



# Caravan Sites and Control of Development Act 1960

1960 CHAPTER 62 8 and 9 Eliz 2

## PART I

### CARAVAN SITES

#### *Miscellaneous and supplemental*

#### **32 Application of Part I to Scotland.**

- (1) This Part of this Act shall apply to Scotland with the following modifications:—
- (a) for any reference to the Minister there shall be substituted a reference to the Secretary of State;
  - (b) for any reference to the <sup>M1</sup> Act of 1947 there shall be substituted a reference to the Town and Country Planning (Scotland) Act 1947; and for any reference to any Part or section of the Act of 1947 specified in the first column of the following table there shall be substituted a reference to the Part or section of the Town and Country Planning (Scotland) Act 1947, specified in relation thereto in the second column of that table:—

TABLE

Part or section of Act of 1947	Part or section of Town and Country Planning (Scotland) Act, 1947
Part III . . .	Part II
Section twelve . . .	Section ten
Section thirteen . . .	Section eleven
Section sixteen . . .	Section fourteen
Section twenty-three . . .	Section twenty-one

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**Changes to legislation:** There are currently no known outstanding effects for the Caravan Sites and Control of Development Act 1960, Section 32. (See end of Document for details)

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## Section twenty-six . . .

## Section twenty-four

- (c) for any reference, in relation to any land, to a magistrates' court <sup>F1</sup>... there shall be substituted a reference to the sheriff having jurisdiction in the place where the land is situated;
- [<sup>F2</sup>(d) the reference in subsection (3) of section one of this Act to an estate or interest in land shall be construed as a reference to a right in, or to, land and the references in that subsection and in section twelve of this Act to a licence in respect of land shall be construed as not including a tenancy of land;]
- (e) in section nine, for subsection (2) there shall be substituted the following subsections:—

“(2) Where a person convicted under this section for failing to comply with a condition attached to a site licence has on two or more previous occasions been convicted thereunder for failing to comply with a condition attached to that licence, the court before whom he is convicted may, if the court thinks fit, make an order for the revocation of the said site licence.

(2A) The holder of a site licence in respect of which an order is made under the last foregoing subsection may, without prejudice to any other form of appeal under any rule of law, appeal against the order in the same manner as against a conviction; and an order so made shall not come into force—

- (a) until the expiration of the period of fourteen days commencing with the date on which the order was made or such longer or extended period so commencing as may be specified by the court either in the said order or subsequently from time to time on application in that behalf by the holder of the site licence; nor
- (b) if an appeal against the order or the conviction which gave rise thereto is duly taken within the said period of fourteen days or, as the case may be, any longer or extended period specified under the foregoing paragraph, until the date when that appeal is determined or abandoned or deemed to have been abandoned.”

and, in subsection (3), for the reference to a simple contract debt there shall be substituted a reference to a civil debt;

<sup>F3</sup>(f) .....

<sup>F3</sup>(g) .....

(h) in section twenty-four—

- (i) in subsection (1), the words “within their area” shall be omitted;
- (ii) in subsection (6), for the reference to the <sup>M2</sup>Acquisition of Land (Authorisation Procedure) Act 1946, there shall be substituted a reference to the <sup>M3</sup>Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947; and

[<sup>F4</sup> in subsection (8), for the words from “includes the” onwards there shall be substituted the words “means a local authority within the meaning of the <sup>M4</sup>Local Government (Scotland) Act 1973 and a regional or district planning authority within the meaning of Part IX of that Act”];

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- (i) in section twenty-six, any reference to a justice of the peace shall be construed as including a reference to a sheriff;
  - <sup>F3</sup>(j) .....
  - (k) in section twenty-nine—
    - (i) in subsection (1), for the definition of “local authority” there shall be substituted the following definition:—
 

“‘local authority’ means, [<sup>F6</sup>a general or district planning authority within the meaning of Part IX of the Local Government (Scotland) Act 1973];”

and the definition of “the Minister” shall be omitted;
    - (ii) subsections (5) shall be omitted;
  - (l) the following sections shall be omitted, that is to say, section twenty-three, section thirty <sup>F7</sup>. . .
  - <sup>F8</sup>(m) the modifications in Part 1A.]
- (2) On any appeal to the sheriff under section seven or section eight of this Act as modified by this section—
- (a) the procedure (including rules as to expenses) shall be such as the Court of Session may by act of sederunt determine; and
  - (b) the decision of the sheriff shall be binding on all parties and shall be final:
- Provided that the sheriff may at any stage of the proceedings on the appeal, and shall if so directed by the Court of Session, state a case for the decision of that Court on any question of law arising in connection with the appeal; and an appeal to the [<sup>F9</sup>Supreme Court] shall lie, with the leave of the Court of Session or of the [<sup>F9</sup>Supreme Court], from any such decision of the Court of Session, which leave may be given on such terms as to costs or otherwise as the Court of Session or the [<sup>F9</sup>Supreme Court] may determine.
- (3) Any reference in subsection (2) of section seven, or subsection (3) of section eight, of this Act to the period during which an appeal is pending shall include a reference to any period during which, by virtue of the proviso to the last foregoing subsection, any proceedings following on that appeal may be taken or are pending.
- (4) ..... <sup>F10</sup>
- (5) ..... <sup>F11</sup>

#### Textual Amendments

- F1** Words in s. 32(1)(c) repealed (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), s. 110(1), Sch. 8 para. 110, [Sch. 10](#); [S.I. 2005/910](#), art. 3(y)
- F2** S. 32(1)(d) substituted (S.) (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), [sch. 12 para. 23](#) (with ss. 58, 62, 75); [S.S.I. 2003/456](#), art. 2
- F3** S. 32(1)(f)(g)(j) repealed (5.11.1993) by [1993 c. 50](#), s. 1(1), [Sch. 1 Pt. XIII](#) Group1.
- F4** S. 32(1)(h)(iii) repealed (S.) by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43\)](#), SIF 81:2), s. 66(2), [Sch. 4 Pt. I](#)
- F5** S. 32(1)(h)(iii) substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 23 para. 2\(a\)](#)
- F6** Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 23 para. 2\(b\)](#)
- F7** Words in s. 32(1)(l) repealed (5.11.1993) by [1993 c. 50](#), s. 1(1), [Sch. 1 Pt. XIII](#) Group1.
- F8** S. 32(1)(m) inserted (S.) (1.5.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), [ss. 63\(1\)](#), 104(3); [S.S.I. 2016/412](#), art. 2, sch.

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- F9** Words in s. 32(2) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), s. 148\(1\), Sch. 9 para. 12](#); [S.I. 2009/1604, art. 2\(d\)](#)
- F10** S. 32(4) repealed by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1966 \(c. 19\), s. 10, Sch. Pt. I](#)
- F11** S. 32(5) repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\), Sch. 29](#)
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#### Marginal Citations

- M1** 1947 c. 53.
- M2** 1946 c. 49.
- M3** 1947 c. 42.
- M4** 1973 c. 65.

**Changes to legislation:**

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