



Public Health Act 1936

1936 CHAPTER 49 26 Geo 5 and 1 Edw 8

PART XI

MISCELLANEOUS

Tents, vans, sheds, &c.

268 Nuisances arising from, and byelaws and other matters relating to, tents, vans, &c.

- (1) The provisions of [^{F1}Part III of the Environmental Protection Act 1990 and Parts] . . .^{F2}, VII and XII of this Act, and the provisions of Part II relating to filthy or verminous premises or articles and verminous persons, shall apply in relation to tents, vans, sheds and similar structures used for human habitation as they apply in relation to other premises and as if a tent, van, shed or similar structure used for human habitation were a house or a building so used.
- (2) For the purposes of [^{F3}Part III of the Environmental Protection Act 1990] a tent, van, shed or similar structure used for human habitation—
 - (a) which is in such a state, or so overcrowded, as to be prejudicial to the health of the inmates; or
 - (b) the use of which, by reason of the absence of proper sanitary accommodation or otherwise, gives rise, whether on the site or on other land, to a nuisance or to conditions prejudicial to health,shall be a statutory nuisance, and the expression “occupier” in relation to a tent, van, shed or similar structure shall include any person for the time being in charge thereof.
- (3) Where such a nuisance as is mentioned in paragraph (b) of the preceding subsection is alleged to arise, wholly or in part, from the use for human habitation of any tent, van, shed or similar structure, then, without prejudice to the liability of the occupants or other users thereof, an abatement notice may be served on, and proceedings under [^{F4}Part III of the Environmental Protection Act 1990] may be taken against, the occupier of the land on which the tent, van, shed, or other structure is erected or stationed:

Status: Point in time view as at 14/06/2016.

Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1936, Cross Heading: Tents, vans, sheds, &c.. (See end of Document for details)

Provided that it shall be a defence for him to prove that he did not authorise the tent, van, shed or other structure to be stationed or erected on the land.

- (4) A local authority may make byelaws for promoting cleanliness in, and the habitable conditions of, tents, vans, sheds and similar structures used for human habitation, . . .^{F5} and generally for the prevention of nuisances in connection therewith.
- (5) The powers of a court before which proceedings are brought—
- (a) in respect of a statutory nuisance caused by, or arising in connection with, a tent, van, shed or similar structure used for human habitation; or
 - (b) in respect of any contravention of byelaws made under this section,
- shall include power to make an order prohibiting the use for human habitation of the tent, van, shed or other structure in question at such places, or within such area, as may be specified in the order.

Textual Amendments

- F1** Words substituted by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 162(1), **Sch. 15**, para. 4(4)(a)
- F2** Word repealed by [Public Health \(Control of Disease\) Act 1984 \(c. 22, SIF 100:1\)](#), s. 78, **Sch. 3**
- F3** Words substituted by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 162(1), **Sch. 15 para. 4(4)(b)**
- F4** Words substituted by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), s. 162(1), **Sch. 15 para. 4(4)(c)**
- F5** Words repealed by [Public Health \(Control of Disease\) Act 1984 \(c. 22, SIF 100:1\)](#), s. 78, **Sch. 3**

Modifications etc. (not altering text)

- C1** S. 268(3) extended by [Public Health \(Recurring Nuisances\) Act 1969 \(c. 25\)](#), s. 4(5)
- C2** S. 268(4) modified (10.1.1992) by [S.I. 1991/2913](#), art. 8, **Sch.2**.
- C3** S. 268(4) modified (E.) (24.3.2011) by [The Hull and Goole Port Health Authority Order 2011 \(S.I. 2011/939\)](#), arts. 1(1), 9, **Sch. 2**
- C4** S. 268(4) functions transferred and modified (E.) (14.6.2016) by [The River Tees Port Health Authority Order 2016 \(S.I. 2016/644\)](#), arts. 1(1), 9, **Sch. 2**

269 Power of local authority to control use of moveable dwellings.

- (1) For the purpose of regulating in accordance with the provisions of this section the use of moveable dwellings within their district, a local authority may grant—
- (i) licences authorising persons to allow land occupied by them within the district to be used as sites for moveable dwellings; and
 - (ii) licences authorising persons to erect or station, and use, such dwellings within the district;
- and may attach to any such licence such conditions as they think fit—
- (a) in the case of a licence authorising the use of land, with respect to the number and classes of moveable dwellings which may be kept thereon at the same time, and the space to be kept free between any two such dwellings, with respect to water supply, and for securing sanitary conditions;
 - (b) in the case of a licence authorising the use of a moveable dwelling, with respect to the use of that dwelling (including the space to be kept free between it and any other such dwelling) and its removal at the end of a specified period, and for securing sanitary conditions.

Status: Point in time view as at 14/06/2016.

Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1936, Cross Heading: Tents, vans, sheds, &c.. (See end of Document for details)

- (2) Subject to the provisions of this section, a person shall not allow any land occupied by him to be used for camping purposes on more than forty-two consecutive days or more than sixty days in any twelve consecutive months, unless either he holds in respect of the land so used such a licence from the local authority of the district as is mentioned in paragraph (i) of the preceding subsection, or each person using the land as a site for a moveable dwelling holds in respect of that dwelling such a licence from that authority as is mentioned in paragraph (ii) of the said subsection.

For the purposes of this subsection, land which is in the occupation of the same person as, and within one hundred yards of, a site on which there is during any part of any day a moveable dwelling shall be regarded as being used for camping purposes on that day.

- (3) Subject to the provisions of this section, a person shall not keep a moveable dwelling on any one site, or on two or more sites in succession, if any one of those sites is within one hundred yards of another of them, on more than forty-two consecutive days, or sixty days in any twelve consecutive months, unless either he holds in respect of that dwelling such a licence from the local authority of the district as is mentioned in paragraph (ii) of subsection (1) of this section, or the occupier of each piece of land on which the dwelling is kept holds in respect of that land such a licence from that authority as is mentioned in paragraph (i) of the said subsection.
- (4) Where under this section an application for a licence is made to a local authority, the authority shall be deemed to have granted it unconditionally, unless within four weeks from the receipt thereof they give notice to the applicant stating that his application is refused, or stating the conditions subject to which a licence is granted, and, if an applicant is aggrieved by the refusal of the authority to grant him a licence, or by any condition attached to a licence granted, he may appeal to a court of summary jurisdiction.
- (5) Nothing in this section applies—
- (i) to a moveable dwelling which—
 - (a) is kept by its owner on land occupied by him in connection with his dwelling-house and is used for habitation only by him or by members of his household; or
 - (b) is kept by its owner on agricultural land occupied by him and is used for habitation only at certain seasons and only by persons employed in farming operations on that land; or
 - (ii) . . . ^{F6}
 - (iii) to a moveable dwelling while it is not in use for human habitation and is being kept on premises the occupier of which permits no moveable dwellings to be kept thereon except such as are for the time being not in use for human habitation.
- (6) If an organisation satisfies the Minister that it takes reasonable steps for securing—
- (a) that camping sites belonging to or provided by it, or used by its members, are properly managed and kept in good sanitary condition; and
 - (b) that moveable dwellings used by its members are so used as not to give rise to any nuisance,

the Minister may grant to that organisation a certificate of exemption.

A certificate so granted may be withdrawn at any time, but while in force shall for the purposes of this section have the effect of a licence—

Status: Point in time view as at 14/06/2016.

Changes to legislation: There are currently no known outstanding effects for the Public Health Act 1936, Cross Heading: Tents, vans, sheds, &c.. (See end of Document for details)

- (i) authorising the use as a site for moveable dwellings of any camping ground belonging to, provided by or used by members of, the organisation;
- (ii) authorising any member of the organisation to erect or station on any site, and use, a moveable dwelling.

In this subsection the expression “member” in relation to an organisation includes a member of any branch or units of, or formed by, the organisation.

(7) A person who contravenes any of the provisions of this section, or fails to comply with any condition attached to a licence granted to him under this section, shall be liable to a fine not exceeding [^{F7}level 1 on the standard scale], and to a further fine not exceeding [^{F8}£2] for each day on which the offence continues after conviction therefor.

(8) For the purposes of this section—

- (i) the expression “moveable dwelling” includes any tent, any van or other conveyance whether on wheels or not, and, subject as hereinafter provided, any shed or similar structure, being a tent, conveyance or structure which is used either regularly, or at certain seasons only, or intermittently, for human habitation:

Provided that it does not include a structure to which [^{F9}building regulations] apply;

- (ii) the owner of land which is not let shall be deemed to be the occupier thereof;
- (iii) if a moveable dwelling is removed from the site on which it stands, but within forty-eight hours is brought back to the same site or to another site within one hundred yards thereof, then, for the purpose of reckoning any such period of forty-two consecutive days as is mentioned in subsection (2) or subsection (3) of this section, it shall be deemed not to have been removed or, as the case may be, to have been moved direct from the one site to the other.

(9) Subject as hereinafter provided, this section shall not apply to any district in which at the commencement of this Act there was in force a local Act containing provisions enabling the local authority to regulate, by means of byelaws or licences or otherwise, the use of moveable dwellings or camping grounds:

Provided that, on the application of the local authority, the Minister may declare this section to be in force in their district, and upon the declaration taking effect, such of the provisions of the local Act as may be specified in the declaration shall be repealed or, as the case may be, shall be repealed as respects the district of that authority.

Textual Amendments

- F6** S. 269(5)(ii) repealed by [Caravan Sites and Control of Development Act 1960 \(c. 62\), Sch. 4](#)
- F7** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), ss. 38, 46](#)
- F8** Words substituted by virtue of [Decimal Currency Act 1969 \(c. 19\), s. 10\(1\)](#)
- F9** Words substituted by virtue of [Building Act 1984 \(c. 55, SIF 15\), s. 133\(1\), Sch. 6 para. 3](#)

Modifications etc. (not altering text)

- C5** S. 269 repealed in relation to caravans, by [Caravan Sites and Control of Development Act 1960 \(c. 62\), s. 30](#)
- C6** S. 269(1): functions of local authority not to be the responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853, reg. 2\(1\), Sch. 1 para. B2](#)

Status:

Point in time view as at 14/06/2016.

Changes to legislation:

There are currently no known outstanding effects for the Public Health Act 1936, Cross Heading: Tents, vans, sheds, &c..