



Housing (Scotland) Act 2014

2014 asp 14

PART 5

MOBILE HOME SITES WITH PERMANENT RESIDENTS

Miscellaneous

82 Part 1A of the 1960 Act: miscellaneous provision

After section 32Z5 of the 1960 Act (inserted by section 81), insert—

“32Z6 Interpretation of Part 1A

(1) In this Part—

“emergency action notice” has the meaning given by section 32Z(5),
“emergency action report” has the meaning given by section 32Z(8),
“excepted permission” means a permission (by virtue of planning permission or a site licence under Part 1) to station a caravan on the land for human habitation all year round, if the caravan is, or is to be, authorised to be occupied by—

- (a) the occupier,
- (b) a person employed by the occupier but who does not occupy the caravan under an agreement to which section 1(1) of the Mobile Homes Act 1983 (c.34) applies,

“improvement notice” has the meaning given by section 32U(2),
“licence holder” means the person holding the Part 1A site licence,
“Part 1A site licence” has the meaning given by section 32A(1)(c),
“penalty notice” has the meaning given by section 32X(2),
“planning permission” means planning permission under Part 3 of the Town and Country Planning (Scotland) Act 1997 (c.8),
“relevant permanent site” means land in respect of which a site licence is required under Part 1, other than land for which the relevant planning permission or the site licence—

- (a) is expressed to be granted for holiday use only,

Status: This is the original version (as it was originally enacted).

- (b) is otherwise so expressed or subject to conditions that there are times of the year when no caravan may be stationed on the land for human habitation, or
 - (c) would meet the conditions in paragraph (a) or (b) if any excepted permission is disregarded,
- “relevant permanent site application” means, irrespective of the conditions in the relevant planning permission, an application for the issue or renewal of a Part 1A site licence authorising the use of land as a caravan site, other than an application for a licence—
- (a) to be expressed to be granted for holiday use only,
 - (b) to be otherwise so expressed or subject to conditions that there will be times of the year when no caravan may be stationed on the land for human habitation, or
 - (c) which would meet the conditions in paragraph (a) or (b) if any part of the application for excepted permission were disregarded.
- (2) Any reference in this Part to the sheriff is to the sheriff having jurisdiction in the place where the relevant permanent site is situated.
- (3) Otherwise, words and expressions (as modified by section 32) have the same meaning in this Part as in Part 1.

32Z7 Guidance

- (1) The Scottish Ministers may, after consulting such persons as they consider appropriate, publish guidance about the operation of this Part.
- (2) A local authority must have regard to any guidance published when carrying out its functions under this Part.”.