

*Status: Point in time view as at 15/06/2020.*

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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>F1</sup>falling between the beginning of October in any year and the end of March][<sup>F1</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**

- F1** 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)**

- C1** [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>F2</sup> Gipsy sites occupied by county councils or regional councils*

**Textual Amendments**

- F2** Para. 11A inserted by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\)](#), s. 176

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- [<sup>F3</sup>11A [<sup>F4</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>F5</sup>persons to whom section 24(8A) of this Act applies].]]

#### Textual Amendments

- F3** Para. 11A inserted by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\)](#), **s. 176**  
**F4** [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  
**F5** 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)

- C2** [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>F6</sup> district council shall consult with the conservators.

#### **Textual Amendments**

**F6** 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>F7</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**

**F7** 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>F8</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>F9</sup>Provided that where][<sup>F9</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>F10</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**

**F8** Word repealed by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)

**F9** 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](#)

**F10** 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>F11</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>F11</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

**F11** 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>F12</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

**F12** 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 [<sup>F13</sup>or the relevant person] ;
- (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.

[<sup>F14</sup>(3) In sub-paragraph (2), “relevant person”, in relation to any land to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that land.]

#### Textual Amendments

- F13** Words in [Sch. 2 para. 6\(2\)\(a\)](#) inserted (1.4.2017) by [The Crown Estate Transfer Scheme 2017 \(S.I. 2017/524\)](#), art. 1(2), [Sch. 5 para. 9\(a\)](#)
- F14** [Sch. 2 para. 6\(3\)](#) inserted (1.4.2017) by [The Crown Estate Transfer Scheme 2017 \(S.I. 2017/524\)](#), art. 1(2), [Sch. 5 para. 9\(b\)](#)

### <sup>F15</sup>THIRD SCHEDULE

#### Textual Amendments

- F15** [Sch. 3](#) repealed by [Town and Country Planning Act 1962 \(c. 38\)](#), [Sch. 15](#)

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F15

### <sup>F16</sup>FOURTH SCHEDULE

#### Textual Amendments

- F16** [Sch. 4](#) repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. XI](#)

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