



Caravan Sites and Control of Development Act 1960

1960 CHAPTER 62

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 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

Status: This is the original version (as it was originally enacted).

Part or section of Act of 1947	Part or section of Town and Country Planning (Scotland) Act, 1947
Section twenty-six	Section twenty-four
<p>(c) for any reference, in relation to any land, to a magistrates' court acting for the petty sessions area in which the land is situated there shall be substituted a reference to the sheriff having jurisdiction in the place where the land is situated ;</p> <p>(d) any reference in subsection (3) of section one, or in section twelve, of this Act to a licence in relation to land (except in the expression " site licence ") shall be construed as a reference to a grant of any right or permission relating to the land but not amounting to an estate or interest therein ;</p> <p>(e) in section nine, for subsection (2) there shall be substituted the following subsections:—</p>	<p>“(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.</p> <p>(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—</p> <p>(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</p> <p>(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.”</p>
<p>and, in subsection (3), for the reference to a simple contract debt there shall be substituted a reference to a civil debt;</p>	
<p>(f) in section sixteen, in subsection (1), paragraph (c) shall be omitted;</p> <p>(g) in section seventeen, in subsection (2), for the references to sections thirty-six and thirty-seven of the Town and Country Planning Act, 1959, there shall be substituted references respectively to sections thirty-five and thirty-six of the Town and Country Planning (Scotland) Act, 1959;</p> <p>(h) in section twenty-four—</p> <p>(i) in subsection (1), the words " within their area " shall be omitted;</p> <p>(ii) in subsection (6), for the reference to the Acquisition of Land (Authorisation Procedure) Act, 1946, there shall be substituted a reference to the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947; and</p>	

- (iii) in subsection (8) for the words from " the council of a county " to the end of the subsection there shall be substituted the words " a district council within the meaning of section thirty-nine of the Local Government (Scotland) Act, 1947 ";
- (i) in section twenty-six, any reference to a justice of the peace shall be construed as including a reference to a sheriff;
- (j) in section twenty-seven in subsection (2), the words " and with the council of any county" shall be omitted;
- (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, in relation to a burgh, the town council and, in relation to a county (exclusive of any burgh situated therein), the county council;”
- and the definition of " the Minister" shall be omitted;
- (ii) subsection (5) shall be omitted ;
- (l) the following sections shall be omitted, that is to say, section twenty-three, section thirty and section thirty-one.
- (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 House of Lords shall be, with the leave of the Court of Session or of the House of Lords, 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 House of Lords 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) The power of the Court of Session to make acts of sederunt under subsection (2) of this section shall be exercisable by statutory instrument, and the Statutory Instruments Act, 1946, shall apply to a statutory instrument containing an act of sederunt so made by the Court in like manner as if the act of sederunt had been made by a Minister of the Crown.
- (5) Expenditure incurred by a district council in Scotland under this Act shall not be taken into account in any calculation as to the limit of one shilling per pound imposed on the district council by section two hundred and twenty-six of the Local Government (Scotland) Act, 1947.