



# Caravan Sites and Control of Development Act 1960

1960 CHAPTER 62 8 and 9 Eliz 2

## PART I

### CARAVAN SITES

#### *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:

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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](#)

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

- C1** [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

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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 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;

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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\(1\)](#)
- 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)

- C2** 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)
- C3** 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](#)
- C4** 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](#)
- C5** 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](#)
- C6** 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,

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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;
- (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

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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 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].]

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### 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.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](#))
- 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.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



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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).]

#### 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.



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### 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\(b\)](#)

### Modifications etc. (not altering text)

- C7** 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](#)
- C8** 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

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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.

[<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(1), 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(1), 2**)

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

- C9** 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**
- C10** 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**
- C11** 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**

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## 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 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)

- C12** [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.)

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## **[<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—
  - (a) sets out the condition in question and details of the failure to comply with it,
  - (b) 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,
  - (c) specifies the period within which those steps must be taken, and
  - (d) explains the right of appeal conferred by subsection (3).
- (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

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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 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).

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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)

### 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).

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- (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.]

#### 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.



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### 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.
- (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,



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- (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).
- (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;

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- (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,
  - (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.

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- (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;
  - (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;

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- (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\(1\)](#)

## 91 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.
- (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.

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- (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.
- (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)

- C13** 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**

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## [<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—
  - (a) must act in accordance with their fees policy;
  - (b) may fix different fees for different cases or descriptions of case;
  - (c) 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—
  - (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

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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)**

**C14** S. 12 amended by [Caravan Sites Act 1968 \(c. 52\)](#), s. 5(4)



**Changes to legislation:**

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