



# Caravan Sites and Control of Development Act 1960

1960 CHAPTER 62 8 and 9 Eliz 2

An Act to make further provision for the licensing and control of caravan sites, to authorise local authorities to provide and operate caravan sites, to amend the law relating to enforcement notices and certain other notices issued under Part III of the Town and Country Planning Act 1947, to amend sections twenty-six and one hundred and three of that Act and to explain other provisions in the said Part III; and for connected purposes. [29th July 1960]

## Modifications etc. (not altering text)

- C1** Act extended (5.7.1994) by [1994 c. 19, ss. 39, 66\(2\)\(b\)](#), [Sch. 13 para. 20\(b\)](#) (with [ss. 54\(5\)\(7\), 55\(5\), Sch. 17 paras. 22\(1\), 23\(2\)](#))  
Act (except Sch. 2 para. 6): transfer of functions (W.) (1.7.1999) by [S.I. 1999/672, art. 2](#), [Sch. 1](#)

## Commencement Information

- II** Act wholly in force at 29.8.1960 see [s. 50\(4\)](#)

## PART I

### CARAVAN SITES

## Modifications etc. (not altering text)

- C2** Pt. I extended by [London Government Act 1963 \(c. 33\)](#), [Sch. 17 para. 21\(1\)](#)  
**C3** Pt. I (ss. 1–32) applied (E.W.) by [Local Government Finance Act 1988 \(c. 41, SIF 81:1\)](#), [ss. 31\(7\), 66\(7\)](#)  
**C4** Pt. I (ss. 1–32) definition of caravan applied by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c. 47, SIF 81:2; 103:2\)](#), [s. 2\(3\)](#) (as amended by [Caravans \(Standard Community Charge and Rating\) Act 1991 \(c. 2, SIF 81:1,2\)](#), [s. 2\(1\)](#))

*Status: Point in time view as at 13/07/2016.*

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- C5** Pt. I (ss. 1-32) applied (E.W.) (6.3.1992) by [Local Government Finance Act 1992 \(c. 14\)](#), [s. 7\(6\)](#) (with [s. 118\(1\)\(2\)\(4\)](#)).

### *Licensing of caravan sites*

## **1 Prohibition of use of land as caravan site without site licence.**

- (1) Subject to the provisions of this Part of this Act, no occupier of land shall after the commencement of this Act cause or permit any part of the land to be used as a caravan site unless he is the holder of a site licence (that is to say, a licence under this Part of this Act authorising the use of land as a caravan site) for the time being in force as respects the land so used.

[<sup>F1</sup>(1A) Subsection (1) does not apply in relation to a regulated site within the meaning of the Mobile Homes (Wales) Act 2013.]

- (2) If the occupier of any land contravenes subsection (1) of this section he shall be guilty of an offence and liable on summary conviction[<sup>F2</sup>—

(a) where the land in question is in England, to a fine not exceeding level 5 on the standard scale;

(b) where the land in question is in Wales,]

in the case of the first offence to a fine not exceeding [<sup>F3</sup>one hundred pounds][<sup>F3</sup>level 4 on the standard scale], and, in the case of a second or subsequent offence, to a fine not exceeding [<sup>F3</sup>two hundred and fifty pounds][<sup>F3</sup>level 4 on the standard scale].

- (3) In this Part of this Act the expression “occupier” means, in relation to any land, the person who, by virtue of an estate or interest therein held by him, is entitled to possession thereof or would be so entitled but for the rights of any other person under any licence granted in respect of the land:

Provided that where land amounting to not more than four hundred square yards in area is let under a tenancy entered into with a view to the use of the land as a caravan site, the expression “occupier” means in relation to that land the person who would be entitled to possession of the land but for the rights of any person under that tenancy.

- (4) In this Part of this Act the expression “caravan site” means land on which a caravan is stationed for the purposes of human habitation and land which is used in conjunction with land on which a caravan is so stationed.

### **Textual Amendments**

- F1** S. 1(1A) inserted (E.W.) (5.11.2013) by [Mobile Homes \(Wales\) Act 2013 \(anaw 6\)](#), [s. 64\(1\)](#), [Sch. 4 para. 1\(2\)](#) (with [Sch. 5 para. 7](#)) (this amendment is to be treated as not having effect until 1.10.2014 by virtue of [S.I. 2014/11](#), art. 3(2))
- F2** S. 1(2)(a)(b) inserted (E.W.) (1.4.2014 for E.) by [Mobile Homes Act 2013 \(c. 14\)](#), [ss. 13\(1\)](#), [15\(2\)](#); [S.I. 2014/816](#), art. 2 (with art. 3)
- F3** Words “level 4 on the standard scale” substituted (S.) for words “one hundred pounds” and “two hundred and fifty pounds” by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289E–289G](#)

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#### **Modifications etc. (not altering text)**

- C6** **Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 35** (in relation to liability on first and subsequent convictions), 38 (increase of fines) and 46 (substitution of references to levels on the standard scale) apply (E.W.)

## **2 Exemptions from licensing requirements.**

No site licence shall be required for the use of land as a caravan site in any of the circumstances specified in the First Schedule to this Act and that Schedule shall have effect accordingly.

## **3 Issue of site licences by local authorities.**

- (1) An application for the issue of a site licence in respect of any land may be made by the occupier thereof to the local authority in whose area the land is situated.
- (2) An application under this section shall be in writing and shall specify the land in respect of which the application is made; and the applicant shall, either at the time of making the application or subsequently, give to the local authority such [<sup>F4</sup>other information as they may reasonably require]
- [<sup>F5</sup>(2A) A local authority in England may require a relevant protected site application in respect of land in their area to be accompanied by a fee fixed by the authority.]
- (3) A local authority may on an application under this section issue a site licence in respect of the land if, and only if, the applicant is, at the time when the site licence is issued, entitled to the benefit of a permission for the use of the land as a caravan site granted under Part III of the Act of 1947 otherwise than by a development order.
- (4) If at the date when the applicant duly gives the [<sup>F6</sup>information required by virtue of] subsection (2) of this section he is entitled to the benefit of such a permission as aforesaid, [<sup>F7</sup>the local authority may (where they are in England and are considering whether to grant a relevant protected site application) or shall (in any other case)] issue a site licence in respect of the land within two months of that date or, if the applicant and the local authority agree in writing that the local authority shall be afforded a longer period within which to grant a site licence, within the period so agreed.
- (5) If the applicant becomes entitled to the benefit of such a permission as aforesaid at some time after duly giving the [<sup>F6</sup>information required by virtue of] subsection (2) of this section [<sup>F8</sup>the local authority may (where they are in England and are considering whether to grant a relevant protected site application) or shall (in any other case)] issue a site licence in respect of the land within six weeks of the date on which he becomes so entitled or, if the applicant and the local authority agree in writing that the local authority shall be afforded a longer period within which to grant a site licence, within the period so agreed.
- [<sup>F9</sup>(5A) The Secretary of State may by regulations require a local authority in England to have regard to the prescribed matters when deciding whether to issue a site licence under subsection (4) or (5) on a relevant protected site application in respect of land in their area.
- (5B) The regulations may require a local authority in England, where they decide not to issue such a site licence under subsection (4) or (5), to notify the applicant of the

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reasons for the decision and of such right of appeal as may be conferred by virtue of subsection (5C).

(5C) The regulations may—

- (a) confer on an applicant under this section a right of appeal to [<sup>F10</sup>the tribunal] against a decision of a local authority in England not to issue a site licence as mentioned in subsection (5B);
- (b) provide that no compensation may be claimed for loss suffered in consequence of the decision pending the outcome of the appeal.

(5D) Regulations under this section—

- (a) may make incidental, supplementary, consequential, saving or transitional provision;
- (b) may make provision which applies generally (whether or not subject to exceptions) or in relation only to specified cases or descriptions of case;
- (c) may make different provision for different cases or descriptions of case (including different provision for different areas).

(5E) Regulations under this section must be made by statutory instrument.

(5F) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.]

(6) Notwithstanding anything in the foregoing provisions of this section, a local authority shall not at any time issue a site licence to a person who to their knowledge has held a site licence which has been revoked in pursuance of the provisions of this Part of this Act less than three years before that time.

[<sup>F11</sup>(7) In this Part, “relevant protected site application” means, subject to subsection (8), an application for a 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, or
- (b) to be otherwise so expressed or subject to such conditions that there will be times of the year when no caravan may be stationed on the land for human habitation;

whether or not because the relevant planning permission under Part 3 of the Town and Country Planning Act 1990 is so expressed or subject to such conditions.

(8) For the purpose of determining whether an application for a site licence is a relevant protected site application, any part of the application which is for the licence to permit the stationing of a caravan on the land for human habitation all year round is to be ignored if, were the application to be granted, the caravan would be so authorised to be occupied by—

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

#### Textual Amendments

**F4** Words substituted by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\), s. 1\(3\), Sch. 3 para. 10\(1\)](#)

**F5** S. 3(2A) inserted (E.W.) (1.4.2014) by [Mobile Homes Act 2013 \(c. 14\), ss. 1\(2\)\(a\), 15\(1\)](#)

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- F6** Words substituted by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\), s. 1\(3\), Sch. 3 para. 10\(2\)](#)
- F7** Words in s. 3(4) substituted (E.W.) (1.4.2014) by [Mobile Homes Act 2013 \(c. 14\), ss. 2\(1\), 15\(1\)](#)
- F8** Words in s. 3(5) substituted (E.W.) (1.4.2014) by [Mobile Homes Act 2013 \(c. 14\), ss. 2\(1\), 15\(1\)](#)
- F9** S. 3(5A)-(5F) inserted (E.W.) (1.4.2014) by [Mobile Homes Act 2013 \(c. 14\), ss. 2\(2\), 15\(1\)](#)
- F10** Words in s. 3(5C)(a) substituted (18.7.2014) by [The Transfer of Tribunal Functions \(Mobile Homes Act 2013 and Miscellaneous Amendments\) Order 2014 \(S.I. 2014/1900\), art. 1, Sch. 1 para. 2](#)
- F11** S. 3(7)(8) inserted (E.W.) (1.4.2014) by [Mobile Homes Act 2013 \(c. 14\), ss. 1\(2\)\(b\), 15\(1\)](#)

#### **Modifications etc. (not altering text)**

- C7** S. 3(3) modified (E.W.) (25.11.1991 for certain purposes) by [Town and Country Planning Act 1990 \(c.8, SIF 123:1\), s. 191\(7\)\(a\)](#) (as substituted (25.11.1991 for certain purposes) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\), s. 10\(1\)](#) (with s. 84(5)); S.I. 1991/2728, [art. 2](#)  
S. 3(3) modified (S.) (25.9.1992) by [Town and Country Planning \(Scotland\) Act 1972 \(c. 52, SIF 123:2\), s. 90\(7\)\(a\)](#) (as substituted by [Planning and Compensation Act 1991 \(c. 34, SIF 123:2\), ss. 42\(1\)](#) (with s. 84(5)); S.I. 1992/1937 art. 4)
- C8** S. 3(3) extended (S.) (27.5.1997) by [1997 c. 8, ss. 150\(7\)\(a\), 278\(2\)](#)  
S. 3(3): functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853, reg. 2\(1\), Sch. 1 Table B1](#)
- C9** S. 3(4) savings for effects of 2013 c. 14, s. 2(1) (E.) (1.4.2014) by [The Mobile Homes Act 2013 \(Commencement and Saving Provision\) \(England\) Order 2014 \(S.I. 2014/816\), art. 4](#)
- C10** S. 3(5) savings for effects of 2013 c. 14, s. 2(1) (E.) (1.4.2014) by [The Mobile Homes Act 2013 \(Commencement and Saving Provision\) \(England\) Order 2014 \(S.I. 2014/816\), art. 4](#)
- C11** S. 3(5A)-(5F) savings for effects of 2013 c. 14, s. 2(2) (E.) (1.4.2014) by [The Mobile Homes Act 2013 \(Commencement and Saving Provision\) \(England\) Order 2014 \(S.I. 2014/816\), art. 4](#)

## **4 Duration of site licences.**

- (1) Where permission for the use of any land as a caravan site has been granted under Part III of the Act of 1947 otherwise than by a development order, and has been so granted in terms such that it will expire at the end of a specified period, any site licence issued in respect of the land by virtue of the existence of that permission shall expire, and shall be stated to expire, at the end of that period; but, subject as aforesaid, a site licence shall not be issued for a limited period only.
- (2) If after a site licence is issued the terms of the said permission are varied by the Minister on an appeal under section sixteen of the Act of 1947, the local authority who issued the licence shall make in the site licence any alteration required to secure that its terms comply with the provisions of the foregoing subsection.

## **5 Power of local authority to attach conditions to site licences.**

- (1) A site licence issued by a local authority in respect of any land may be so issued subject to such conditions as the authority may think it necessary or desirable to impose on the occupier of the land in the interests of persons dwelling thereon in caravans, or of any other class of persons, or of the public at large; and in particular, but without prejudice to the generality of the foregoing, a site licence may be issued subject to conditions—
  - (a) for restricting the occasions on which caravans are stationed on the land for the purposes of human habitation, or the total number of caravans which are so stationed at any one time;

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- (b) for controlling (whether by reference to their size, the state of their repair or, subject to the provisions of subsection (2) of this section, any other feature) the types of caravan which are stationed on the land;
  - (c) for regulating the positions in which caravans are stationed on the land for the purposes of human habitation and for prohibiting, restricting, or otherwise regulating, the placing or erection on the land, at any time when caravans are so stationed, of structures and vehicles of any description whatsoever and of tents;
  - (d) for securing the taking of any steps for preserving or enhancing the amenity of the land, including the planting and replanting thereof with trees and bushes;
  - (e) for securing that, at all times when caravans are stationed on the land, proper measures are taken for preventing and detecting the outbreak of fire and adequate means of fighting fire are provided and maintained;
  - (f) for securing that adequate sanitary facilities, and such other facilities, services or equipment as may be specified, are provided for the use of persons dwelling on the land in caravans and that, at all times when caravans are stationed thereon for the purposes of human habitation, any facilities and equipment so provided are properly maintained.
- (2) No condition shall be attached to a site licence controlling the types of caravans which are stationed on the land by reference to the materials used in their construction.
- [<sup>F12</sup>(2A) Where the Regulatory Reform (Fire Safety) Order 2005 applies to the land, no condition is to be attached to a site licence in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under that Order.]
- [<sup>F13</sup>(2A) Where Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) applies to the land, no condition shall be attached to a site licence which relates to any matter in relation to which requirements or prohibitions are or could be imposed by virtue of that Part.]
- (3) A site licence issued in respect of any land shall, unless it is issued subject to a condition restricting to three or less the total number of caravans which may be stationed on the land at any one time, contain an express condition that, at all times when caravans are stationed on the land for the purposes of human habitation, a copy of the licence as for the time being in force shall be displayed on the land in some conspicuous place.
- [<sup>F14</sup>(3A) The local authority shall consult the [<sup>F15</sup>fire and rescue authority] as to the extent to which any model standards relating to fire precautions which have been specified under subsection (6) of this section are appropriate to the land.
- (3B) If—
- (a) no such standards have been specified; or
  - (b) any standard that has been specified appears to the [<sup>F16</sup>fire and rescue authority] to be inappropriate to the land,
- the local authority shall consult the [<sup>F16</sup>fire and rescue authority] as to what conditions relating to fire precautions ought to be attached to the site licence instead.]
- [<sup>F17</sup>(3C) Subsections (3A) and (3B) of this section do not apply where the Regulatory Reform (Fire Safety) Order 2005 applies to the land.]
- (4) A condition attached to a site licence may, if it requires the carrying out of any works on the land in respect of which the licence is issued, prohibit or restrict the bringing of caravans on to the land for the purposes of human habitation until such time as the



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local authority have certified in writing that the works have been completed to their satisfaction; and where the land to which the site licence relates is at the time in use as a caravan site, the condition may, whether or not it contains any such prohibition or restriction as aforesaid, require the works to be completed to the satisfaction of the authority within a stated period.

(5) For the avoidance of doubt, it is hereby declared that a condition attached to a site licence shall be valid notwithstanding that it can be complied with only by the carrying out of works which the holder of the site licence is not entitled to carry out as of right.

(6) The Minister may from time to time specify for the purposes of this section model standards with respect to the layout of, and the provision of facilities, services and equipment for, caravan sites or particular types of caravan site; and in deciding what (if any) conditions to attach to a site licence, a local authority shall have regard to any standards so specified.

[<sup>F18</sup>(6A) No model standards may be specified under subsection (6) of this section in relation to land to which the Regulatory Reform (Fire Safety) Order 2005 applies in so far as the standards relate to any matter in relation to which requirements or prohibitions are or could be imposed by or under that Order.]

[<sup>F19</sup>(6A) No model standards may be specified under subsection (6) as respects land in relation to which Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) applies if the standards relate to any matter in relation to which requirements or prohibitions are or could be imposed by virtue of that Part.]

[<sup>F20</sup>(7) The duty imposed on a local authority by subsection (6) of this section to have regard to standards specified under that subsection is to be construed, as regards standards relating to fire precautions which are so specified, as a duty to have regard to them subject to any advice given by the [<sup>F21</sup>fire and rescue authority] under subsection (3A) or (3B) of this section.

(8) In this section “fire precautions” means precautions to be taken for any of the purposes specified in paragraph (e) of subsection (1) of this section for which conditions may be imposed by virtue of [<sup>F22</sup>this section].]

#### Textual Amendments

- F12** S. 5(2A) inserted (E.W.) (1.10.2006) by [The Regulatory Reform \(Fire Safety\) Order 2005 \(S.I. 2005/1541\)](#), art. 1(3), **Sch. 2 para. 5(2)(a)** (with art. 49) (as amended by [The Regulatory Reform \(Fire Safety\) Subordinate Provisions Order 2006 \(S.I. 2006/484\)](#), **arts. 1(1), 2**)
- F13** S. 5(2A) inserted (S.) (1.10.2006) by [Fire \(Scotland\) Act 2005 \(Consequential Modifications and Savings\) Order 2006 \(S.S.I. 2006/475\)](#), art. 1, **sch. 1 para. 3(2)(a)**
- F14** S. 5(3A)(3B) inserted (E.W.) by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), **s. 8(2)(a)**
- F15** Words in s. 5(3A) substituted (E.W.) (1.10.2004 for E., 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), para. 14(3)(a)s. 61, **Sch. 1 para. 14(2)**; S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2
- F16** Words in s. 5(3B) substituted (E.W.) (1.10.2004 for E., 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), para. 14(3)(a)s. 61, **Sch. 1 para. 14(2)**; S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2
- F17** S. 5(3C) inserted (E.W.) (1.10.2006) by [The Regulatory Reform \(Fire Safety\) Order 2005 \(S.I. 2005/1541\)](#), art. 1(3), **Sch. 2 para. 5(2)(b)** (with art. 49) (as amended by [The Regulatory Reform \(Fire Safety\) Subordinate Provisions Order 2006 \(S.I. 2006/484\)](#), **arts. 1(1), 2**)

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- F18** S. 5(6A) inserted (E.W.) (1.10.2006) by [The Regulatory Reform \(Fire Safety\) Order 2005](#) (S.I. 2005/1541), art. 1(3), **Sch. 2 para. 5(2)(c)** (with art. 49) (as amended by [The Regulatory Reform \(Fire Safety\) Subordinate Provisions Order 2006](#) (S.I. 2006/484), **arts. 1(1), 2**)
- F19** S. 5(6A) inserted (S.) (1.10.2006) by [Fire \(Scotland\) Act 2005](#) (Consequential Modifications and Savings) Order 2006 (S.S.I. 2006/475), art. 1, **sch. 1 para. 3(2)(b)**
- F20** S. 5(7)(8) added (E.W.) by [Local Government \(Miscellaneous Provisions\) Act 1982](#) (c. 30, SIF 81:1), **s. 8(2)(b)**
- F21** Words in s. 5(7) substituted (E.W.) (1.10.2004 for E., 10.11.2004 for W.) by [Fire and Rescue Services Act 2004](#) (c. 21), para. 14(3)(a)s. 61, **Sch. 1 para. 14(2)**; S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2
- F22** Words in s. 5(8) substituted (E.W.) (1.10.2006) by [The Regulatory Reform \(Fire Safety\) Order 2005](#) (S.I. 2005/1541), art. 1(3), **Sch. 2 para. 5(2)(d)** (with art. 49) (as amended by [The Regulatory Reform \(Fire Safety\) Subordinate Provisions Order 2006](#) (S.I. 2006/484), **arts. 1(1), 2**)

## **[<sup>F23</sup>5A Relevant protected sites: annual fee**

- (1) A local authority in England who have issued a site licence in respect of a relevant protected site in their area may require the licence holder to pay an annual fee fixed by the local authority.
- (2) When requiring a licence holder to pay an annual fee under this section, a local authority must inform the licence holder of the matters to which they have had regard in fixing the fee for the year in question (in particular, the extent to which they have had regard to deficits or surpluses in the accounts for the annual fee for previous years).
- (3) Where an annual fee due to a local authority under this section has become overdue, the local authority may apply to [<sup>F24</sup>the tribunal] for an order requiring the licence holder to pay the local authority the amount due by the date specified in the order; and the order may make provision about the manner in which the payment is to be made.
- (4) Where a licence holder fails to comply with an order under subsection (3) within the period of three months beginning with the date specified in the order for the purposes of that subsection, the local authority may apply to [<sup>F25</sup>the tribunal] for an order revoking the site licence.
- (5) In this Part, “relevant protected site” means land in respect of which a site licence is required under this Part, other than land in respect of which the relevant planning permission under Part 3 of the Town and Country Planning Act 1990 or the site licence is, subject to subsection (6)—
  - (a) expressed to be granted for holiday use only, or
  - (b) otherwise so expressed or subject to such conditions that there are times of the year when no caravan may be stationed on the land for human habitation.
- (6) For the purpose of determining whether land is a relevant protected site, any provision of the relevant planning permission or of the site licence which permits the stationing of a caravan on the land for human habitation all year round is to be ignored if the caravan is so authorised to be occupied by—
  - (a) the occupier, or
  - (b) a person employed by the occupier but who does not occupy the caravan under an agreement to which the Mobile Homes Act 1983 applies (see section 1(1) of that Act).]



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#### Textual Amendments

- F23** S. 5A inserted (E.W.) (1.4.2014) by [Mobile Homes Act 2013 \(c. 14\)](#), **ss. 1(3)**, 15(1)
- F24** Words in s. 5A(3) substituted (18.7.2014) by [The Transfer of Tribunal Functions \(Mobile Homes Act 2013 and Miscellaneous Amendments\) Order 2014 \(S.I. 2014/1900\)](#), art. 1, **Sch. 1 para. 3(a)**
- F25** Words in s. 5A(4) substituted (18.7.2014) by [The Transfer of Tribunal Functions \(Mobile Homes Act 2013 and Miscellaneous Amendments\) Order 2014 \(S.I. 2014/1900\)](#), art. 1, **Sch. 1 para. 3(b)**

## 6 Failure by local authority to issue site licence.

Where a local authority, being required under section three of this Act to issue a site licence in respect of any land, fail to do so within the period within which they are required to issue a site licence by that section, no offence under section one of this Act shall be committed in respect of the land by the person by whom the application for the site licence was made at any time after the expiration of the said period and before a site licence is issued in pursuance of the said application.

## 7 <sup>F26</sup>Appeal against conditions attached to site licence]

- (1) Any person aggrieved by any condition (other than the condition referred to in subsection (3) of section five of this Act) subject to which a site licence has been issued to him in respect of any land may, within twenty-eight days of the date on which the licence was so issued, appeal to a magistrates' court <sup>F27</sup>... <sup>F28</sup>or, in a case relating to land in England, to <sup>F29</sup>the tribunal]; and the court or tribunal], if satisfied (having regard amongst other things to any standards which may have been specified by the Minister under subsection (6) of the said section five) that the condition is unduly burdensome, may vary or cancel the condition.

<sup>F30</sup>(1A) In a case where <sup>F31</sup>the tribunal] varies or cancels a condition under subsection (1), it may also attach a new condition to the licence in question.]

- (2) In so far as the effect of a condition (in whatever words expressed) subject to which a site licence is issued in respect of any land is to require the carrying out on the land of any works, the condition shall not have effect during the period within which the person to whom the site licence is issued is entitled by virtue of the foregoing subsection to appeal against the condition nor, thereafter, whilst an appeal against the condition is pending.

#### Textual Amendments

- F26** Words in s. 7 substituted (E.W.) (1.4.2014) by [Mobile Homes Act 2013 \(c. 14\)](#), **ss. 3(2)**, 15(1)
- F27** Words in s. 7(1) repealed (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), s. 110(1), **Sch. 8 para. 108**, **Sch. 10**; [S.I. 2005/910](#), art. 3(y)
- F28** Words in s. 7(1) substituted (E.W.) (1.4.2014) by [Mobile Homes Act 2013 \(c. 14\)](#), **ss. 3(2)(a)**, 15(1)
- F29** Words in s. 7(1) substituted (18.7.2014) by [The Transfer of Tribunal Functions \(Mobile Homes Act 2013 and Miscellaneous Amendments\) Order 2014 \(S.I. 2014/1900\)](#), art. 1, **Sch. 1 para. 4(a)**
- F30** S. 7(1A) inserted (E.W.) (1.4.2014) by [Mobile Homes Act 2013 \(c. 14\)](#), **ss. 3(2)(b)**, 15(1)
- F31** Words in s. 7(1A) substituted (18.7.2014) by [The Transfer of Tribunal Functions \(Mobile Homes Act 2013 and Miscellaneous Amendments\) Order 2014 \(S.I. 2014/1900\)](#), art. 1, **Sch. 1 para. 4(b)**

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#### **Modifications etc. (not altering text)**

- C12** S. 7 heading savings for effects of 2013 c. 14, s. 3(2) (E.) (1.4.2014) by [The Mobile Homes Act 2013 \(Commencement and Saving Provision\) \(England\) Order 2014 \(S.I. 2014/816\)](#), [art. 5](#)
- C13** S. 7(1) savings for effects of 2013 c. 14, s. 3(2)(a) (E.) (1.4.2014) by [The Mobile Homes Act 2013 \(Commencement and Saving Provision\) \(England\) Order 2014 \(S.I. 2014/816\)](#), [art. 5](#)

### **8 Power of local authority to alter conditions attached to site licences.**

- (1) The conditions attached to a site licence may be altered at any time (whether by the variation or cancellation of existing conditions, or by the addition of new conditions, or by a combination of any such methods) by the local authority, but before exercising their powers under this subsection the local authority shall afford to the holder of the licence an opportunity of making representations.
- [<sup>F32</sup>(1A) Where the Regulatory Reform (Fire Safety) Order 2005 applies to the land to which the site licence relates, no condition may be attached to a site licence under subsection (1) of this section in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under that Order.]
- [<sup>F33</sup>(1A) Where Part 3 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) applies in relation to the land to which a site licence relates, no alteration under subsection (1) may be made so as to add a new condition to, or vary an existing condition of, the site licence if the new condition or, as the case may be, existing condition as varied relates to any matter in relation to which requirements or prohibitions are or could be imposed by virtue of that Part.]
- [<sup>F34</sup>(1B) A local authority in England may require an application by the holder of a site licence in respect of a relevant protected site in their area for the alteration of the conditions attached to the site licence to be accompanied by a fee fixed by the local authority.]
- (2) Where the holder of a site licence is aggrieved by any alteration of the conditions attached thereto or by the refusal of the local authority of an application by him for the alteration of those conditions, he may, within twenty-eight days of the date on which written notification of the alteration or refusal is received by him, appeal to a magistrates' court <sup>F35</sup>... [<sup>F36</sup>or, in a case relating to land in England, to [<sup>F37</sup>the tribunal]; and the court or tribunal] may, if they allow the appeal, give to the local authority such directions as may be necessary to give effect to their decision.
- (3) The alteration by a local authority of the conditions attached to any site licence shall not have effect until written notification thereof has been received by the holder of the licence, and in so far as any such alteration imposes a requirement on the holder of the licence to carry out on the land to which the licence relates any works which he would not otherwise be required to carry out, the alteration shall not have effect during the period within which the said holder is entitled by virtue of the last foregoing subsection to appeal against the alteration nor, thereafter, whilst an appeal against the alteration is pending.
- (4) In exercising the powers conferred upon them by subsection (1) and subsection (2) of this section respectively, a local authority [<sup>F38</sup>, a magistrates' court and [<sup>F39</sup>the tribunal]] shall have regard amongst other things to any standards which may have been specified by the Minister under subsection (6) of section five of this Act.

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[<sup>F40</sup>(5) The local authority shall consult the [<sup>F41</sup>fire and rescue authority] before exercising the powers conferred upon them by subsection (1) of this section in relation to a condition attached to a site licence for the purposes set out in section 5(1)(e) of this Act.]

[<sup>F42</sup>(5A) Subsection (5) of this section does not apply where the Regulatory Reform (Fire Safety) Order 2005 applies to the land.]

#### Textual Amendments

- F32** S. 8(1A) inserted (E.W.) (1.10.2006) by [The Regulatory Reform \(Fire Safety\) Order 2005](#) (S.I. 2005/1541), art. 1(3), **Sch. 2 para. 5(3)(a)** (with art. 49) (as amended by [The Regulatory Reform \(Fire Safety\) Subordinate Provisions Order 2006](#) (S.I. 2006/484), **arts. 1(I), 2**)
- F33** S. 8(1A) inserted (S.) (1.10.2006) by [Fire \(Scotland\) Act 2005](#) (Consequential Modifications and Savings) Order 2006 (S.S.I. 2006/475), art. 1, **sch. 1 para. 3(3)**
- F34** S. 8(1B) inserted (E.W.) (1.4.2014) by [Mobile Homes Act 2013](#) (c. 14), **ss. 1(4), 15(1)**
- F35** Words in s. 8(2) repealed (1.4.2005) by [Courts Act 2003](#) (c. 39), s. 110(1), **Sch. 8 para. 109, Sch. 10; S.I. 2005/910**, art. 3(y)
- F36** Words in s. 8(2) substituted (E.W.) (1.4.2014) by [Mobile Homes Act 2013](#) (c. 14), **ss. 3(3)(a), 15(1)**
- F37** Words in s. 8(2) substituted (18.7.2014) by [The Transfer of Tribunal Functions \(Mobile Homes Act 2013 and Miscellaneous Amendments\) Order 2014](#) (S.I. 2014/1900), art. 1, **Sch. 1 para. 5(a)**
- F38** Words in s. 8(4) substituted (E.W.) (1.4.2014) by [Mobile Homes Act 2013](#) (c. 14), **ss. 3(3)(b), 15(1)**
- F39** Words in s. 8(4) substituted (18.7.2014) by [The Transfer of Tribunal Functions \(Mobile Homes Act 2013 and Miscellaneous Amendments\) Order 2014](#) (S.I. 2014/1900), art. 1, **Sch. 1 para. 5(b)**
- F40** S. 8(5) added (E.W.) by [Local Government \(Miscellaneous Provisions\) Act 1982](#) (c. 30, SIF 81:1), **s. 8(2)(c)**
- F41** Words in s. 8(5) substituted (E.W.) (1.10.2004 for E., 10.11.2004 for W.) by [Fire and Rescue Services Act 2004](#) (c. 21), para. 14(3)(b)s. 61, **Sch. 1 para. 14(2)**; S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2
- F42** S. 8(5A) inserted (E.W.) (1.10.2006) by [The Regulatory Reform \(Fire Safety\) Order 2005](#) (S.I. 2005/1541), art. 1(3), **Sch. 2 para. 5(3)(b)** (with art. 49) (as amended by [The Regulatory Reform \(Fire Safety\) Subordinate Provisions Order 2006](#) (S.I. 2006/484), **arts. 1(I), 2**)

#### Modifications etc. (not altering text)

- C14** S. 8(1B) savings for effects of 2013 c. 14, **s. 1(4)** (E.) (1.4.2014) by [The Mobile Homes Act 2013](#) (Commencement and Saving Provision) (England) Order 2014 (S.I. 2014/816), **art. 4**
- C15** S. 8(2) savings for effects of 2013 c. 14, s. 3(3)(a) (E.) (1.4.2014) by [The Mobile Homes Act 2013](#) (Commencement and Saving Provision) (England) Order 2014 (S.I. 2014/816), **art. 5**
- C16** S. 8(4) savings for effects of 2013 c. 14, s. 3(3)(b) (E.) (1.4.2014) by [The Mobile Homes Act 2013](#) (Commencement and Saving Provision) (England) Order 2014 (S.I. 2014/816), **art. 5**

## 9 [<sup>F43</sup>Breach of condition: land other than relevant protected sites in England]

- (1) If an occupier of land [<sup>F44</sup>, other than land in England which is a relevant protected site,] fails to comply with any condition for the time being attached to a site licence held by him in respect of the land, he shall be guilty of an offence and liable on summary conviction, in the case of the first offence to a fine not exceeding [<sup>F45</sup>one hundred pounds][<sup>F45</sup>level 4 on the standard scale], and, in the case of a second or subsequent offence, to a fine not exceeding [<sup>F45</sup>two hundred and fifty pounds][<sup>F45</sup>level 4 on the standard scale].
- (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

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before whom he is convicted may, if an application in that behalf is made at the hearing by the local authority in whose area the land is situated, make an order for the revocation of the said site licence to come into force [<sup>F46</sup> on such date as the court may specify in the order, being a date not earlier than the expiration of any period within which notice of appeal (whether by case stated or otherwise) may be given against the conviction] and if before the date so specified an appeal is so brought the order shall be of no effect pending the final determination or withdrawal of the appeal.

The person convicted or the local authority who issued the site licence may apply to the magistrates' court which has made such an order revoking a site licence for an order extending the period at the end of which the revocation is to come into force, and the magistrates' court may, if satisfied that adequate notice of the application has been given to the local authority or, as the case may be, the person convicted, make an order extending that period.

- (3) Where an occupier of land [<sup>F47</sup>, other than land in England which is a relevant protected site,] fails within the time specified in a condition attached to a site licence held by him to complete to the satisfaction of the local authority in whose area the land is situated any works required by the condition to be so completed, the local authority may carry out those works, and may recover as a simple contract debt in any court of competent jurisdiction from that person any expenses reasonably incurred by them in that behalf.

#### Textual Amendments

- F43** Words in s. 9 substituted (E.W.) (1.4.2014) by [Mobile Homes Act 2013 \(c. 14\), ss. 4\(1\), 15\(1\)](#)  
**F44** Words in s. 9(1) inserted (E.W.) (1.4.2014) by [Mobile Homes Act 2013 \(c. 14\), ss. 4\(1\), 15\(1\)](#)  
**F45** Words “level 4 on the standard scale” substituted (S.) for words “one hundred pounds” and “two hundred and fifty pounds” by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), ss. 289E–289G](#)  
**F46** Words substituted by [Courts Act 1971 \(c. 23\) Sch. 8 para. 39](#)  
**F47** Words in s. 9(3) inserted (E.W.) (1.4.2014) by [Mobile Homes Act 2013 \(c. 14\), ss. 4\(1\), 15\(1\)](#)

#### Modifications etc. (not altering text)

- C17** [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), ss. 35](#) (in relation to liability on first and subsequent convictions), 38 (increase of fines) and 46 (substitution of references to levels on the standard scale) apply (E.W.)

### [<sup>F48</sup>9A Breach of condition: relevant protected sites in England

- (1) If it appears to a local authority in England who have issued a site licence in respect of a relevant protected site in their area that the occupier of the land concerned is failing or has failed to comply with a condition for the time being attached to the site licence, they may serve a compliance notice on the occupier.
- (2) A compliance notice is a notice which—
- sets out the condition in question and details of the failure to comply with it,
  - requires the occupier of the land to take such steps as the local authority consider appropriate and as are specified in the notice in order to ensure that the condition is complied with,
  - specifies the period within which those steps must be taken, and
  - explains the right of appeal conferred by subsection (3).

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- (3) An occupier of land who has been served with a compliance notice may appeal to <sup>F49</sup>[the tribunal] against that notice (for further provision about appeals under this section, see section 9G).
- (4) A local authority may—
  - (a) revoke a compliance notice;
  - (b) vary a compliance notice by extending the period specified in the notice under subsection (2)(c).
- (5) The power to revoke or vary a compliance notice is exercisable by the local authority—
  - (a) on an application made by the occupier of land on whom the notice was served, or
  - (b) on the authority's own initiative.
- (6) Where a local authority revoke or vary a compliance notice, they must notify the occupier of the land to which the notice relates of the decision as soon as is reasonably practicable.
- (7) Where a compliance notice is revoked, the revocation comes into force at the time when it is made.
- (8) Where a compliance notice is varied—
  - (a) if the notice has not become operative (see section 9H) when the variation is made, the variation comes into force at such time (if any) as the notice becomes operative in accordance with section 9H;
  - (b) if the notice has become operative when the variation is made, the variation comes into force at the time when it is made.

#### Textual Amendments

**F48** Ss. 9A-9C inserted (E.W.) (1.4.2014) by [Mobile Homes Act 2013 \(c. 14\), ss. 4\(2\), 15\(1\)](#)

**F49** Words in s. 9A(3) substituted (18.7.2014) by [The Transfer of Tribunal Functions \(Mobile Homes Act 2013 and Miscellaneous Amendments\) Order 2014 \(S.I. 2014/1900\), art. 1, Sch. 1 para. 6](#)

### 9B Compliance notice under section 9A: offence and multiple convictions

- (1) An occupier of land who has been served with a compliance notice which has become operative (see section 9H) commits an offence if the occupier fails to take the steps specified in the notice under section 9A(2)(b) within the period so specified under section 9A(2)(c).
- (2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (3) In proceedings against an occupier of land for an offence under subsection (1), it is a defence that the occupier had a reasonable excuse for failing to take the steps referred to in subsection (1) within the period referred to in that subsection.
- (4) Subsection (5) applies where—
  - (a) an occupier of land is convicted of an offence under subsection (1), and
  - (b) the occupier has been convicted on two or more previous occasions of an offence under subsection (1), or an offence under section 9 committed before

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the commencement of this section, in relation to the site licence to which the conviction mentioned in paragraph (a) relates.

- (5) On an application by the local authority who served the compliance notice in question, the court before which the occupier of the land was convicted may make an order revoking the site licence in question on the date specified in the order.
- (6) An order under subsection (5) must not specify a date which is before the end of the period within which notice of appeal (whether by case stated or otherwise) may be given against the conviction mentioned in subsection (4)(a).
- (7) Where an appeal against the conviction mentioned in subsection (4)(a) is made by the occupier of the land before the date specified in an order under subsection (5), the order does not take effect until—
  - (a) the appeal is finally determined, or
  - (b) the appeal is withdrawn.
- (8) On an application by the occupier of the land or by the local authority who issued the site licence, the court which made the order under subsection (5) may make an order specifying a date on which the revocation of the site licence takes effect which is later than the date specified in the order under subsection (5).
- (9) But the court must not make an order under subsection (8) unless it is satisfied that adequate notice of the application has been given to the occupier of the land or to the local authority (as the case may be).

#### Textual Amendments

**F48** Ss. 9A-9C inserted (E.W.) (1.4.2014) by [Mobile Homes Act 2013 \(c. 14\)](#), ss. **4(2)**, 15(1)

### 9C Compliance notice under section 9A: power to demand expenses

- (1) When serving a compliance notice on an occupier of land, a local authority may impose a charge on the occupier as a means of recovering expenses incurred by them—
  - (a) in deciding whether to serve the notice, and
  - (b) in preparing and serving the notice or a demand under subsection (3).
- (2) The expenses referred to in subsection (1) include in particular the costs of obtaining expert advice (including legal advice).
- (3) The power under subsection (1) is exercisable by serving the compliance notice together with a demand which sets out—
  - (a) the total expenses the local authority seek to recover under subsection (1) (“relevant expenses”),
  - (b) a detailed breakdown of the relevant expenses, and
  - (c) where the local authority propose to charge interest under section 9I, the rate at which the relevant expenses carry interest.
- (4) Where a tribunal allows an appeal under section 9A against the compliance notice with which a demand was served, it may make such order as it considers appropriate—
  - (a) confirming, reducing or quashing any charge under this section made in respect of the notice, and
  - (b) varying the demand as appropriate in consequence.]



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#### Textual Amendments

**F48** Ss. 9A-9C inserted (E.W.) (1.4.2014) by [Mobile Homes Act 2013 \(c. 14\)](#), ss. **4(2)**, 15(1)

### <sup>F50</sup>**9D Power to take action following conviction of occupier**

- (1) Where an occupier of land is convicted of an offence under section 9B(1) (failure to take steps required by a compliance notice), the local authority who issued the compliance notice may—
  - (a) take any steps required by the compliance notice to be taken by the occupier, but which have not been so taken; and
  - (b) take such further action as the authority consider appropriate for ensuring that the condition specified in the compliance notice is complied with.
- (2) Where a local authority propose to take action under subsection (1), they must serve on the occupier of the land a notice which—
  - (a) identifies the land and the compliance notice to which it relates,
  - (b) states that the authority intend to enter onto the land,
  - (c) describes the action the authority intend to take on the land,
  - (d) if the person whom the authority propose to authorise to take the action on their behalf is not an officer of theirs, states the name of that person, and
  - (e) sets out the dates and times on which it is intended that the action will be taken (in particular, when the authority intend to start taking the action and when they expect the action to be completed).
- (3) The notice must be served sufficiently in advance of when the local authority intend to enter onto the land as to give the occupier of the land reasonable notice of the intended entry.
- (4) In a case where the local authority authorise a person other than an officer of theirs to take the action on their behalf, the reference in section 26(1) to an authorised officer of the local authority is to be read as including that person.
- (5) The requirement in section 26(1) to give 24 hours' notice of the intended entry, in its application to a case within this section, applies only in relation to the day on which the local authority intend to start taking the action on the land.

#### Textual Amendments

**F50** Ss. 9D-9F inserted (E.W.) (1.4.2014) by [Mobile Homes Act 2013 \(c. 14\)](#), ss. **5(1)**, 15(1)

### **9E Power to take emergency action**

- (1) A local authority in England who have issued a site licence in respect of a relevant protected site in their area may take action in relation to the land concerned if it appears to the authority that—
  - (a) the occupier of the land is failing or has failed to comply with a condition for the time being attached to the site licence, and
  - (b) as a result of that failure there is an imminent risk of serious harm to the health or safety of any person who is or may be on the land.

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- (2) The action a local authority may take under this section (referred to in this section as “emergency action”) is such action as appears to the authority to be necessary to remove the imminent risk of serious harm mentioned in subsection (1)(b).
- (3) Where a local authority propose to take emergency action, the authority must serve on the occupier of the land a notice which—
  - (a) identifies the land to which it relates,
  - (b) states that the authority intend to enter onto the land,
  - (c) describes the emergency action the authority intend to take on the land,
  - (d) if the person whom the authority propose to authorise to take the action on their behalf is not an officer of theirs, states the name of that person, and
  - (e) specifies the powers under this section and section 26 as the powers under which the authority intend to enter onto the land.
- (4) A notice under subsection (3) may state that, if entry onto the land were to be refused, the authority would propose to apply for a warrant under section 26(2).
- (5) A notice under subsection (3) must be served sufficiently in advance of when the local authority intend to enter onto the land as to give the occupier of the land reasonable notice of the intended entry.
- (6) In a case where the local authority authorise a person other than an officer of theirs to take the emergency action on their behalf, the reference in section 26(1) to an authorised officer of the local authority is to be read as including that person.
- (7) Section 26(1), in its application to a case within this section, has effect as if—
  - (a) the words “at all reasonable hours” were omitted, and
  - (b) the words from “Provided that” to the end were omitted.
- (8) Within the period of seven days beginning with the date when the authority start taking the emergency action, the authority must serve on the occupier of the land a notice which—
  - (a) describes the imminent risk of serious harm to the health or safety of persons who are or may be on the land,
  - (b) describes the emergency action which has been, and any emergency action which is to be, taken by the authority on the land,
  - (c) sets out when the authority started taking the emergency action and when the authority expect it to be completed,
  - (d) if the person whom the authority have authorised to take the action on their behalf is not an officer of theirs, states the name of that person, and
  - (e) explains the right of appeal conferred by subsection (9).
- (9) An occupier of land in respect of which a local authority has taken or is taking emergency action may appeal to [<sup>F51</sup>the tribunal] against the taking of the action by the authority (for further provisions about appeals under this section, see section 9G).
- (10) The grounds on which the appeal may be brought are—
  - (a) that there was no imminent risk of serious harm as mentioned in subsection (1)
  - (b) (or, where the action is still being taken, that there is no such risk);
  - (b) that the action the authority has taken was not necessary to remove the imminent risk of serious harm mentioned in subsection (1)(b) (or, where the action is still being taken, that it is not necessary to remove the risk).

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- (11) The ways in which a notice under this section may be served include by fixing it in a prominent place at or near the main entrance to the land.

#### Textual Amendments

- F50** Ss. 9D-9F inserted (E.W.) (1.4.2014) by [Mobile Homes Act 2013 \(c. 14\)](#), **ss. 5(1), 15(1)**  
**F51** Words in s. 9E(9) substituted (18.7.2014) by [The Transfer of Tribunal Functions \(Mobile Homes Act 2013 and Miscellaneous Amendments\) Order 2014 \(S.I. 2014/1900\)](#), art. 1, **Sch. 1 para. 7**

### 9F Action under section 9D or 9E: power to demand expenses

- (1) Where a local authority take action under section 9D or emergency action under section 9E, the authority may impose a charge on the occupier of the land as a means of recovering expenses incurred by them—
- (a) in deciding whether to take the action,
  - (b) in preparing and serving any notice under section 9D or 9E or a demand under subsection (6), and
  - (c) taking the action.
- (2) The expenses referred to in subsection (1) include in particular the costs of obtaining expert advice (including legal advice).
- (3) In the case of emergency action under section 9E, no charge may be imposed under subsection (1) until such time (if any) as is determined in accordance with subsection (4).
- (4) For the purposes of subsection (3), the time when a charge in respect of emergency action may be imposed is—
- (a) if no appeal against the local authority's decision to take the emergency action is brought under section 9E(9) within the appeal period under section 9G, at the end of that period;
  - (b) if an appeal is brought under that section and a decision on the appeal confirms the authority's decision—
    - (i) where the period within which an appeal to the Upper Tribunal may be brought expires without such an appeal having been brought, the end of that period;
    - (ii) where an appeal to the Upper Tribunal is brought, when a decision is given on the appeal confirming the authority's decision.
- (5) For the purposes of subsection (4)—
- (a) the withdrawal of an appeal against a decision by the local authority has the same effect as a decision on the appeal confirming the authority's decision;
  - (b) references to a decision on the appeal confirming the authority's decision are to a decision which confirms that decision with or without variation.
- (6) The power under subsection (1) is exercisable by serving on the occupier of the land a demand for the expenses which—
- (a) sets out the total expenses the local authority seek to recover under subsection (1) (“relevant expenses”),
  - (b) sets out a detailed breakdown of the relevant expenses,

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- (c) where the local authority propose to charge interest under section 9I, sets out the rate at which the relevant expenses carry interest, and
  - (d) explains the right of appeal conferred by subsection (7).
- (7) An occupier of land who is served with a demand under this section may appeal to [<sup>F52</sup>the tribunal] against the demand (for further provision about appeals under this section, see section 9G).
- (8) A demand under this section must be served—
- (a) in the case of action under section 9D, before the end of the period of two months beginning with the date on which the action is completed;
  - (b) in the case of emergency action under section 9E—
    - (i) before the end of the period of two months beginning with the earliest date (if any) on which a charge may be imposed in accordance with subsection (4), or
    - (ii) if the action has not been completed by the end of that period, before the end of the period of two months beginning with the date on which the action is completed.]

#### Textual Amendments

**F50** Ss. 9D-9F inserted (E.W.) (1.4.2014) by [Mobile Homes Act 2013 \(c. 14\), ss. 5\(1\), 15\(1\)](#)

**F52** Words in s. 9F(7) substituted (18.7.2014) by [The Transfer of Tribunal Functions \(Mobile Homes Act 2013 and Miscellaneous Amendments\) Order 2014 \(S.I. 2014/1900\), art. 1, Sch. 1 para. 8](#)

#### [<sup>F53</sup>9G Appeals under section 9A, 9E or 9F

- (1) An appeal under section 9A, 9E or 9F must be made before the end of the period of 21 days beginning with the date on which the relevant document was served (referred to in this section and section 9H as “the appeal period”).
- (2) In subsection (1), “relevant document” means—
  - (a) in the case of an appeal under section 9A, the compliance notice;
  - (b) in the case of an appeal under section 9E, the notice under subsection (8) of that section;
  - (c) in the case of an appeal under section 9F, the demand under that section.
- (3) [<sup>F54</sup>The tribunal] may allow an appeal under section 9A, 9E or 9F to be made to it after the end of the appeal period if it is satisfied that there is a good reason for the failure to appeal before the end of that period (and for any delay since then in applying for permission to appeal out of time).
- (4) An appeal under section 9A, 9E or 9F—
  - (a) is to be by way of a rehearing, but
  - (b) may be determined having regard to matters of which the local authority who made the decision were unaware.
- (5) The tribunal may by order—
  - (a) on an appeal under section 9A, confirm, vary or quash the compliance notice;
  - (b) on an appeal under section 9E, confirm, vary or reverse the decision of the local authority;

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- (c) on an appeal under section 9F, confirm, vary or quash the demand.

#### Textual Amendments

- F53** Ss. 9G-9I inserted (E.W.) (1.4.2014) by [Mobile Homes Act 2013 \(c. 14\)](#), [ss. 6\(1\)](#), [15\(1\)](#)  
**F54** Words in s. 9G(3) substituted (18.7.2014) by [The Transfer of Tribunal Functions \(Mobile Homes Act 2013 and Miscellaneous Amendments\) Order 2014 \(S.I. 2014/1900\)](#), [art. 1](#), [Sch. 1 para. 9](#)

### 9H When compliance notice or expenses demand becomes operative

- (1) The time when a compliance notice under section 9A or a demand under section 9C or 9F becomes operative (if at all) is to be determined in accordance with this section.
- (2) Where no appeal under section 9A is brought within the appeal period against the compliance notice, the notice and any demand under section 9C which was served with it become operative at the end of that period.
- (3) Where no appeal under section 9F is brought within the appeal period, the demand under that section becomes operative at the end of that period.
- (4) Where an appeal under section 9A is brought, and a decision on the appeal confirms the compliance notice, the notice and any demand under section 9C which was served with it become operative—
  - (a) where the period within which an appeal to the Upper Tribunal may be brought expires without such an appeal having been brought, at the end of that period;
  - (b) where an appeal to the Upper Tribunal is brought and a decision on the appeal is given which confirms the notice, at the time of the decision.
- (5) Where an appeal under section 9F is brought, and a decision on the appeal confirms the demand under that section, the demand becomes operative—
  - (a) where the period within which an appeal to the Upper Tribunal may be brought expires without such an appeal having been brought, at the end of that period;
  - (b) where an appeal to the Upper Tribunal is brought and a decision on the appeal is given which confirms the demand, at the time of the decision.
- (6) For the purposes of subsections (4) and (5)—
  - (a) the withdrawal of an appeal against a notice or demand has the same effect as a decision confirming the notice or demand;
  - (b) references to a decision which confirms the notice or demand are to a decision which confirms the notice or demand with or without variation.

#### Textual Amendments

- F53** Ss. 9G-9I inserted (E.W.) (1.4.2014) by [Mobile Homes Act 2013 \(c. 14\)](#), [ss. 6\(1\)](#), [15\(1\)](#)

### 9I Recovery of expenses demanded under section 9C or 9F

- (1) As from the time when a demand under section 9C or 9F becomes operative, the relevant expenses set out in the demand carry interest at such rate as the local authority may fix until recovery of all sums due under the demand; and the expenses and any interest are recoverable by them as a debt.

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- (2) As from that time, the expenses and any interest are, until recovery, a charge on the land to which the compliance notice or emergency action in question relates.
- (3) The charge takes effect at that time as a legal charge which is a local land charge.
- (4) For the purpose of enforcing the charge the local authority have the same powers and remedies under the Law of Property Act 1925 and otherwise as if they were mortgagees by deed having powers of sale and lease, of accepting surrenders of leases and of appointing a receiver.
- (5) The power of appointing a receiver is exercisable at any time after the end of the period of one month beginning with the date on which the charge takes effect.
- (6) In this section, “relevant expenses”—
  - (a) in the case of a demand under section 9C, has the meaning given by subsection (3) of that section;
  - (b) in the case of a demand under section 9F, has the meaning given by subsection (6) of that section.]

#### Textual Amendments

**F53** Ss. 9G-9I inserted (E.W.) (1.4.2014) by [Mobile Homes Act 2013 \(c. 14\)](#), ss. **6(1)**, **15(1)**

## 10 Transfer of site licences, and transmission on death, etc.

- (1) When the holder of a site licence in respect of any land ceases to be the occupier of the land, he may, with the consent of the local authority in whose area the land is situated, transfer the licence to the person who then becomes the occupier of the land.
- [<sup>F55</sup>(1A) A local authority in England may require an application for consent to the transfer of a site licence in respect of a relevant protected site in their area to be accompanied by a fee fixed by the local authority.]
- [<sup>F56</sup>(1B) The Secretary of State may by regulations provide that a person applying to a local authority in England for consent to the transfer of a site licence in respect of a relevant protected site in their area must, either at the time of making the application or subsequently, give to the local authority such information as they may require.
- (1C) The regulations may require a local authority in England to have regard to the prescribed matters when deciding whether to give their consent to the transfer of a site licence in respect of a relevant protected site in their area.
- (1D) The regulations may require a local authority in England, where they decide not to give their consent to the transfer of such a site licence, to notify the licence holder of the reasons for the decision and of such right of appeal as may be conferred by virtue of subsection (1E).
- (1E) The regulations may—
  - (a) confer on an applicant under this section a right of appeal to [<sup>F57</sup>the tribunal] against a decision of a local authority in England not to give their consent to the transfer of a site licence as mentioned in subsection (1D);
  - (b) provide that no compensation may be claimed for loss suffered in consequence of the decision pending the outcome of the appeal.



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- (1F) Subsections (5D) to (5F) of section 3 apply in relation to regulations under this section as they apply in relation to regulations under that section.]
- (2) Where a local authority give their consent to the transfer of a site licence, they shall endorse on the licence the name of the person to whom it is to be transferred and the date agreed between the parties to the transfer as the date on which that person is, for the purposes of this Part of this Act, to be treated as having become the holder of the licence.
- (3) If an application is made under subsection (1) of this section for consent to the transfer of a site licence [<sup>F58</sup>, other than one issued by a local authority in England in respect of a relevant protected site in their area,] to a person who is to become the occupier of the land, that person may apply for a site licence under section three of this Act if he were the occupier of the land, and if the local authority at any time before issuing a site licence in compliance with that application give their consent to the transfer they need not proceed with the application for the site licence.
- (4) Where any person becomes, by operation of law, entitled to an estate or interest in land in respect of which a site licence is in force and is, by virtue of his holding that estate or interest, the occupier of the land within the meaning of this Part of this Act he shall, for the purposes of this Part of this Act, be treated as having become the holder of the licence on the day on which he became the occupier of the land, and the local authority in whose area the land is situated shall, if an application in that behalf is made to them, endorse his name and the said date on the licence.

#### Textual Amendments

- F55** S. 10(1A) inserted (E.W.) (1.4.2014) by [Mobile Homes Act 2013 \(c. 14\)](#), **ss. 1(5)**, 15(1)
- F56** S. 10(1B)-(1F) inserted (E.W.) (1.4.2014) by [Mobile Homes Act 2013 \(c. 14\)](#), **ss. 2(3)**, 15(1)
- F57** Words in s. 10(1E)(a) substituted (18.7.2014) by [The Transfer of Tribunal Functions \(Mobile Homes Act 2013 and Miscellaneous Amendments\) Order 2014 \(S.I. 2014/1900\)](#), art. 1, **Sch. 1 para. 10**
- F58** Words in s. 10(3) inserted (E.W.) (1.4.2014) by [Mobile Homes Act 2013 \(c. 14\)](#), **ss. 2(4)**, 15(1)

#### Modifications etc. (not altering text)

- C18** S. 10(3) savings for effects of 2013 c. 14, s. 2(4) (E.) (1.4.2014) by [The Mobile Homes Act 2013 \(Commencement and Saving Provision\) \(England\) Order 2014 \(S.I. 2014/816\)](#), **art. 4**

### [<sup>F59</sup>10A Powers to charge fees: supplementary

- (1) This section applies where a local authority in England propose to charge a fee under section 3, 5A, 8 or 10.
- (2) Before charging the fee, the local authority must prepare and publish a fees policy.
- (3) When fixing a fee for the purposes of section 3, 5A, 8 or 10, the local authority—
- must act in accordance with their fees policy;
  - may fix different fees for different cases or descriptions of case;
  - may determine that no fee is required to be paid in certain cases or descriptions of case.
- (4) When fixing a fee for any of those purposes, the local authority may not take into account any costs incurred by them in exercising—

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- (a) their functions under any of sections 9A to 9I, 23 or 24;
  - (b) any function under any provision of this Act in relation to a caravan site which is not a relevant protected site.
- (5) If the local authority propose to charge a fee under section 5A, the fees policy must include provision about the time at which the fee is payable.
- (6) The local authority may revise their fees policy and, where they do so, must publish the policy as revised.]

#### Textual Amendments

**F59** S. 10A inserted (E.W.) (1.4.2014) by [Mobile Homes Act 2013 \(c. 14\)](#), **ss. 1(6), 15(1)**

### 11 Duty of licence holder to surrender licence for alteration.

- (1) A local authority who have issued a site licence may at any time require the holder to deliver it up so as to enable them to enter in it any alteration of the conditions or other terms of the licence made in pursuance of the provisions of this Part of this Act.
- (2) If the holder of a site licence fails without reasonable excuse to comply with a requirement duly made under this section he shall be liable on summary conviction to a fine not exceeding [<sup>F60</sup>level 1 on the standard scale].

#### Textual Amendments

**F60** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46** and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F, 289G**

### 12 Responsibility of occupier of land subject to a licence or special tenancy.

- (1) It shall be a condition of any licence or of any such tenancy as is mentioned in subsection (3) of section one of this Act that if any person in exercise of rights under the licence or tenancy does anything which would constitute an offence under that section if that person were the occupier of the land, the person who is the occupier of the land may take possession of the land and terminate the licence or tenancy; and in determining whether the occupier of the land has permitted the land to be used as a caravan site account shall be taken of any powers exercisable by him under this subsection.
- (2) The occupier of any land subject to a licence or subject to any such tenancy as is mentioned in subsection (3) of section one of this Act shall have the right, as against any person claiming under the licence or tenancy, to enter on the land and do anything on the land reasonably required for the purpose of complying with any conditions attached to a site licence issued with respect to the land.

#### Modifications etc. (not altering text)

**C19** S. 12 amended by [Caravan Sites Act 1968 \(c. 52\)](#), **s. 5(4)**

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*Special provisions as to existing sites*

**F61** **13** .....

**Textual Amendments**

**F61** Ss. 13-20 repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), [Sch. 1 Pt. XIII](#) Group 1.

**F62** **14** .....

**Textual Amendments**

**F62** Ss. 13-20 repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), [Sch. 1 Pt. XIII](#) Group 1.

**F63** **15** .....

**Textual Amendments**

**F63** Ss. 13-20 repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), [Sch. 1 Pt. XIII](#) Group 1.

**F64** **16** .....

**Textual Amendments**

**F64** Ss. 13-20 repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), [Sch. 1 Pt. XIII](#) Group 1.

**F65** **17** .....

**Textual Amendments**

**F65** Ss. 13-20 repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), [Sch. 1 Pt. XIII](#) Group 1.

**F66** **18** .....

**Textual Amendments**

**F66** Ss. 13-20 repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), [Sch. 1 Pt. XIII](#) Group 1.

**F67** **19** .....

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#### Textual Amendments

**F67** Ss. 13-20 repealed (5.11.1993) by 1993 c. 50, s. 1(1), [Sch. 1 Pt. XIII](#) Group1.

**F68** **20** .....

#### Textual Amendments

**F68** Ss. 13-20 repealed (5.11.1993) by 1993 c. 50, s. 1(1), [Sch. 1 Pt. XIII](#) Group1.

**21, 22.** ..... **F69**

#### Textual Amendments

**F69** Ss. 21, 22 repealed by [Town and Country Planning Act 1962 \(c. 38\)](#), [Sch. 15](#) and [Town and Country Planning \(Scotland\) Act 1972 \(c. 52\)](#), [Sch. 23](#)

### *Caravans on commons*

#### **23 Power of rural district councils to prohibit caravans on commons.**

- (1) This section applies to any land [<sup>F70</sup>in England] in the area of a [<sup>F71</sup>district council] which is or forms part of a common, not being land falling within any of the following descriptions, that is to say—
  - (a) land to which section one hundred and ninety-three of the <sup>M1</sup>Law of Property Act 1925 (which relates to the rights of the public over certain commons and waste lands), for the time being applies;
  - (b) land which is subject to a scheme under Part I of the <sup>M2</sup>Commons Act 1899 (under which schemes may be made for the regulation and management of certain commons);
  - (c) land as respects which a site licence is for the time being in force.
- (2) [<sup>F72</sup>The council of a district] may make with respect to any land in their area to which this section applies an order prohibiting, either absolutely or except in such circumstances as may be specified in the order, the stationing of caravans on the land for the purposes of human habitation.
- (3) Without prejudice to the provisions of section one of this Act, any person who stations a caravan on any land in contravention of an order under this section for the time being in force with respect to the land shall be guilty of an offence and liable on summary conviction to a fine not exceeding [<sup>F73</sup>level 1 on the standard scale].
- (4) It shall be the duty of a [<sup>F71</sup>district council] to take all reasonable steps to secure that copies of any order under this section which is for the time being in force with respect to any land in their area are so displayed on the land as to give to persons entering thereon adequate warning of the existence of the order, and the council shall have the

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right to place on the land such notices as they consider necessary for the performance of their duty under this subsection.

- (5) An order under this section may be revoked at any time by a subsequent order made thereunder by the [<sup>F71</sup>district council], or may be so varied either so as to exclude any land from the operation of the order or so as to introduce any exception, or further exception, from the prohibition imposed by the order.
- (6) Where the whole or a part of any land with respect to which an order under this section is in force ceases to be land to which this section applies, the said order shall thereupon cease to have effect with respect to the said land or part; and where an order ceases under this subsection to have effect with respect to a part only of any land, the [<sup>F71</sup>district council] shall cause any copy of the order which is displayed on that part of the land with respect to which the order continues in force to be amended accordingly.
- (7) The provisions of the Second Schedule to this Act shall, subject as therein provided, have effect with respect to orders under this section.
- (8) In this section the word “common” includes any land subject to be enclosed under the Inclosure Acts 1845 to 1882, and any town or village green.
- [<sup>F74</sup>(9) [<sup>F75</sup>This section and the Second Schedule to this Act shall apply in relation to land in Wales as if for every reference to a district council or to the district council (however expressed), or which falls to be construed as such a reference, there were substituted a reference to a Welsh county council or county borough council or (as the case may be) the Welsh county council or county borough council.]]

#### Textual Amendments

- F70** Words in s. 23(1) inserted (E.W.) (5.11.2013) by [Mobile Homes \(Wales\) Act 2013 \(anaw 6\), s. 64\(1\), Sch. 4 para. 1\(3\)\(a\)](#) (with [Sch. 5 para. 7](#)) (this amendment is to be treated as not having effect until 1.10.2014 by virtue of [S.I. 2014/11](#), art. 3(2))
- F71** Words substituted by [Local Government Act 1972 \(c. 70\), Sch. 29 para. 14](#)
- F72** Words substituted by [S.I.1975/1636, art. 4\(3\)](#)
- F73** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), ss. 38, 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), ss. 289F, 289G](#)
- F74** S. 23(9) added (1.4.1996) by [1994 c. 19, s. 66\(6\), Sch. 16, para. 16\(1\)](#) (with [ss. 54\(5\)\(7\), 55\(5\), Sch. 17 paras. 22\(1\), 23\(2\)](#)); [S.I. 1996/396, art. 4, Sch. 2](#)
- F75** S. 23(9) omitted (E.W.) (5.11.2013) by virtue of [Mobile Homes \(Wales\) Act 2013 \(anaw 6\), s. 64\(1\), Sch. 4 para. 1\(3\)\(b\)](#) (with [Sch. 5 para. 7](#)) (this amendment is to be treated as not having effect until 1.10.2014 by virtue of [S.I. 2014/11](#), art. 3(2))

#### Modifications etc. (not altering text)

- C20** S. 23 extended (E.W.) by [Norfolk and Suffolk Broads Act 1988 \(c. 4, SIF 81:1\), ss. 2\(5\)\(6\), 23\(2\), 27\(2\), Sch. 3 para. 38\(1\)\(c\)](#)
- C21** S. 23 extended (E.W.) (19.9.1995) by [1995 c. 25, ss. 70, 125\(2\), Sch. 9 para. 1\(2\)\(c\)](#) (with [ss. 7\(6\), 115, 117, Sch. 8 para. 7](#))
- C22** S. 23 functions made exercisable concurrently (E.W.) (with effect in accordance with art. 25(1) of the amending S.I.) by [The Cotswolds Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1777\), arts. 1, 25\(2\)\(xiii\)](#) (with art. 35)
- C23** S. 23 functions made exercisable concurrently (E.W.) (with effect in accordance with art. 25(1) of the amending S.I.) by [The Chilterns Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1778\), arts. 2, 25\(1\)\(2\)\(xiii\)](#) (with art. 35)

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#### Marginal Citations

**M1** 1925 c. 20.

**M2** 1899 c. 30.

### *Provision of caravan sites by local authorities*

#### **24 Power of local authorities to provide sites for caravans. E+W**

(1) A local authority [<sup>F76</sup>in England] shall have power within their area to provide sites where caravans may be brought, whether for holidays or other temporary purposes or for use as permanent residences, and to manage the sites or lease them to some other person.

(2) Subject to the provisions of this section, a local authority shall have power to do anything appearing to them desirable in connection with the provision of such sites, and in particular—

- (a) to acquire land which is in use as a caravan site, or which has been laid out as a caravan site, or
- (b) to provide for the use of those occupying caravan sites any services or facilities for their health or convenience; [<sup>F77</sup>, or
- (c) to provide, in or in connection with sites for the accommodation of gipsies, working space and facilities for the carrying on of such activities as are normally carried on by them,]

and in exercising their powers under this section the local authority shall have regard to any standards which may have been specified by the Minister under subsection (6) of section five of this Act.

[<sup>F78</sup>(2A) Before exercising the power to provide a site conferred on them by subsection (1) of this section the local authority shall consult the [<sup>F79</sup>fire and rescue authority], if they are not themselves the [<sup>F79</sup>fire and rescue authority],—

- (a) as to measures to be taken for preventing and detecting the outbreak of fire on the site; and
- (b) as to the provision and maintenance of means of fighting fire on it.]

(3) The local authority shall make in respect of the use of sites managed by them, and of any services or facilities provided or made available under this section, such reasonable charges as they may determine.

(4) A local authority may make available the services and facilities provided under this section for those who do not normally reside in the area of the local authority as freely as for those who do.

(5) A local authority shall, in the performance of their functions under this section, have power, where it appears to them that a caravan site or an additional caravan site is needed in their area, or that land which is in use as a caravan site should in the interests of the users of caravans be taken over by the local authority, to acquire land, or any interest in land, compulsorily.

(6) The power of a local authority under the last foregoing subsection to acquire land, or any interest in land, compulsorily shall be exercisable in any particular case on their being authorised to do so by the Minister, and the [<sup>F80</sup>Acquisition of Land Act 1981],



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shall have effect in relation to the acquisition of land, or any interest in land, under the said subsection . . . <sup>F81</sup>

- (7) A local authority shall not have power under this section to provide caravans.
- (8) In this section the expression “local authority” includes the council of a county <sup>F82</sup> . . . .  
[<sup>F83</sup> and “gipsies” means persons of nomadic habit of life, whatever their race or origin, but does not include members of an organised group of travelling showmen, or persons engaged in travelling circuses, travelling together as such.]
- (9) . . . . . <sup>F84</sup>

#### Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only.

#### Textual Amendments

- F76** Words in s. 24(1) inserted (E.W.) (5.11.2013) by [Mobile Homes \(Wales\) Act 2013 \(anaw 6\)](#), s. 64(1), [Sch. 4 para. 1\(4\)\(a\)](#) (with [Sch. 5 para. 7](#)) (this amendment is to be treated as not having effect until 1.10.2014 by virtue of [S.I. 2014/11](#), art. 3(2))
- F77** S. 24(2)(c) inserted (3.11.1994) by [1994 c. 33](#), [ss. 80\(2\)\(a\)](#), 172(4)
- F78** S. 24(2A) inserted by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), [s. 8\(2\)\(d\)](#)
- F79** Words in s. 24(2A) substituted (E.W.) (1.10.2004 for E., 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), para. 14(3)(c)s. 61, [Sch. 1 para. 14\(2\)](#); [S.I. 2004/2304](#), art. 2; [S.I. 2004/2917](#), art. 2
- F80** Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, [Sch. 4 para. 1](#)
- F81** Words repealed by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, [Sch. 6 Pt. I](#)
- F82** Words in s. 24(8) omitted (E.W.) (5.11.2013) by virtue of [Mobile Homes \(Wales\) Act 2013 \(anaw 6\)](#), s. 64(1), [Sch. 4 para. 1\(4\)\(b\)](#) (with [Sch. 5 para. 7](#)) (this amendment is to be treated as not having effect until 1.10.2014 by virtue of [S.I. 2014/11](#), art. 3(2))
- F83** Words in s. 24(8) inserted (3.11.1994) by [1994 c. 33](#), [ss. 80\(2\)\(a\)](#), 172(4)
- F84** Ss. 24(9), 31 repealed by [London Government Act 1963 \(c. 33\)](#), [Sch. 18 Pt. II](#)

#### Modifications etc. (not altering text)

- C24** S. 24 extended by [Caravan Sites Act 1968 \(c. 52\)](#), [ss. 6](#), 7(1)
- C25** S. 24 extended (19.9.1995) by [1995 c. 25](#), [ss. 70](#), 125(2), [Sch. 9](#), para. 4(a)
- C26** S. 24 functions made exercisable concurrently (E.W.) (with effect in accordance with art. 25(1) of the amending S.I.) by [The Cotswolds Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1777\)](#), arts. 1, [25\(2\)\(xiv\)](#) (with art. 35)
- C27** S. 24 functions made exercisable concurrently (with effect in accordance with art. 25(1) of the amending S.I.) by [The Chilterns Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1778\)](#), arts. 2, [25\(1\)\(2\)\(xiv\)](#) (with art. 35)

## 24 Power of local authorities to provide sites for caravans. S

- (1) A local authority shall have power within their area to provide sites where caravans may be brought, whether for holidays or other temporary purposes or for use as permanent residences, and to manage the sites or lease them to some other person.

*Status: Point in time view as at 13/07/2016.*

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(2) Subject to the provisions of this section, a local authority shall have power to do anything appearing to them desirable in connection with the provision of such sites, and in particular—

- (a) to acquire land which is in use as a caravan site, or which has been laid out as a caravan site, or
- (b) to provide for the use of those occupying caravan sites any services or facilities for their health or convenience;

and in exercising their powers under this section the local authority shall have regard to any standards which may have been specified by the Minister under subsection (6) of section five of this Act.

<sup>F136F79</sup><sup>[F137]</sup>(2A) Before exercising the power to provide a site conferred on them by subsection (1) of this section the local authority shall consult the fire authority, if they are not themselves the fire authority,—

- (a) as to measures to be taken for preventing and detecting the outbreak of fire on the site; and
- (b) as to the provision and maintenance of means of fighting fire on it.]

(3) The local authority shall make in respect of the use of sites managed by them, and of any services or facilities provided or made available under this section, such reasonable charges as they may determine.

(4) A local authority may make available the services and facilities provided under this section for those who do not normally reside in the area of the local authority as freely as for those who do.

(5) A local authority shall, in the performance of their functions under this section, have power, where it appears to them that a caravan site or an additional caravan site is needed in their area, or that land which is in use as a caravan site should in the interests of the users of caravans be taken over by the local authority, to acquire land, or any interest in land, compulsorily.

(6) The power of a local authority under the last foregoing subsection to acquire land, or any interest in land, compulsorily shall be exercisable in any particular case on their being authorised to do so by the Minister, and the <sup>[F138]</sup>Acquisition of Land Act 1981], shall have effect in relation to the acquisition of land, or any interest in land, under the said subsection . . . <sup>F139</sup>

(7) A local authority shall not have power under this section to provide caravans.

<sup>[F137]</sup>(8) In the foregoing provisions of this section “local authority” means <sup>[F140]</sup>a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.].]

<sup>F141</sup>(8A) . . . . .

(9) . . . . . <sup>F142</sup>

#### Extent Information

**E2** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only.

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### Textual Amendments

- F79** Words in s. 24(2A) substituted (E.W.) (1.10.2004 for E., 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), para. 14(3)(c)s. 61, [Sch. 1 para. 14\(2\)](#); S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2
- F136** S. 24(2A) inserted by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), s. [8\(2\)\(d\)](#)
- F137** S. 24(8)(8A) beginning “In the foregoing” substituted for subsection (8) beginning “In this section” by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43, SIF 81:2\)](#), s. [13\(1\)](#)
- F138** Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, [Sch. 4 para. 1](#)
- F139** Words repealed by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, [Sch. 6 Pt. I](#)
- F140** Words in s. 24(8) substituted (1.4.1996) by 1994 c. 39, s. 180(1), [Sch. 13](#), para. 54(a); S.I. 1996/323, art. 4
- F141** S. 24(8A) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), [Sch. 13](#), para. 54(b), [Sch. 14](#); S. I. 1996/323, art. 4
- F142** Ss. 24(9), 31 repealed by [London Government Act 1963 \(c. 33\)](#), [Sch. 18 Pt. II](#)

### Modifications etc. (not altering text)

- C26** S. 24 functions made exercisable concurrently (E.W.) (with effect in accordance with art. 25(1) of the amending S.I.) by [The Cotswolds Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1777\)](#), arts. 1, [25\(2\)\(xiv\)](#) (with art. 35)
- C27** S. 24 functions made exercisable concurrently (with effect in accordance with art. 25(1) of the amending S.I.) by [The Chilterns Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1778\)](#), arts. 2, [25\(1\)\(2\)\(xiv\)](#) (with art. 35)
- C33** S. 24 extended by [Caravan Sites Act 1968 \(c. 52\)](#), ss. 6, 7(1)

### 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.

[<sup>F85</sup>(1A) A person may not be authorised under subsection (1) to enter and survey or value land in England and Wales in connection with a proposal to acquire an interest in or a right over land (but see section 172 of the Housing and Planning Act 2016).]

(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 [<sup>F86</sup>—
  - (a) where the wilful obstruction occurs in relation to land in England, to a fine not exceeding level 4 on the standard scale;
  - (b) where the wilful obstruction occurs in relation to land in Wales,]
 

to a fine not exceeding [<sup>F87</sup>level 1 on the standard scale].

#### Textual Amendments

**F85** S. 26(1A) inserted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 14 para. 5](#); [S.I. 2016/733](#), [reg. 3\(h\)](#) (with [reg. 6](#))

**F86** S. 26(5)(a)(b) inserted (E.W.) (1.4.2014 for E.) by [Mobile Homes Act 2013 \(c. 14\)](#), [ss. 13\(2\)](#), [15\(2\)](#); [S.I. 2014/816](#), [art. 2](#) (with [art. 3](#))

**F87** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38](#), [46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289F](#), [289G](#)

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## **[<sup>F88</sup>26A Liability of officers of bodies corporate**

- (1) This section applies to an offence under this Act committed in relation to land in England.
- (2) Where a body corporate commits an offence to which this section applies and it is proved that—
  - (a) the offence was committed with the consent or connivance of an officer of the body corporate, or
  - (b) the offence was attributable to neglect on the part of an officer of the body corporate,the officer, as well as the body corporate, is guilty of the offence and is liable to be proceeded against and punished accordingly.
- (3) In subsection (2), “officer” means—
  - (a) a director, manager, secretary or similar officer of the body corporate,
  - (b) in the case of a body corporate whose affairs are managed by its members, a member of the body corporate, or
  - (c) a person purporting to act in a capacity mentioned in paragraph (a) or (b).]

### **Textual Amendments**

**F88** S. 26A inserted (E.W.) (1.4.2014 for E.) by [Mobile Homes Act 2013 \(c. 14\)](#), [ss. 14, 15\(2\)](#); [S.I. 2014/816](#), [art. 2](#) (with [art. 3](#))

## **<sup>F89</sup>27 .....**

### **Textual Amendments**

**F89** S. 27 repealed (S.) by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 29](#)  
S. 27 repealed (E.W.) (5.11.1993) by [1993 c. 50](#), s. 1(1), [Sch. 1 Pt. XIII](#) Group 1.

## **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

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(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);

<sup>F90</sup>

<sup>F91</sup> [ <sup>F92</sup> “fire and rescue authority”, in relation to any land, means the fire and rescue authority under the Fire and Rescue Services Act 2004 for the area in which the land is situated;]

“local authority” means a council of a <sup>F93</sup> [London borough or a] . . . <sup>F94</sup> district <sup>F95</sup> [the Common Council of the City of London] and the Council of the Isles of Scilly; <sup>F96</sup> [but, in relation to Wales, means the council of a Welsh county or county borough]

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

[<sup>F97</sup> “relevant protected site ” has the meaning assigned to it by section 5A(5);

“relevant protected site application” has the meaning assigned to it by section 3(7);]

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

“the Minister” means <sup>F98</sup> [the Secretary of State].

[<sup>F99</sup> “tribunal” means the First-tier Tribunal or where determined by or under Tribunal Procedure Rules, the Upper Tribunal.]

- (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 <sup>F100</sup> [or granted on the designation of an enterprise zone under Schedule 32 to the Local Government, Planning and Land Act 1980].
- (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.

#### Textual Amendments

**F90** Definition in s. 29(1) repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt. XIII Group 1.



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- F91** Definition inserted (E.W.) by [Local Government \(Miscellaneous Provisions\) Act 1982](#) (c. 30, SIF 81:1), **s. 8(2)(e)**
- F92** Words in s. 29(1) substituted (E.W.) (1.10.2004 for E., 10.11.2004 for W.) by [Fire and Rescue Services Act 2004](#) (c. 21), s. 61, **Sch. 1 para. 14(4)**; S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2
- F93** By [Greater London Council \(General Powers\) Act 1976](#) (c.xxvi), **s. 11** it is provided that the definition of “local authority” in section 29(1) shall have effect and be deemed to have had effect as from 1 April 1974 as if after the words “of a” there were inserted the words “London borough or a”
- F94** Words repealed by [Local Government Act 1972](#) (c. 70), **Sch. 30**
- F95** Words inserted by [London Government Act 1963](#) (c. 33), **Sch. 17 para. 21(1)(b)**
- F96** S. 29(1): words in definition of “local authority” added (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16, para. 16(3)** (with ss. 54(5)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**); S.I. 1996/396, art. 4, **Sch. 2**
- F97** Words in s. 29(1) inserted (E.W.) (1.4.2014) by [Mobile Homes Act 2013](#) (c. 14), **ss. 1(7), 15(1)**
- F98** Words substituted by virtue of [S.I. 1965/319](#), **arts. 2, 10(1)(a)** **Sch. 1 Pt. I** and 1970/1681, arts. 2, 6(3)
- F99** Words in s. 29(1) inserted (18.7.2014) by [The Transfer of Tribunal Functions \(Mobile Homes Act 2013 and Miscellaneous Amendments\) Order 2014](#) (S.I. 2014/1900), art. 1, **Sch. 1 para. 11**
- F100** Words inserted by [Planning \(Consequential Provisions\) Act 1990](#) (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 8**

#### Modifications etc. (not altering text)

- C28** Definition of “caravan” amended by [Caravan Sites Act 1968](#) (c. 52), s. 13
- C29** By [Greater London Council \(General Powers\) Act 1976](#) (c.xxvi), **s. 11** it is provided that the definition of “Local Authority” in section 29(1) shall have effect and be deemed to have had effect as from 1 April 1974 as if after the words “of a” there were inserted the words “London borough or a”

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

- (1) Section two hundred and sixty-nine of the <sup>M3</sup>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; . . . <sup>F101</sup>

<sup>F102</sup>(2) . . . . .

#### Textual Amendments

- F101** Words repeal [Public Health Act 1936](#) (c. 49), **s. 269(5)(ii)**
- F102** S. 30(2) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIII** Group 1.

#### Marginal Citations

**M3** [1936 c. 49](#).

### 31 . . . . . <sup>F103</sup>

#### Textual Amendments

- F103** Ss. 24(9), 31 repealed by [London Government Act 1963](#) (c. 33), **Sch. 18 Pt. II**

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## 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 <sup>M4</sup>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 <sup>F104</sup>... there shall be substituted a reference to the sheriff having jurisdiction in the place where the land is situated;
- [<sup>F105</sup>(d) the reference in subsection (3) of section one of this Act to an estate or interest in land shall be construed as a reference to a right in, or to, land and the references in that subsection and in section twelve of this Act to a licence in respect of land shall be construed as not including a tenancy of land;]
- (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

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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;

<sup>F106</sup>(f) .....

<sup>F106</sup>(g) .....

(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 <sup>M5</sup>Acquisition of Land (Authorisation Procedure) Act 1946, there shall be substituted a reference to the <sup>M6</sup>Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947; and

<sup>F107</sup>[(iii) in subsection (8), for the words from “includes the” onwards there shall be substituted the words “means a local authority within the meaning of the <sup>M7</sup>Local Government (Scotland) Act 1973 and a regional or district planning authority within the meaning of Part IX of that Act”];

(i) in section twenty-six, any reference to a justice of the peace shall be construed as including a reference to a sheriff;

<sup>F106</sup>(j) .....

(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, <sup>F109</sup>[a general or district planning authority within the meaning of Part IX of the Local Government (Scotland) Act 1973];”

and the definition of “the Minister” shall be omitted;

(ii) subsections (5) shall be omitted;

(l) the following sections shall be omitted, that is to say, section twenty-three, section thirty <sup>F110</sup>...

(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 <sup>F111</sup>Supreme Court] shall lie, with the leave of the Court of Session or of the <sup>F111</sup>Supreme Court], 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 <sup>F111</sup>Supreme Court] may determine.

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(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) ..... F112

(5) ..... F113

#### Textual Amendments

- F104** Words in s. 32(1)(c) repealed (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), s. 110(1), [Sch. 8 para. 110](#), [Sch. 10](#); [S.I. 2005/910](#), [art. 3\(y\)](#)
- F105** S. 32(1)(d) substituted (S.) (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), [sch. 12 para. 23](#) (with ss. 58, 62, 75); [S.S.I. 2003/456](#), [art. 2](#)
- F106** S. 32(1)(f)(g)(j) repealed (5.11.1993) by [1993 c. 50](#), s. 1(1), [Sch. 1 Pt. XIII](#) Group1.
- F107** S. 32(1)(h)(iii) repealed (S.) by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43\)](#), [SIF 81:2](#), s. 66(2), [Sch. 4 Pt. I](#)
- F108** S. 32(1)(h)(iii) substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 23 para. 2\(a\)](#)
- F109** Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 23 para. 2\(b\)](#)
- F110** Words in s. 32(1)(l) repealed (5.11.1993) by [1993 c. 50](#), s. 1(1), [Sch. 1 Pt. XIII](#) Group1.
- F111** Words in s. 32(2) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 9 para. 12](#); [S.I. 2009/1604](#), [art. 2\(d\)](#)
- F112** S. 32(4) repealed by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1966 \(c. 19\)](#), s. 10, [Sch. Pt. I](#)
- F113** S. 32(5) repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 29](#)

#### Marginal Citations

- M4** 1947 c. 53.
- M5** 1946 c. 49.
- M6** 1947 c. 42.
- M7** 1973 c. 65.

## <sup>F114</sup>PART 1A

### LICENSING OF RELEVANT PERMANENT SITES IN SCOTLAND

#### Textual Amendments

- F114** Pt. 1A heading inserted (S.) (20.11.2014 for the purposes of ss. 32B-32I, 32N, 32Y) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), [ss. 63\(2\)](#), 104(3); [S.S.I. 2014/264](#), [art. 2](#), [sch.](#)

## <sup>F115</sup>Part 1A site licence

#### Textual Amendments

- F115** Ss. 32B, 32C and cross-heading inserted (20.11.2014 for specified purposes, 1.5.2017 in so far as not already in force) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), [ss. 64](#), 104(3); [S.S.I. 2014/264](#), [art. 2](#), [sch.](#); [S.S.I. 2016/412](#), [art. 2](#), [sch.](#)

*Status: Point in time view as at 13/07/2016.*

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### **32B Relevant permanent site application**

- (1) A relevant permanent site application may be made by the occupier of land to the local authority in whose area the land is situated.
- (2) A relevant permanent site application must—
  - (a) be in writing and in such format as is determined by the local authority,
  - (b) specify the land in respect of which the application is made,
  - (c) include information specified in regulations made under section 32N, and
  - (d) include any information relevant to the material falling within section 32O(2) in relation to—
    - (i) the applicant,
    - (ii) any person to be appointed by the applicant to manage the site, and
    - (iii) any other person whom the local authority is required to be satisfied is a fit and proper person in accordance with section 32D(1)(b) or (2)(b).
- (3) An applicant must, either at the time of making the application or subsequently, give to the local authority such other information as the authority may reasonably require.

### **32C Fee for relevant permanent site application**

- (1) A relevant permanent site application must be accompanied by a fee of such amount (if any) as the relevant local authority may fix.
- (2) An authority may fix different fees for different applications or types of application.
- (3) A fee fixed by an authority must not exceed an amount which it considers represents the reasonable costs of an authority in deciding a relevant permanent site application.
- (4) The Scottish Ministers may by regulations subject to the negative procedure make provision about the charging of fees under subsection (1).
- (5) Regulations made under subsection (4) may in particular—
  - (a) provide for the fee not to exceed such amount as may be prescribed by the regulations,
  - (b) specify matters to be taken into account by an authority when fixing a fee.]

### **[<sup>F116</sup>32D Issue and renewal of a Part 1A site licence**

- (1) A local authority may issue a Part 1A site licence if—
  - (a) the applicant is, when the Part 1A site licence is issued, entitled to the benefit of planning permission for the use of the land as a relevant permanent site otherwise than by a development order, and
  - (b) the authority is satisfied—
    - (i) that the applicant is a fit and proper person to hold a site licence,
    - (ii) in the case where an applicant is not a natural person, that the individual who holds the most senior position within the management structure of the relevant partnership, company or body is a fit and proper person in relation to a site licence,
    - (iii) that any person to be appointed by the applicant to manage the site is a fit and proper person to do so, and

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- (iv) in the case where a person to be appointed by the applicant to manage the site is not a natural person, that any individual who is to be directly concerned with the management of the site on behalf of that manager is a fit and proper person to do so.
- (2) A local authority must renew a Part 1A site licence if—
  - (a) the applicant is, when the Part 1A site licence is renewed, entitled to the benefit of planning permission for the use of the land as a relevant permanent site otherwise than by a development order, and
  - (b) the authority is satisfied—
    - (i) that the applicant is a fit and proper person to hold a site licence,
    - (ii) in the case where an applicant is not a natural person, that the individual who holds the most senior position within the management structure of the relevant partnership, company or body is a fit and proper person in relation to a site licence,
    - (iii) that any person appointed, or to be appointed, by the applicant to manage the site is a fit and proper person to do so, and
    - (iv) in the case where a person appointed, or to be appointed, by the applicant to manage the site is not a natural person, that any individual who is, or is to be, directly concerned with the management of the site on behalf of that manager is a fit and proper person to do so.
- (3) The local authority must not issue a Part 1A site licence to a person whom the local authority knows has held a site licence which has been revoked under this Act less than 3 years before that time.
- (4) Before refusing to issue or renew a Part 1A site licence, the authority must give to the applicant a notice stating that—
  - (a) it is considering refusing the application and its reasons for doing so, and
  - (b) the applicant has the right to make written representations to the authority before the date which is specified in the notice (such date to be at least 28 days after the date on which the notice is given).
- (5) In making its decision under this section the local authority must consider the application and any representations made in accordance with subsection (4)(b).

#### **Textual Amendments**

**F116** Ss. 32D-32I inserted (20.11.2014 for specified purposes, 1.5.2017 in so far as not already in force) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), ss. 65, 104(3); S.S.I. 2014/264, art. 2, sch.; S.S.I. 2016/412, art. 2, sch.

### **32E Application to transfer a Part 1 A site licence**

- (1) This section applies where, under section 10(1), the holder of a Part 1A site licence seeks the consent of the local authority for the transfer of the licence to a person who is to become the occupier of the relevant permanent site (in this section the “transferee”).
- (2) The local authority may refuse consent to the transfer on the ground that the authority is not satisfied—
  - (a) that the transferee is a fit and proper person to hold a site licence,



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- (b) in the case where the transferee is not a natural person, that the individual who holds the most senior position within the management structure of the relevant partnership, company or body is a fit and proper person in relation to a site licence,
  - (c) that any person to be appointed by the transferee to manage the site is a fit and proper person to do so, and
  - (d) in the case where a person to be appointed by the transferee to manage the site is not a natural person, that any individual who is to be directly concerned with the management of the site on behalf of that manager is a fit and proper person to do so.
- (3) The applicant and the transferee must, either at the time of making the application or subsequently, give to the local authority such information as the authority may reasonably require in order to determine if the persons mentioned in subsection (2) are fit and proper persons.
- (4) Before refusing to consent to the transfer under subsection (2), the authority must give to the applicant a notice stating that—
  - (a) it is considering refusing the application and its reasons for doing so, and
  - (b) the applicant has the right to make written representations to the authority before the date which is specified in the notice (such date to be at least 28 days after the date on which the notice is given).
- (5) In making its decision under this section the local authority must consider the application and any representations made in accordance with subsection (4)(b).

#### Textual Amendments

**F116** Ss. 32D-32I inserted (20.11.2014 for specified purposes, 1.5.2017 in so far as not already in force) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), **ss. 65**, 104(3); [S.S.I. 2014/264](#), art. 2, sch.; [S.S.I. 2016/412](#), art. 2, sch.

### 32F Time limit for determining application

- (1) This section applies where a person—
  - (a) makes a relevant permanent site application to a local authority in accordance with section 32B, or
  - (b) makes an application for consent to transfer a licence mentioned in section 32E.
- (2) The local authority must determine the application under section 32D or, as the case may be, sections 10 and 32E before the time limit specified under subsection (3).
- (3) The Scottish Ministers must, by regulations subject to the negative procedure, specify a time limit for the purposes of each application to which this section applies (and in doing so may specify different limits for different applications or types of application).
- (4) The period mentioned in subsection (2) may be extended by the sheriff, on summary application by the local authority, by such period as the sheriff thinks fit.
- (5) The sheriff may not extend a period unless the local authority applies for the extension before the period expires.

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- (6) The applicant is entitled to be a party to any proceedings on such summary application.
- (7) The sheriff's decision on such summary application is final.
- (8) If the local authority does not determine a relevant permanent site application within the period required by this section—
  - (a) the authority is to be treated as having issued a Part 1A site licence, on the day by which the authority was required to determine the application, and
  - (b) the relevant person is for all purposes to be treated as having been issued a Part 1A site licence by the local authority under section 32D.
- (9) If the local authority does not determine an application for consent to transfer a licence mentioned in section 32E within the period required by this section, the authority is to be treated as having given its consent to the transfer on the day on which the application was made.

#### **Textual Amendments**

**F116** Ss. 32D-32I inserted (20.11.2014 for specified purposes, 1.5.2017 in so far as not already in force) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), **ss. 65**, 104(3); [S.S.I. 2014/264](#), **art. 2**, [sch.](#); [S.S.I. 2016/412](#), **art. 2**, [sch.](#)

### **32G Local authority power to transfer licence where no application**

- (1) This section applies where—
  - (a) the holder of a Part 1A site licence does not seek the consent of the local authority for the transfer of the licence under section 10(1), and
  - (b) it appears to the authority that the licence holder is no longer the occupier of the relevant permanent site.
- (2) The local authority may transfer the licence to a person whom the authority considers to be the occupier of the relevant permanent site (in this section the “transferee”).
- (3) Before deciding to transfer the licence under subsection (2), the authority must give to the licence holder and the transferee a notice stating that—
  - (a) it is considering transferring the licence to the transferee under this section and its reasons for doing so, and
  - (b) the licence holder and the transferee each have the right to make written representations to the authority before the date which is specified in the notice (such date to be at least 28 days after the date on which the notice is given).
- (4) In making its decision under this section the local authority must consider any representations made in accordance with subsection (3)(b).
- (5) The licence holder and the transferee must give to the local authority such information as the authority may reasonably require in order to make a decision under this section.
- (6) It is an offence for a person to knowingly or recklessly provide information which is false or misleading in a material respect to a local authority in purported compliance with a request under subsection (5).
- (7) A person who commits an offence under subsection (6) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

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#### Textual Amendments

**F116** Ss. 32D-32I inserted (20.11.2014 for specified purposes, 1.5.2017 in so far as not already in force) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), **ss. 65**, 104(3); S.S.I. 2014/264, art. 2, sch.; S.S.I. 2016/412, art. 2, sch.

### 32H Transfer of Part 1A site licences on death: relevant permanent sites

Where a Part 1A site licence is transferred to a person in accordance with section 10(4), that person must give to the local authority such information as the authority may reasonably require in order to make a determination under section 32L.

#### Textual Amendments

**F116** Ss. 32D-32I inserted (20.11.2014 for specified purposes, 1.5.2017 in so far as not already in force) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), **ss. 65**, 104(3); S.S.I. 2014/264, art. 2, sch.; S.S.I. 2016/412, art. 2, sch.

### 32I Notification of decision on Part 1A site licence

- (1) A local authority must, as soon as practicable after making a decision mentioned in subsection (2), notify the persons mentioned in subsection (3) of—
  - (a) the making of the decision, and
  - (b) the right to appeal under section 32M.
- (2) The decisions are—
  - (a) the determination of a relevant permanent site application,
  - (b) the determination of an application for consent to transfer a licence mentioned in section 32E,
  - (c) the decision to transfer a licence mentioned in section 32G.
- (3) The persons are—
  - (a) in the case of a determination of a relevant permanent site application, the applicant,
  - (b) in the case of a determination of an application for consent to transfer a licence mentioned in section 32E, the applicant and the transferee,
  - (c) in the case of a decision of the local authority to transfer a licence under section 32G, the previous holder of the Part 1A site licence and the transferee.
- (4) A local authority must give to the persons mentioned in subsection (3) its reasons for making a decision mentioned in subsection (2).]

#### Textual Amendments

**F116** Ss. 32D-32I inserted (20.11.2014 for specified purposes, 1.5.2017 in so far as not already in force) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), **ss. 65**, 104(3); S.S.I. 2014/264, art. 2, sch.; S.S.I. 2016/412, art. 2, sch.

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## [<sup>F117</sup> 32N Power to make provision in relation to procedure and appeals

- (1) The Scottish Ministers may, by regulations subject to the negative procedure, make provision in relation to—
  - (a) the procedure to be followed in relation to—
    - (i) the issue, renewal, transfer, transmission and revocation of a Part 1A site licence,
    - (ii) appeals under section 32M,
  - (b) the determination and consequences of an appeal under section 32M.
- (2) Regulations under subsection (1) may in particular make provision for or in connection with—
  - (a) the procedure to be followed by the person making an application for—
    - (i) a new Part 1A site licence,
    - (ii) the renewal of an existing Part 1A site licence which is due to expire,
    - (iii) consent to transfer a Part 1A site licence,
  - (b) the procedure to be followed by a person following the transfer of a licence,
  - (c) the information to be provided in relation to an application mentioned in paragraph (a) or a transfer mentioned in section 32G or 32H,
  - (d) the procedure to be followed in determining an application mentioned in paragraph (a) or in considering a transfer mentioned in section 32G or 32H,
  - (e) the procedure to be followed after an application mentioned in paragraph (a) is determined or a transfer mentioned in section 32G or 32H is considered,
  - (f) the time limits for the giving of reasons under section 32I(4) and 32L(5),
  - (g) the time limits applying in relation to appeals,
  - (h) the procedure to be followed by the person making an appeal.]

### Textual Amendments

**F117** S. 32N inserted (20.11.2014) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), ss. 70, 104(3); S.S.I. 2014/264, art. 2, sch.

## [<sup>F118</sup> 32Y Power to appoint interim manager

- (1) A local authority which has issued a Part 1A site licence may apply to the sheriff for an order appointing an interim manager of the site.
- (2) An order may be granted by the sheriff if—
  - (a) the authority has refused to renew a Part 1A site licence under section 32D,
  - (b) the authority has revoked a Part 1A site licence under section 32L, or
  - (c) the sheriff is satisfied that—
    - (i) the licence holder is failing or has failed, either seriously or repeatedly, to comply with a condition of the Part 1A site licence,
    - (ii) the site is not being managed by a person who is a fit and proper person to manage the site, or
    - (iii) there is no one managing the site.
- (3) The appointment of an interim manager is to be on terms (including as to remuneration and expenses) specified in, or determined in accordance with, the appointment.

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- (4) The interim manager has—
- (a) any power specified in the appointment, and
  - (b) any other power in relation to the management of the site required by the interim manager for the purposes specified in the appointment (including the power to enter into agreements and take other action on behalf of the occupier of the site).
- (5) The Scottish Ministers may by regulations subject to the negative procedure make further provision about the appointment of an interim manager.
- (6) Regulations under subsection (5) may, in particular, make provision in relation to—
- (a) the procedure to be followed in making an application,
  - (b) the powers of an interim manager,
  - (c) property which vests in the interim manager on the interim manager's appointment,
  - (d) the qualifications that must be held by any person appointed as interim manager,
  - (e) the actions that must be carried out by an interim manager during and after the manager's appointment,
  - (f) the payment and recovery of the remuneration and expenses of the interim manager,
  - (g) the assistance to be provided to the interim manager by the licence holder and other persons,
  - (h) powers of entry to the relevant permanent site,
  - (i) criminal offences which are to apply to failures to comply with the regulations,
  - (j) the procedure for and consequences of the termination of the interim manager's appointment.]

#### Textual Amendments

**F118** S. 32Y inserted (20.11.2014 for specified purposes, 1.5.2017 in so far as not already in force) by [Housing \(Scotland\) Act 2014 \(asp 14\), ss. 77, 104\(3\); S.S.I. 2014/264, art. 2, sch.; S.S.I. 2016/412, art. 2, sch.](#)

### [<sup>F119</sup>32Z] 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,

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“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,
- (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.

#### Textual Amendments

**F119** Ss. 32Z6, 32Z7 inserted (20.11.2014) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), **ss. 82**, 104(3); S.S.I. 2014/264, [art. 2](#), [sch.](#)

### 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.]

#### Textual Amendments

**F119** Ss. 32Z6, 32Z7 inserted (20.11.2014) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), **ss. 82**, 104(3); S.S.I. 2014/264, [art. 2](#), [sch.](#)



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## PART II

33—47. .... F120

### Textual Amendments

F120 S. 33–47 repealed by [Town and Country Planning Act 1962 \(c. 38\)](#), [Sch. 15](#)

## PART III

### GENERAL

48 ..... F121

### Textual Amendments

F121 S. 48 repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. XI](#)

## 49 Financial provisions.

There shall be paid out of monies provided by Parliament—

- (a) any administrative expenses incurred by the Minister of Housing and Local Government or the Secretary of State in consequence of the passing of this Act, and
- (b) any increase attributable to the provisions of this Act in the sums payable out of monies so provided under any other enactment.

### Modifications etc. (not altering text)

C30 Functions of Minister of Housing and Local Government transferred to Secretary of State by virtue of [S.I. 1965/319](#), [arts. 2, 10\(1\)\(a\)](#), Sch. 1 Pt. I and 1970/1681, arts. 2, 6(3)

## 50 Short title, interpretation, extent and commencement.

- (1) This Act may be cited as the Caravan Sites and Control of Development Act 1960.
- (2) In this Act “the Act of 1947” means the <sup>M8</sup>Town and Country Planning Act 1947.
- (3) This Act shall not extend to Northern Ireland.
- (4) This Act shall come into force at the expiration of a period of one month beginning with the date on which it is passed.]

### Marginal Citations

M8 1947 c. 51.

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## SCHEDULES

### FIRST SCHEDULE

#### CASES WHERE A CARAVAN SITE LICENCE IS NOT REQUIRED

##### *Use within curtilage of a dwellinghouse*

- 1 A site licence shall not be required for the use of land as a caravan site if the use is incidental to the enjoyment as such of a dwellinghouse within the curtilage of which the land is situated.

##### *Use by a person travelling with a caravan for one or two nights*

- 2 Subject to the provisions of paragraph 13 of this Schedule, a site licence shall not be required for the use of land as a caravan site by a person travelling with a caravan who brings the caravan on to the land for a period which includes not more than two nights—
  - (a) if during that period no other caravan is stationed for the purposes of human habitation on that land or any adjoining land in the same occupation, and
  - (b) if, in the period of twelve months ending with the day on which the caravan is brought on to the land, the number of days on which a caravan was stationed anywhere on that land or the said adjoining land for the purposes of human habitation did not exceed twenty-eight.

##### *Use of holdings of five acres or more in certain circumstances*

- 3 (1) Subject to the provisions of paragraph 13 of this Schedule, a site licence shall not be required for the use as a caravan site of land which comprises, together with any adjoining land which is in the same occupation and has not been built on, not less than five acres—
  - (a) if in the period of twelve months ending with the day on which the land is used as a caravan site the number of days on which a caravan was stationed anywhere on that land or on the said adjoining land for the purposes of human habitation did not exceed twenty-eight, and
  - (b) if in the said period of twelve months not more than three caravans were so stationed at any one time.
- (2) The Minister may by order contained in a statutory instrument provide that in any such area as may be specified in the order this paragraph shall have effect subject to the modification—
  - (a) that for the reference in the foregoing sub-paragraph to five acres there shall be substituted a reference to such smaller acreage as may be specified in the order, or
  - (b) that for the condition specified in head (a) of that sub-paragraph there shall be substituted a condition that the use in question falls between such dates in any year as may be specified in the order,

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or subject to modification in both such respects.

- (3) The Minister may make different orders under this paragraph as respects different areas, and an order under this paragraph may be varied by a subsequent order made thereunder.
- (4) An order under this paragraph shall come into force on such date as may be specified in the order, being a date not less than three months after the order is made; and the Minister shall publish notice of the order in a local newspaper circulating in the locality affected by the order and in such other ways as appear to him to be expedient for the purpose of drawing the attention of the public to the order.

*Sites occupied and supervised by exempted organisations*

- 4 Subject to the provisions of paragraph 13 of this Schedule, a site licence shall not be required for the use as a caravan site of land which is occupied by an organisation which holds for the time being a certificate of exemption granted under paragraph 12 of this Schedule (hereinafter referred to as an exempted organisation) if the use is for purposes of recreation and is under the supervision of the organisation.

*Sites approved by exempted organisations*

- 5 (1) Subject to the provisions of paragraph 13 of this Schedule, a site licence shall not be required for the use as a caravan site of land as respects which there is in force a certificate issued under this paragraph by an exempted organisation if not more than five caravans are at the time stationed for the purposes of human habitation on the land to which the certificate relates.
  - (2) For the purposes of this paragraph an exempted organisation may issue as respects any land a certificate stating that the land has been approved by the exempted organisation for use by its members for the purposes of recreation.
  - (3) The certificate shall be issued to the occupier of the land to which it relates, and the organisation shall send particulars to the Minister of all certificates issued by the organisation under this paragraph.
  - (4) A certificate issued by an exempted organisation under this paragraph shall specify the date on which it is to come into force and the period for which it is to continue in force, being a period not exceeding one year.

*Meetings organised by exempted organisations*

- 6 Subject to the provisions of paragraph 13 of this Schedule, a site licence shall not be required for the use of land as a caravan site if the use is under the supervision of an exempted organisation and is in pursuance of arrangements made by that organisation for a meeting for its members lasting not more than five days.

*Agricultural and forestry workers*

- 7 Subject to the provisions of paragraph 13 of this Schedule, a site licence shall not be required for the use as a caravan site of agricultural land for the accommodation during a particular season of a person or persons employed in farming operations on land in the same occupation.

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- 8 Subject to the provisions of paragraph 13 of this Schedule, a site licence shall not be required for the use of land as a caravan site for the accommodation during a particular season of a person or persons employed on land in the same occupation, being land used for the purposes of forestry (including afforestation).

*Building and engineering sites*

- 9 Subject to the provisions of paragraph 13 of this Schedule, a site licence shall not be required for the use as a caravan site of land which forms part of, or adjoins, land on which building or engineering operations are being carried out (being operations for the carrying out of which permission under Part III of the Act of 1947 has, if required, been granted) if that use is for the accommodation of a person or persons employed in connection with the said operations.

*Travelling showmen*

- 10 (1) Subject to the provisions of paragraph 13 of this Schedule, a site licence shall not be required for the use of land as a caravan site by a travelling showman who is a member of an organisation of travelling showmen which holds for the time being a certificate granted under this paragraph and who is, at the time, travelling for the purposes of his business or who has taken up winter quarters on the land with his equipment for some period [<sup>F122</sup>falling between the beginning of October in any year and the end of March][<sup>F122</sup>beginning on or after 20 September in any year and continuing until not later than 16 April] in the following year.
- (2) For the purposes of this paragraph the Minister may grant a certificate to any organisation recognised by him as confining its membership to bona fide travelling showmen; and a certificate so granted may be withdrawn by the Minister at any time.

**Textual Amendments**

**F122** Words “beginning on or after 20 September in any year and continuing until not later than 16 April” substituted (S.) for words “falling between the beginning of October in any year and the end of March” by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43, SIF 81:2\)](#), s. 66(1), [Sch. 3 para. 3\(a\)](#)

*Sites occupied by licensing authority*

- 11 A site licence shall not be required for the use as a caravan site of land occupied by the local authority in whose area the land is situated.

**Modifications etc. (not altering text)**

**C31** [Sch. 1 para. 11](#) extended (E.W.) (19.9.1995) by [1995 c. 25, ss. 70, 125\(2\)](#), [Sch. 9 para. 4\(b\)](#) (with ss. 7(6), 115, 117, [Sch. 8 para. 7](#))

*<sup>F123</sup> Gipsy sites occupied by county councils or regional councils*

**Textual Amendments**

**F123** Para. 11A inserted by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\)](#), s. 176

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- [<sup>F124</sup>11A [<sup>F125</sup>A site licence shall not be required for the use of land occupied by a county council, or in Scotland by a regional council, as a caravan site providing accommodation for [<sup>F126</sup>persons to whom section 24(8A) of this Act applies].]]]

#### Textual Amendments

**F124** Para. 11A inserted by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\)](#), **s. 176**

**F125** [Sch. FIRST para. 11A](#) repealed (S.) (1.4.2009) by [Housing \(Scotland\) Act 2006 \(asp 1\)](#), s. 195(3), **sch. 7** (with s. 193); [S.S.I. 2009/122](#), art. 3

**F126** Words substituted (S.) by virtue of [Local Government and Planning \(Scotland\) Act 1982 \(c.43, SIF 81:2\)](#), s.66(1), **Sch. 3 para. 3(b)**

#### *Certification of exempted organisations*

- 12 (1) For the purposes of paragraphs 4, 5 and 6 of this Schedule the Minister may grant a certificate of exemption to any organisation as to which he is satisfied that it objects include the encouragement or promotion of recreational activities.
- (2) A certificate granted under this paragraph may be withdrawn by the Minister at any time.

#### *Power to withdraw certain exemptions*

- 13 (1) The Minister may on the application of a local authority by order provide that, in relation to such land situated in their area as may be specified in the order, this Schedule shall have effect as if paragraphs 2 to 10, or such one or more of those paragraphs as may be so specified, were omitted from this Schedule.
- (2) An order under this paragraph—
- (a) shall come into force on such date as may be specified therein, and
  - (b) may, on the application of the local authority on whose application it was made, be varied or revoked by a subsequent order made thereunder,
- and, except in the case of an order the sole effect of which is to revoke in whole or part a previous order, the local authority shall, not less than three months before the order comes into force, cause a notice setting out the effect of the order and the date on which it comes into force to be published in the London Gazette or, if the land is in Scotland, in the Edinburgh Gazette and in a local newspaper circulating in the locality in which the land to which the order relates is situated.

## SECOND SCHEDULE

Section 23.

### FURTHER PROVISIONS AS TO ORDERS RELATING TO COMMONS

#### Modifications etc. (not altering text)

**C32** [Sch. 2](#) extended (E.W.) (19.9.1995) by [1995 c. 25, ss. 70, 125\(2\)](#), **Sch. 9 para. 1(2)(c)** (with [ss. 7\(6\), 115, 117](#), [Sch. 8 para. 7](#))

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### *Duty to consult conservators*

- 1 Before making an order under section twenty-three of this Act with respect to land which is or forms part of a common of which conservators have been appointed under any local Act, or under any order made under an Act of Parliament, the . . .  
<sup>F127</sup> district council shall consult with the conservators.

#### **Textual Amendments**

**F127** Word repealed by [Local Government Act 1972 \(c. 70\)](#), **Sch. 30**

### *Procedure for making orders imposing prohibitions*

- 2 Before making any order under the said section twenty-three, other than an order the sole effect of which is to revoke or vary a previous order under that section, the . . .<sup>F128</sup> district council shall publish in one or more local newspapers circulating in the locality in which the land is situated a notice—
- (a) stating the general effect of the order;
  - (b) specifying a place in the said locality where a copy of the draft order may be inspected by any person free of charge at all reasonable hours during a period of twenty-eight days from the date of the first publication of the notice; and
  - (c) stating that, within the said period, any person may by notice to the council object to the making of the order.

#### **Textual Amendments**

**F128** Word repealed by [Local Government Act 1972 \(c. 70\)](#), **Sch. 30**

- 3 (1) Not later than the date on which the said notice is first published the . . .<sup>F129</sup> district council shall serve a copy thereof on every person entitled as lord of the manor or otherwise to the soil of the land.
- [<sup>F130</sup>Provided that where][<sup>F130</sup>unless the council are satisfied that] the persons entitled to the soil of the land are numerous, or cannot after diligent inquiry be ascertained, [<sup>F131</sup>the Minister may dispense with the service of notices under this sub-paragraph.]
- (2) A notice under the foregoing sub-paragraph may be served on any person by sending it in a registered letter addressed to him at his usual or last known address.

#### **Textual Amendments**

**F129** Word repealed by [Local Government Act 1972 \(c. 70\)](#), **Sch. 30**

**F130** Words “unless” to “satisfied that” substituted (E.W.) for words “Provided that where” by [Local Government Act 1974 \(c. 7\)](#), s. 35, **Sch. 6 para. 13**

**F131** Words repealed (E.W.) by [Local Government Act 1974 \(c. 7\)](#), **Sch. 8**

- 4 (1) If before the expiration of a period of twenty-eight days beginning with the date of the first publication of a notice under paragraph 2 of this Schedule an objection to the making of the order to which the notice relates is duly made to the . . .<sup>F132</sup> district council by any person entitled to the soil of the land, and the notice is not



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subsequently withdrawn, the . . . <sup>F132</sup> district council shall not proceed with the making of the order.

- (2) Subject as aforesaid, the council may, at any time within one year after the expiration of the said period, make an order in the terms of the draft order; but if any objection to the making of the order was duly made within the said period by a person who was not entitled to the soil of the land, and the objection has not been withdrawn at the date on which the order is made, the order shall not take effect until it is confirmed by the Minister.
- (3) Where the council submit an order to the Minister for his confirmation, they shall send to the Minister a copy of every such objection as is referred to in the last foregoing sub-paragraph; and the Minister, after considering every such objection and causing if he thinks fit a local inquiry to be held, may confirm or refuse to confirm the order and, if he confirms it, may do so subject to such modifications (if any) as he may think desirable.

#### Textual Amendments

**F132** Word repealed by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)

#### *Notice to lord of manor of other orders*

- 5 Where the sole effect of an order under section twenty-three of this Act is to revoke or vary a previous order under that section (so that paragraphs 2 to 4 of this Schedule do not apply with respect to the making of the order) the . . . <sup>F133</sup> district council shall serve such notices, and take such other steps, as appear to them to be appropriate for informing the persons entitled to the soil of the land of the effect of the order.

#### Textual Amendments

**F133** Word repealed by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)

#### *Crown land*

- 6 (1) Where it is proposed to make an order of the kind described in paragraph 2 of this Schedule with respect to land in which there is a Crown or Duchy interest, and the nature of that interest is such that, but for this paragraph, the person to whom the interest belongs would be entitled under paragraph 3 of this Schedule to a copy of the notice referred to in that paragraph,—
  - (a) the said paragraph 3 shall have effect as if it required the copy to be served instead on the appropriate authority; and
  - (b) sub-paragraph (1) of paragraph 4 of this Schedule shall not apply in relation to the order, but the council shall not make the order unless and until they have obtained the consent in writing thereto of the appropriate authority.
- (2) In this paragraph “Crown or Duchy interest” means an interest belonging to Her Majesty in right of the Crown or of the Duchy of Lancaster, or belonging to the Duchy of Cornwall, or belonging to a government department or held in trust for Her Majesty for the purposes of a government department; and “the appropriate authority”—

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- (a) in relation to land belonging to Her Majesty in right of the Crown and forming part of the Crown Estate, means the Crown Estate Commissioners, and, in relation to any other land belonging to Her Majesty in right of the Crown, means the government department having the management of that land;
- (b) in relation to land belonging to Her Majesty in right of the Duchy of Lancaster, means the Chancellor of the Duchy;
- (c) in relation to land belonging to the Duchy of Cornwall, means such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints; and
- (d) in relation to land belonging to a government department or held in trust for Her Majesty for the purposes of a government department, means that department;

and if any question arises as to what authority is the appropriate authority in relation to any land, that question shall be referred to the Treasury, whose decision shall be final.

#### F134F134 THIRD SCHEDULE

##### Textual Amendments

**F134** Sch. 3 repealed by Town and Country Planning Act 1962 (c. 38), Sch. 15

F134

#### F135F135 FOURTH SCHEDULE

##### Textual Amendments

**F135** Sch. 4 repealed by Statute Law (Repeals) Act 1974 (c. 22), Sch. Pt. XI

F135

**Status:**

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**Changes to legislation:**

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