to a burgh, the town council and, in relation to a county (exclusive of any burgh situated therein), the county council;”
 - and the definition of " the Minister" shall be omitted;
 - (ii) subsection (5) shall be omitted ;
 - (l) the following sections shall be omitted, that is to say, section twenty-three, section thirty and section thirty-one.
- (2) On any appeal to the sheriff under section seven or section eight of this Act as modified by this section—
- (a) the procedure (including rules as to expenses) shall be such as the Court of Session may by act of sederunt determine; and
 - (b) the decision of the sheriff shall be binding on all parties and shall be final:
- Provided that the sheriff may at any stage of the proceedings on the appeal, and shall if so directed by the Court of Session, state a case for the decision of that Court on any question of law arising in connection with the appeal; and an appeal to the House of Lords shall he, with the leave of the Court of Session or of the House of Lords, from any such decision of the Court of Session, which leave may be given on such terms as to costs or otherwise as the Court of Session or the House of Lords may determine.
- (3) Any reference in subsection (2) of section seven, or subsection (3) of section eight, of this Act to the period during which an appeal is pending shall include a reference to any period during which, by virtue of the proviso to the last foregoing subsection, any proceedings following on that appeal may be taken or are pending.
 - (4) The power of the Court of Session to make acts of sederunt under subsection (2) of this section shall be exercisable by statutory instrument, and the Statutory Instruments Act, 1946, shall apply to a statutory instrument containing an act of sederunt so made by the Court in like manner as if the act of sederunt had been made by a Minister of the Crown.
 - (5) Expenditure incurred by a district council in Scotland under this Act shall not be taken into account in any calculation as to the limit of one shilling per pound imposed on the district council by section two hundred and twenty-six of the Local Government (Scotland) Act, 1947.