

SCHEDULES

FIRST SCHEDULE

Section 2.

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 falling between the beginning of October in any year and the end of March 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.

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.

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 its 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

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 rural district council shall consult with the conservators.

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 rural 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.
- 3 (1) Not later than the date on which the said notice is first published the rural district council shall serve a copy thereof on every person entitled as lord of the manor or otherwise to the soil of the land:
- Provided that where the persons entitled to the soil of the land are numerous, or cannot after diligent inquiry be ascertained, 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.
- 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 rural district council by any person entitled to the soil of the land, and the notice is not subsequently withdrawn, the rural 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

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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.

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 rural 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.

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 "—
- (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.

THIRD SCHEDULE

Section 45.

ENFORCEMENT OF NOTICES UNDER SECTIONS 30 AND 33 OF ACT OF 1947

PART I

NOTICES RELATING TO LISTED BUILDINGS

Preliminary

- 1 In this Part of this Schedule the expression " notice " means a notice under subsection (8) of section thirty of the Act of 1947.
- 2 Subject to the provisions of this Part of this Schedule, a notice shall take effect at the expiration of such period (not being less than twenty-eight days after the service thereof) as may be specified therein.

Right of appeal

- 3 (1) A person on whom a notice is served, or any other person having an interest in the building to which the notice relates, may at any time within the period specified in the notice as the period at the expiration of which it is to take effect, appeal to the Minister against the notice on any of the following grounds, that is to say—
- (a) that the works to which the notice relates were not, or were not wholly, works in contravention of subsection (6) of section thirty of the Act of 1947, or
 - (b) that the requirements of the notice exceed what is necessary for restoring the building to its condition before the works to which the notice relates were carried out, or
 - (c) that the period specified in the notice as the period within which any steps required by the notice are to be taken falls short of what should reasonably be allowed, or
 - (d) that any of the steps required by the notice to be taken would not serve the purpose of restoring the character of the building to what it was before the works to which the notice relates were carried out, and that, if and so far as those works constituted the carrying out of development in contravention of Part III of the Act of 1947, permission ought to be granted for the retention of those works.
- (2) On an appeal under this paragraph Part III of the Act of 1947 shall have effect as if an application for permission for the development, if any, involved in the works to which the notice relates had been duly made under the said Part III and referred to the Minister under section fifteen of that Act.

The provisions of this sub-paragraph shall not be taken as applying sections thirty-six and thirty-seven of the Town and Country Planning Act, 1959.

- (3) If an appeal is brought under this paragraph the notice shall be of no effect pending the final determination or withdrawal of the appeal.
 - (4) An appeal under this paragraph shall be made to the Minister by a written notice which shall indicate the grounds on which the appeal is brought; and on an appeal under this paragraph the Minister shall, if either the appellant or the local planning authority so desire, afford to each of them an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose.
 - (5) On an appeal under this paragraph the Minister may correct any informality, defect or error in the notice if he is satisfied that the informality, defect or error is not a material one.
 - (6) On the determination of an appeal under this paragraph the Minister shall give directions for giving effect to his determination, including where appropriate directions for quashing the notice or for varying the terms of the notice in favour of the appellant.
 - (7) Subsection (5) of section two hundred and ninety of the Local Government Act, 1933, shall apply in relation to any proceedings before the Minister on an appeal under this paragraph as if those proceedings were an inquiry held by the Minister under the said section two hundred and ninety.
 - (8) The validity of a notice which has been served under subsection (8) of the said section thirty on the owner and occupier of the building shall not be questioned in any proceedings whatsoever on the grounds specified in paragraph (a) of sub-paragraph (1) of this paragraph except by way of an appeal under this paragraph.
- 4
- (1) Where the Minister gives any decision in proceedings on an appeal under this Part of this Schedule against a notice the appellant or the local planning authority or any person (other than the appellant) on whom the notice was served may appeal to the High Court against the decision on a point of law.
 - (2) The Minister may at any stage of the proceedings on an appeal under this Part of this Schedule against a notice, state any question of law arising in the course of the proceedings in the form of a special case for the decision of the High Court, and a decision of the High Court on a case stated by virtue of this sub-paragraph shall be deemed to be a judgment of the court within the meaning of section twenty-seven of the Supreme Court of Judicature (Consolidation) Act, 1925 (which relates to the jurisdiction of the Court of Appeal to hear and determine appeals from any judgment of the High Court).
 - (3) In relation to any proceedings in the High Court or the Court of Appeal brought by virtue of this paragraph the power to make rules of court shall include power to make rules—
 - (a) prescribing the powers of the High Court or the Court of Appeal with respect to the remitting of the matter with the opinion or direction of the court for re-hearing and determination by the Minister, and
 - (b) providing for the Minister, either generally or in such circumstances as may be prescribed by the rules, to be treated as a party to any such proceedings and to be entitled to appear and to be heard accordingly.
 - (4) Rules of court relating to such proceedings as aforesaid may provide for excluding so much of subsection (1) of section sixty-three of the Supreme Court of Judicature (Consolidation) Act, 1925, as requires appeals to the High Court to be heard and

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determined by a Divisional Court, but no appeal to the Court of Appeal shall be brought by virtue of this paragraph except with the leave of the High Court or the Court of Appeal.

- 5 Where any person has appealed to the Minister against a notice under this Part of this Schedule neither that person nor any other shall be entitled to claim in any proceedings, being proceedings instituted, after the making of the appeal, that the notice was not served in accordance with the provisions of section one hundred and five of the Act of 1947 on the person who appealed.

Power of local planning authority to act under notice in case of default

- 6 (1) If within the period specified in a notice, or within such extended period as the local planning authority may allow, any steps required by the notice to be taken have not been taken, the local planning authority may enter the building and the land held with the building and take those steps, and may recover as a simple contract debt in any court of competent jurisdiction from the person who is then the owner of the land any expenses reasonably incurred by them in that behalf.
- (2) Any expenses incurred by the owner or occupier of any building for the purpose of complying with a notice, and any sums paid by the owner of any building under the foregoing sub-paragraph in respect of expenses of the local planning authority in taking steps required to be taken by a notice, shall be deemed to be incurred or paid for the use and at the request of the person who carried out the works to which the notice relates.

Supplemental regulations

- 7 Subsection (5) of section twenty-four of the Act of 1947 as amended by this Act shall apply as if any reference in that subsection, or in the provisions of this Act amending that subsection, to an enforcement notice included a reference to a notice as defined in this Part of this Schedule.

PART II

NOTICES RELATING TO WASTE LAND, ETC.

Preliminary

- 8 In this Part of this Schedule the expression " notice " means a notice under section thirty-three of the Act of 1947.
- 9 Subject to the provisions of this Part of this Schedule, a notice shall take effect at the expiration of such period (not being less than twenty-eight days after the service thereof) as may be specified therein.

Right of appeal

- 10 (1) A person on whom a notice is served, or any other person having an interest in the land to which the notice relates, may at any time within the period specified in the notice as the period at the expiration of which it is to take effect, appeal to a magistrates' court acting for the petty sessions area in which the land is situated against the notice on any of the following grounds, that is to say—

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- (a) that the condition of the land to which the notice relates does not seriously injure the amenity of any part of the area of the local planning authority who served the notice, or of any adjoining area, or
- (b) that the condition of the land to which the notice relates is attributable to, and such as results in the ordinary course of events from, the carrying on of operations or a use of land which is not in contravention of Part III of the Act of 1947, or
- (c) that the land to which the notice relates does not constitute a garden, vacant site or other open land in the area of the local planning authority who served the notice, or
- (d) that the requirements of the notice exceed what is necessary for preventing the condition of the land from seriously injuring the amenity of any part of the area of the said local planning authority, or of any adjoining area, or
- (e) that the period specified in the notice as the period within which any steps required by the notice are to be taken falls short of what should reasonably be allowed.
- (2) If an appeal is brought under this paragraph the notice shall be of no effect pending the final determination or withdrawal of the appeal.
- (3) On an appeal under this paragraph the magistrates' court may correct any informality, defect or error in the notice if satisfied that the informality, defect or error is not a material one.
- (4) On the determination of an appeal under this paragraph the magistrates' court shall give directions for giving effect to their determination, including where appropriate directions for quashing the notice or for varying the terms of the notice in favour of the appellant.
- (5) Subject to the provisions of paragraph 14 of this Schedule, the validity of a notice which has been served under the said section thirty-three on the owner and occupier of the land shall not be questioned in any proceedings whatsoever on any of the grounds specified in paragraph (a), (b) or (c) of sub-paragraph (1) of this paragraph except by way of an appeal under this paragraph.
- 11 An appeal against the decision of a magistrates' court under this Part of this Schedule may be brought to a court of quarter sessions by the appellant or the local planning authority.
- 12 Where any person has appealed against a notice under this Part of this Schedule neither that person nor any other shall be entitled to claim in any proceedings, being proceedings instituted after the making of the appeal, that the notice was not served in accordance with the provisions of section one hundred and five of the Act of 1947 on the person who appealed.
- Power of local planning authority to act under notice in case of default*
- 13 (1) If within the period specified in a notice, or within such extended period as the local planning authority may allow, any steps required by the notice to be taken have not been taken, the local planning authority may enter the land and take those steps, and may recover as a simple contract debt in any court of competent jurisdiction from the person who is then the owner of the land any expenses reasonably incurred by them in that behalf.

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- (2) Any expenses incurred by the owner or occupier of any land for the purpose of complying with a notice, and any sums paid by the owner of any land under the foregoing sub-paragraph in respect of expenses of the local planning authority in taking steps required to be taken by a notice, shall be deemed to be incurred or paid for the use and at the request of the person who caused or permitted the land to come to be in the condition in which it was when the notice was served.

Criminal liability for failure to comply with notice

- 14 (1) If, at any time after the expiration of the period within which the steps required by the notice are to be taken any of those steps have not been taken, and any person does anything which has the effect of continuing or aggravating the injury caused by the condition of the land to which the notice relates, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.
- (2) Sub-paragraph (5) of paragraph 10 of this Schedule shall not apply to proceedings brought under this paragraph against a person on whom the notice was not served, but who has held an interest in the land since before the notice was served on the owner and occupier of the land, if he did not appeal against the notice under this Part of this Schedule.

Supplemental regulations

- 15 Subsection (5) of section twenty-four of the Act of 1947 as amended by this Act shall apply as if any reference in that subsection, or in the provisions of this Act amending that subsection, to an enforcement notice included a reference to a notice as defined in this Part of this Schedule.

FOURTH SCHEDULE

Section 48.

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
26 Geo. 5 and 1 Edw. 8. c. 49.	The Public Health Act, 1936.	In section two hundred and sixty-nine, paragraph (ii) of subsection (5).
10 & 11 Geo. 6. c. 51.	The Town and Country Planning Act, 1947.	In section seventeen, the proviso to subsection (2). In section twenty-three, in subsection (3), the words "Subject to the provisions of the next following subsection" and the provisos, and the whole of subsections (4) and (5). In section twenty-four, in subsection (1), the words from " and if that person "

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Session and Chapter	Short Title	Extent of Repeal
		to the end of the subsection, and in subsection (3) the words " without the grant of permission in that behalf under this Part of this Act ".
		In section thirty, in subsection (8), the words from " and in relation " to the end of the subsection.
		In section thirty-three, in subsection (1), the words " in the manner prescribed by regulations under this Act ", and subsection (2).
		In section seventy-five, paragraph (b) of subsection (2), and subsection (5).

TABLE OF STATUTES REFERRED TO IN THIS ACT

Short Title	Session and Chapter
Commons Act, 1899	62 & 63 Vict. c. 30.
Law of Property Act, 1925	15 & 16 Geo. 5. c. 20.
Supreme Court of Judicature (Consolidation) Act, 1925	15 & 16 Geo. 5. c. 49.
Local Government Act, 1933	23 & 24 Geo. 5. c. 51.
Public Health Act, 1936	26 Geo. 5 & 1 Edw. 8. c. 49.
Statutory Instruments Act, 1946	9 & 10 Geo. 6. c. 36.
Acquisition of Land (Authorisation Procedure) Act, 1946	9 & 10 Geo. 6. c. 49.
Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947	10 & 11 Geo. 6. c. 42.
Local Government (Scotland) Act, 1947	10 & 11 Geo. 6. c. 43.
Town and Country Planning Act, 1947	10 & 11 Geo. 6. c. 51.
Town and Country Planning (Scotland) Act, 1947	10 & 11 Geo. 6. c. 53.
National Parks and Access to the Countryside Act, 1949	12, 13 & 14 Geo. 6. c. 97.
Magistrates' Courts Act, 1952	15 & 16 Geo. 6 and 1 Eliz. 2. c. 55.
Town and Country Planning Act, 1959	7 & 8 Eliz. 2. c. 53.

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Short Title	Session and Chapter
Town and Country Planning (Scotland) Act, 1959	7 & 8 Eliz. 2. c. 70.