

Freedom of Information request reference number: 8693.1

Date of response: 11/06/2024

Request:

I am trying to establish whether or not there is a law in place and/or a health and safety regulation when it comes to how much space should be left between caravans on caravan sites in order to reduce the chance of a fire spreading rapidly? For example, I have been told that there should be a minimum of 6 metres between caravans, but I am not sure of this is true or not? I wondered if such a rule/law was in place so that flames would not spread as quickly in the event of a fire breaking out?

Also, does it make a difference if the caravans are being lived in or not? Are there different rules for caravans that are being stored but not dwelled in by anybody, for example? If such a rule or rules exist, are they just in place for London or nationwide?

Response:

The primary legislation for this is the Caravan Sites and Control of Development Act 1960 and the Mobile Homes Act 2013. HM Government has issued Model Standards for Caravan Parks under Section 5 of the legislation, 'Model Standards 2008 for Caravan Sites in England Caravan Sites and Control of Development Act 1960 – Section 5'.

The Scottish Government have issued their own version of the guidance which is entitled 'Model Standards for Residential Mobile Home Site Licences Guidance to local authorities on site licence conditions for mobile home, park home, or caravan sites which are licensed to have permanent residents.

There is a separate set of Model Standards for sites for touring caravans, also attached, which state the same separation distance of 6 metres, and which include details of land area size and numbers of caravans allowed within that space.

There are also two British and European Standards, BS EN 1647:2018 Leisure accommodation vehicles - Caravan holiday homes - Habitation requirements relating to health and safety and BS EN 1645-1:2018 Leisure accommodation vehicles – Caravans, both of which apply to the habitation requirements and health and safety. They both contain information on the fire precaution arrangements and means of escape in case of fire within Clause 10 and Clause 12 respectively of each document. (These are only available from the British Standard Institution due to copyright).

The HM Government model standards detail the Density and Spacing requirements in Section 2, see below, and the separation distance is set at 6 metres unless the caravan has class 1 cladding and then the separation distance is reduced to 5.25 metres. There are other circumstances where there could be a reduction in the spacing as detailed in the Section. The Annex contains Explanatory Notes which detail the reason and logic for the standards.

2. Density, Spacing and Parking Between Caravans

(i) Except in the case mentioned in sub paragraph (iii) and subject to sub paragraph (iv), every caravan must where practicable be spaced at a distance of no less than 6 metres (the separation distance) from any other caravan which is occupied as a separate residence.

(ii) No caravan shall be stationed within 2 metres of any road or communal car park within the site or more than 50 metres from such a road within the site.

(iii) Where a caravan has retrospectively been fitted with cladding from Class 1 fire rated materials to its facing walls, then the separation distance between it and an adjacent caravan may be reduced to a minimum of 5.25 metres.

(iv) In any case mentioned in subparagraph (i) or (iii):

(a) A porch attached to the caravan may protrude one metre into the separation distance and must not exceed 2 metres in length and 1 metre in depth. The porch must not exceed the height of the caravan. Where a porch is installed only one door may be permitted at that entrance to the home, either on the porch or on the home.

(b) Eaves, drainpipes and bay windows may extend into the separation distance provided the total distance between the extremities of two facing caravans is not less than 5 metres, except where sub paragraph (iii) applies in which case the extension into the separation distance shall not exceed 4.25 metres.

(c) Any structure including steps, ramps, etc (except a garage or car port), which extends more than 1 metre into the separation distance shall be of non-combustible construction. There should be a 4.5 metre clear distance between any such structure and any adjacent caravan.

(d) A garage or car port may only be permitted within the separation distance if it is of non-combustible construction.

(e) Windows in structures within the separation distance shall not face towards the caravan on either side.

(f) Fences and hedges, where allowed and forming the boundary between adjacent caravans, should be a maximum of 1 metre high.

(g) Private cars may be parked within the separation distance provided that they do not obstruct entrances to caravans or access around them and they are a minimum of 3 metres from an adjacent caravan.

(v) The density of caravans on a site shall be determined in accordance with relevant health and safety standards and fire risk assessments.

Please see below for attached documents.

We have dealt with your request under the Freedom of Information Act 2000. For more information about this process please see the guidance we publish about making a request on our website: <https://www.london-fire.gov.uk/about-us/transparency/request-information-from-us>



Caravan Sites and Control of Development Act 1960

1960 CHAPTER 62 8 and 9 Eliz 2

An Act to make further provision for the licensing and control of caravan sites, to authorise local authorities to provide and operate caravan sites, to amend the law relating to enforcement notices and certain other notices issued under Part III of the Town and Country Planning Act 1947, to amend sections twenty-six and one hundred and three of that Act and to explain other provisions in the said Part III; and for connected purposes. [29th July 1960]

Annotations:

Modifications etc. (not altering text)

- C1** Act extended (5.7.1994) by [1994 c. 19, ss. 39, 66\(2\)\(b\)](#), [Sch. 13 para. 20\(b\)](#) (with [ss. 54\(5\)\(7\), 55\(5\)](#), [Sch. 17 paras. 22\(1\), 23\(2\)](#))
Act (except [Sch. 2 para. 6](#)): transfer of functions (W.) (1.7.1999) by [S.I. 1999/672, art. 2](#), [Sch. 1](#)

Commencement Information

- I1** Act wholly in force at 29.8.1960 see [s. 50\(4\)](#)

PART I

CARAVAN SITES

Annotations:

Modifications etc. (not altering text)

- C2** Pt. I extended by [London Government Act 1963 \(c. 33\)](#), [Sch. 17 para. 21\(1\)](#)
C3 Pt. I (ss. 1–32) applied (E.W.) by [Local Government Finance Act 1988 \(c. 41, SIF 81:1\)](#), [ss. 31\(7\), 66\(7\)](#)

Changes to legislation: Caravan Sites and Control of Development Act 1960 is up to date with all changes known to be in force on or before 31 July 2018. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- C4** Pt. I (ss. 1-32) definition of caravan applied by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987](#) (c. 47, SIF 81:2; 103:2), **s. 2(3)**(as amended by [Caravans \(Standard Community Charge and Rating\) Act 1991](#) (c. 2, SIF 81:1,2), **s. 2(1)**)
- C5** Pt. I (ss. 1-32) applied (E.W.) (6.3.1992) by [Local Government Finance Act 1992](#) (c. 14), **s. 7(6)** (with s. 118(1)(2)(4)).

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.

[^{F1}(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[^{F2}—

(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 [^{F3}one hundred pounds][^{F3}level 4 on the standard scale], and, in the case of a second or subsequent offence, to a fine not exceeding [^{F3}two hundred and fifty pounds][^{F3}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:

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.

Annotations:

Amendments (Textual)

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)

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- 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)

- C6** [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 [^{F4}other information as they may reasonably require]

[^{F5}(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 [^{F6}information required by virtue of] subsection (2) of this section he is entitled to the benefit of such a permission as aforesaid, [^{F7}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 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 [^{F6}information required by virtue of] subsection (2) of this section [^{F8}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.

[^{F9}(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.

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- (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 [^{F10}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.
- [^{F11}(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;
- 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).]

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Annotations:

Amendments (Textual)

- 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)

- C7** 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)
- C8** 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
- C9** 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](#)
- C10** 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](#)
- C11** 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, 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

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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.

[^{F12}(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.]

[^{F13}(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 of the licence as for the time being in force shall be displayed on the land in some conspicuous place.

[^{F14}(3A) The local authority shall consult the [^{F15}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 [^{F16}fire and rescue authority] to be inappropriate to the land,

the local authority shall consult the [^{F16}fire and rescue authority] as to what conditions relating to fire precautions ought to be attached to the site licence instead.]

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[^{F17}(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.

[^{F18}(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.]

[^{F19}(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.]

[^{F20}(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 [^{F21}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 [^{F22}this section].]

Annotations:

Amendments (Textual)

- F12** S. 5(2A) inserted (E.W.) (1.4.2006) by [The Regulatory Reform \(Fire Safety\) Order 2005 \(S.I. 2005/1541\)](#), art. 1(3), **Sch. 2 para. 5(2)(a)** (with art. 49)
- F13** S. 5(2A) 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(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

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- 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.) (1.4.2006) by [The Regulatory Reform \(Fire Safety\) Order 2005 \(S.I. 2005/1541\), art. 1\(3\), Sch. 2 para. 5\(2\)\(b\)](#) (with art. 49)
- F18** S. 5(6A) inserted (E.W.) (1.4.2006) by [The Regulatory Reform \(Fire Safety\) Order 2005 \(S.I. 2005/1541\), art. 1\(3\), Sch. 2 para. 5\(2\)\(c\)](#) (with art. 49)
- F19** S. 5(6A) 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\(2\)\(b\)](#)
- 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.) (1.4.2006) by [The Regulatory Reform \(Fire Safety\) Order 2005 \(S.I. 2005/1541\), art. 1\(3\), Sch. 2 para. 5\(2\)\(d\)](#) (with art. 49)

[^{F23}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 [^{F24}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 [^{F25}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 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.)]

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Annotations:

Amendments (Textual)

- 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 ^{F26}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 ^{F27}... [^{F28}or, in a case relating to land in England, to [^{F29}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.

^{F30}(1A) In a case where [^{F31}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.

Annotations:

Amendments (Textual)

- 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)**

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Modifications etc. (not altering text)

- C12** 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](#)
- C13** 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.
- [^{F32}(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.]
- [^{F33}(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.]
- [^{F34}(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 ^{F35}... [^{F36}or, in a case relating to land in England, to [^{F37}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 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 [^{F38}, a magistrates' court and [^{F39}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.

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[^{F40}(5) The local authority shall consult the [^{F41}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.]

[^{F42}(5A) Subsection (5) of this section does not apply where the Regulatory Reform (Fire Safety) Order 2005 applies to the land.]

Annotations:

Amendments (Textual)

- F32** S. 8(1A) inserted (E.W.) (1.4.2006) by The Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541), art. 1(3), **Sch. 2 para. 5(3)(a)** (with art. 49)
- 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.) (1.4.2006) by The Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541), art. 1(3), **Sch. 2 para. 5(3)(b)** (with art. 49)

Modifications etc. (not altering text)

- C14** 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**
- C15** 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**
- C16** 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**

9 [^{F43}Breach of condition: land other than relevant protected sites in England]

- (1) If an occupier of land [^{F44}, 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 [^{F45}one hundred pounds][^{F45}level 4 on the standard scale], and, in the case of a second or subsequent offence, to a fine not exceeding [^{F45}two hundred and fifty pounds][^{F45}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

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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 [^{F46}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 [^{F47}, 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.

Annotations:

Amendments (Textual)

- 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)

- C17** [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.)

[^{F48}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).

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- (3) An occupier of land who has been served with a compliance notice may appeal to ^{F49}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.

Annotations:

Amendments (Textual)

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 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

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- (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).

Annotations:

Amendments (Textual)

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).
- (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—

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- (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.]

Annotations:

Amendments (Textual)

F48 Ss. 9A-9C inserted (E.W.) (1.4.2014) by [Mobile Homes Act 2013 \(c. 14\)](#), **ss. 4(2), 15(1)**

[^{F50}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.

Annotations:

Amendments (Textual)

F50 Ss. 9D-9F inserted (E.W.) (1.4.2014) by [Mobile Homes Act 2013 \(c. 14\)](#), **ss. 5(1), 15(1)**

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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,
 - (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).

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- (9) An occupier of land in respect of which a local authority has taken or is taking emergency action may appeal to [^{F51}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.

Annotations:

Amendments (Textual)

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;
 - (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)—

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- (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 [^{F52}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.]

Annotations:

Amendments (Textual)

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**

[^{F53}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.
- (3) [^{F54}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

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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.

Annotations:

Amendments (Textual)

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.

Annotations:

Amendments (Textual)

F53 Ss. 9G-9I inserted (E.W.) (1.4.2014) by [Mobile Homes Act 2013 \(c. 14\)](#), ss. **6(1)**, **15(1)**

9I 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.]

Annotations:

Amendments (Textual)

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.
- [^{F55}(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.]
- [^{F56}(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 [^{F57}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 [^{F58}, 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.

Annotations:

Amendments (Textual)

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)

C18 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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[^{F59}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.]

Annotations:

Amendments (Textual)

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 [^{F60}level 1 on the standard scale].

Annotations:

Amendments (Textual)

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

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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 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.

Annotations:

Modifications etc. (not altering text)

C19 S. 12 amended by [Caravan Sites Act 1968 \(c. 52\)](#), s. 5(4)

Special provisions as to existing sites

^{F61}**13**

Annotations:

Amendments (Textual)

F61 Ss. 13-20 repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), [Sch. 1 Pt. XIII](#) Group1.

^{F62}**14**

Annotations:

Amendments (Textual)

F62 Ss. 13-20 repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), [Sch. 1 Pt. XIII](#) Group1.

^{F63}**15**

Annotations:

Amendments (Textual)

F63 Ss. 13-20 repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), [Sch. 1 Pt. XIII](#) Group1.

^{F64}**16**

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Annotations:

Amendments (Textual)

F64 Ss. 13-20 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIII** Group1.

^{F65}**17**

Annotations:

Amendments (Textual)

F65 Ss. 13-20 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIII** Group1.

^{F66}**18**

Annotations:

Amendments (Textual)

F66 Ss. 13-20 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIII** Group1.

^{F67}**19**

Annotations:

Amendments (Textual)

F67 Ss. 13-20 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIII** Group1.

^{F68}**20**

Annotations:

Amendments (Textual)

F68 Ss. 13-20 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIII** Group1.

21, 22. ^{F69}

Annotations:

Amendments (Textual)

F69 Ss. 21, 22 repealed by **Town and Country Planning Act 1962 (c. 38)**, **Sch. 15** and **Town and Country Planning (Scotland) Act 1972 (c. 52)**, **Sch. 23**

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Caravans on commons

23 Power of rural district councils to prohibit caravans on commons.

- (1) This section applies to any land [^{F70}in England] in the area of a [^{F71}district council] which is or forms part of a common, not being land falling within any of the following descriptions, that is to say—
 - (a) land to which section one hundred and ninety-three of the ^{M1}Law of Property Act 1925 (which relates to the rights of the public over certain commons and waste lands), for the time being applies;
 - (b) land which is subject to a scheme under Part I of the ^{M2}Commons Act 1899 (under which schemes may be made for the regulation and management of certain commons);
 - (c) land as respects which a site licence is for the time being in force.
- (2) [^{F72}The council of a district] may make with respect to any land in their area to which this section applies an order prohibiting, either absolutely or except in such circumstances as may be specified in the order, the stationing of caravans on the land for the purposes of human habitation.
- (3) Without prejudice to the provisions of section one of this Act, any person who stations a caravan on any land in contravention of an order under this section for the time being in force with respect to the land shall be guilty of an offence and liable on summary conviction to a fine not exceeding [^{F73}level 1 on the standard scale].
- (4) It shall be the duty of a [^{F71}district council] to take all reasonable steps to secure that copies of any order under this section which is for the time being in force with respect to any land in their area are so displayed on the land as to give to persons entering thereon adequate warning of the existence of the order, and the council shall have the right to place on the land such notices as they consider necessary for the performance of their duty under this subsection.
- (5) An order under this section may be revoked at any time by a subsequent order made thereunder by the [^{F71}district council], or may be so varied either so as to exclude any land from the operation of the order or so as to introduce any exception, or further exception, from the prohibition imposed by the order.
- (6) Where the whole or a part of any land with respect to which an order under this section is in force ceases to be land to which this section applies, the said order shall thereupon cease to have effect with respect to the said land or part; and where an order ceases under this subsection to have effect with respect to a part only of any land, the [^{F71}district council] shall cause any copy of the order which is displayed on that part of the land with respect to which the order continues in force to be amended accordingly.
- (7) The provisions of the Second Schedule to this Act shall, subject as therein provided, have effect with respect to orders under this section.
- (8) In this section the word “common” includes any land subject to be enclosed under the Inclosure Acts 1845 to 1882, and any town or village green.
- [^{F74}(9) [^{F75}This section and the Second Schedule to this Act shall apply in relation to land in Wales as if for every reference to a district council or to the district council (however expressed), or which falls to be construed as such a reference, there were substituted a reference to a Welsh county council or county borough council or (as the case may be) the Welsh county council or county borough council.]]

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Annotations:

Amendments (Textual)

- F70** Words in s. 23(1) inserted (E.W.) (5.11.2013) by [Mobile Homes \(Wales\) Act 2013 \(anaw 6\)](#), s. 64(1), [Sch. 4 para. 1\(3\)\(a\)](#) (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))
- F71** Words substituted by [Local Government Act 1972 \(c. 70\)](#), [Sch. 29 para. 14](#)
- F72** Words substituted by [S.I.1975/1636](#), [art. 4\(3\)](#)
- F73** 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](#)
- F74** S. 23(9) added (1.4.1996) by [1994 c. 19](#), s. 66(6), [Sch. 16](#), para. 16(1) (with [ss. 54\(5\)\(7\), 55\(5\)](#), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); [S.I. 1996/396](#), art. 4, [Sch. 2](#)
- F75** S. 23(9) omitted (E.W.) (5.11.2013) by virtue of [Mobile Homes \(Wales\) Act 2013 \(anaw 6\)](#), s. 64(1), [Sch. 4 para. 1\(3\)\(b\)](#) (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))

Modifications etc. (not altering text)

- C20** S. 23 extended (E.W.) by [Norfolk and Suffolk Broads Act 1988 \(c. 4, SIF 81:1\)](#), [ss. 2\(5\)\(6\), 23\(2\), 27\(2\)](#), [Sch. 3 para. 38\(1\)\(c\)](#)
- C21** S. 23 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](#))
- C22** S. 23 functions made exercisable concurrently (E.W.) (with effect in accordance with art. 25(1) of the amending S.I.) by [The Cotswolds Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1777\)](#), [arts. 1, 25\(2\)\(xiii\)](#) (with art. 35)
- C23** S. 23 functions made exercisable concurrently (E.W.) (with effect in accordance with art. 25(1) of the amending S.I.) by [The Chilterns Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1778\)](#), [arts. 2, 25\(1\)\(2\)\(xiii\)](#) (with art. 35)

Marginal Citations

- M1** 1925 c. 20.
- M2** 1899 c. 30.

Provision of caravan sites by local authorities

24 Power of local authorities to provide sites for caravans. **E+W**

- (1) A local authority [^{F76}in England] shall have power within their area to provide sites where caravans may be brought, whether for holidays or other temporary purposes or for use as permanent residences, and to manage the sites or lease them to some other person.
- (2) Subject to the provisions of this section, a local authority shall have power to do anything appearing to them desirable in connection with the provision of such sites, and in particular—
- to acquire land which is in use as a caravan site, or which has been laid out as a caravan site, or
 - to provide for the use of those occupying caravan sites any services or facilities for their health or convenience; [^{F77}, or
 - to provide, in or in connection with sites for the accommodation of gipsies, working space and facilities for the carrying on of such activities as are normally carried on by them,]

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and in exercising their powers under this section the local authority shall have regard to any standards which may have been specified by the Minister under subsection (6) of section five of this Act.

[^{F78}(2A) Before exercising the power to provide a site conferred on them by subsection (1) of this section the local authority shall consult the [^{F79}fire and rescue authority], if they are not themselves the [^{F79}fire and rescue authority],—

- (a) as to measures to be taken for preventing and detecting the outbreak of fire on the site; and
- (b) as to the provision and maintenance of means of fighting fire on it.]

(3) The local authority shall make in respect of the use of sites managed by them, and of any services or facilities provided or made available under this section, such reasonable charges as they may determine.

(4) A local authority may make available the services and facilities provided under this section for those who do not normally reside in the area of the local authority as freely as for those who do.

(5) A local authority shall, in the performance of their functions under this section, have power, where it appears to them that a caravan site or an additional caravan site is needed in their area, or that land which is in use as a caravan site should in the interests of the users of caravans be taken over by the local authority, to acquire land, or any interest in land, compulsorily.

(6) The power of a local authority under the last foregoing subsection to acquire land, or any interest in land, compulsorily shall be exercisable in any particular case on their being authorised to do so by the Minister, and the [^{F80}Acquisition of Land Act 1981], shall have effect in relation to the acquisition of land, or any interest in land, under the said subsection . . . ^{F81}

(7) A local authority shall not have power under this section to provide caravans.

(8) In this section the expression “local authority” includes the council of a county ^{F82} [^{F83}and “gipsies” means persons of nomadic habit of life, whatever their race or origin, but does not include members of an organised group of travelling showmen, or persons engaged in travelling circuses, travelling together as such.]

(9) ^{F84}

Annotations:

Extent Information

E1 This version of this provision extends to England and Wales only; a separate version has been created for Scotland only.

Amendments (Textual)

F76 Words in s. 24(1) inserted (E.W.) (5.11.2013) by [Mobile Homes \(Wales\) Act 2013 \(anaw 6\)](#), s. 64(1), [Sch. 4 para. 1\(4\)\(a\)](#) (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))

F77 S. 24(2)(c) inserted (3.11.1994) by [1994 c. 33, ss. 80\(2\)\(a\), 172\(4\)](#)

F78 S. 24(2A) inserted by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), s. [8\(2\)\(d\)](#)

Changes to legislation: Caravan Sites and Control of Development Act 1960 is up to date with all changes known to be in force on or before 31 July 2018. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- F79** Words in s. 24(2A) substituted (E.W.) (1.10.2004 for E., 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\), para. 14\(3\)\(c\)s. 61, Sch. 1 para. 14\(2\)](#); S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2
- F80** Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\), s. 34, Sch. 4 para. 1](#)
- F81** Words repealed by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\), s. 34, Sch. 6 Pt. I](#)
- F82** Words in s. 24(8) omitted (E.W.) (5.11.2013) by virtue of [Mobile Homes \(Wales\) Act 2013 \(anaw 6\), s. 64\(1\), Sch. 4 para. 1\(4\)\(b\)](#) (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\(2\)](#))
- F83** Words in s. 24(8) inserted (3.11.1994) by [1994 c. 33, ss. 80\(2\)\(a\), 172\(4\)](#)
- F84** Ss. 24(9), 31 repealed by [London Government Act 1963 \(c. 33\), Sch. 18 Pt. II](#)

Modifications etc. (not altering text)

- C24** S. 24 extended by [Caravan Sites Act 1968 \(c. 52\), ss. 6, 7\(1\)](#)
- C25** S. 24 extended (19.9.1995) by [1995 c. 25, ss. 70, 125\(2\), Sch. 9, para. 4\(a\)](#)
- C26** S. 24 functions made exercisable concurrently (E.W.) (with effect in accordance with art. 25(1) of the amending S.I.) by [The Cotswolds Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1777\), arts. 1, 25\(2\)\(xiv\)](#) (with art. 35)
- C27** S. 24 functions made exercisable concurrently (with effect in accordance with art. 25(1) of the amending S.I.) by [The Chilterns Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1778\), arts. 2, 25\(1\)\(2\)\(xiv\)](#) (with art. 35)

24 Power of local authorities to provide sites for caravans. **S**

- (1) A local authority shall have power within their area to provide sites where caravans may be brought, whether for holidays or other temporary purposes or for use as permanent residences, and to manage the sites or lease them to some other person.
- (2) Subject to the provisions of this section, a local authority shall have power to do anything appearing to them desirable in connection with the provision of such sites, and in particular—
- to acquire land which is in use as a caravan site, or which has been laid out as a caravan site, or
 - to provide for the use of those occupying caravan sites any services or facilities for their health or convenience;

and in exercising their powers under this section the local authority shall have regard to any standards which may have been specified by the Minister under subsection (6) of section five of this Act.

^{F155F79}^{F156}(2A) Before exercising the power to provide a site conferred on them by subsection (1) of this section the local authority shall consult the fire authority, if they are not themselves the fire authority,—

- as to measures to be taken for preventing and detecting the outbreak of fire on the site; and
 - as to the provision and maintenance of means of fighting fire on it.]
- (3) The local authority shall make in respect of the use of sites managed by them, and of any services or facilities provided or made available under this section, such reasonable charges as they may determine.
- (4) A local authority may make available the services and facilities provided under this section for those who do not normally reside in the area of the local authority as freely as for those who do.

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- (5) A local authority shall, in the performance of their functions under this section, have power, where it appears to them that a caravan site or an additional caravan site is needed in their area, or that land which is in use as a caravan site should in the interests of the users of caravans be taken over by the local authority, to acquire land, or any interest in land, compulsorily.
- (6) The power of a local authority under the last foregoing subsection to acquire land, or any interest in land, compulsorily shall be exercisable in any particular case on their being authorised to do so by the Minister, and the [^{F157}Acquisition of Land Act 1981], shall have effect in relation to the acquisition of land, or any interest in land, under the said subsection . . . ^{F158}
- (7) A local authority shall not have power under this section to provide caravans.
- [^{F156}(8) In the foregoing provisions of this section “local authority” means [^{F159}a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.]]
- ^{F160}(8A)
- (9) ^{F161}

Annotations:

Extent Information

- E2** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only.

Amendments (Textual)

- F79** Words in s. 24(2A) 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)(c)s. 61, [Sch. 1 para. 14\(2\)](#); S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2
- F155** S. 24(2A) inserted by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), s. [8\(2\)\(d\)](#)
- F156** S. 24(8)(8A) beginning “In the foregoing” substituted for subsection (8) beginning “In this section” by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43, SIF 81:2\)](#), s. [13\(1\)](#)
- F157** Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, [Sch. 4 para. 1](#)
- F158** Words repealed by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34, [Sch. 6 Pt. I](#)
- F159** Words in s. 24(8) substituted (1.4.1996) by 1994 c. 39, s. 180(1), [Sch. 13](#), para. 54(a); S.I. 1996/323, [art. 4](#)
- F160** S. 24(8A) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), [Sch. 13](#), para. 54(b), [Sch. 14](#); S. I. 1996/323, [art. 4](#)
- F161** Ss. 24(9), 31 repealed by [London Government Act 1963 \(c. 33\)](#), [Sch. 18 Pt. II](#)

Modifications etc. (not altering text)

- C26** S. 24 functions made exercisable concurrently (E.W.) (with effect in accordance with art. 25(1) of the amending S.I.) by [The Cotswolds Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1777\)](#), arts. 1, [25\(2\)\(xiv\)](#) (with art. 35)
- C27** S. 24 functions made exercisable concurrently (with effect in accordance with art. 25(1) of the amending S.I.) by [The Chilterns Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1778\)](#), arts. 2, [25\(1\)\(2\)\(xiv\)](#) (with art. 35)
- C34** S. 24 extended by [Caravan Sites Act 1968 \(c. 52\)](#), [ss. 6, 7\(1\)](#)

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Miscellaneous and supplemental

25 Registers of site licences.

- (1) Every local authority shall keep a register of site licences issued in respect of land situated in their area, and every such register shall be open for inspection by the public at all reasonable times.
- (2) Where under subsection (2) or subsection (4) of section ten of this Act a local authority endorse on a site licence the name of any person in the circumstances described in those subsections, they shall record his name, and the date entered in the licence, in the register of site licences.

26 Power of entry of officers of local authorities.

- (1) Subject to the provisions of this section, any authorised officer of a local authority shall, on producing, if so required, some duly authenticated document showing his authority, have a right at all reasonable hours to enter any land which is used as a caravan site or in respect of which an application for a site licence has been made,—
 - (a) for the purpose of enabling the local authority to determine what conditions should be attached to a site licence or whether conditions attached to a site licence should be altered;
 - (b) for the purpose of ascertaining whether there is, or has been, on or in connection with the land any contravention of the provisions of this Part of this Act;
 - (c) for the purpose of ascertaining whether or not circumstances exist which would authorise the local authority to take any action, or execute any work, under this Part of this Act;
 - (d) for the purpose of taking any action, or executing any work, authorised by this Part of this Act to be taken or executed by the local authority:

Provided that admission to any land shall not be demanded as of right unless twenty-four hours notice of the intended entry has been given to the occupier.

[^{F85}(1A) A person may not be authorised under subsection (1) to enter and survey or value land in England and Wales in connection with a proposal to acquire an interest in or a right over land (but see section 172 of the Housing and Planning Act 2016).]

- (2) If it is shown to the satisfaction of a justice of the peace—
 - (a) that admission to any land has been refused, or that refusal is apprehended, or that the occupier of the land is temporarily absent and the case is one of urgency, or that an application for admission would defeat the object of the entry; and
 - (b) that there is reasonable ground for entering on the land for any such purpose as is mentioned in subsection (1) of this section,

the justice may by warrant under his hand authorise the local authority by any authorised officer to enter the land, if need be by force:

Provided that such a warrant shall not be issued unless the justice is satisfied either that notice of the intention to apply for the warrant has been given to the occupier, or that the occupier is temporarily absent and the case is one of urgency, or that the giving of such notice would defeat the object of the entry.

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- (3) An authorised officer entering any land by virtue of this section, or of a warrant issued thereunder, may take with him such other persons as may be necessary.
- (4) Every warrant granted under this section shall continue in force until the purpose for which the entry is necessary has been satisfied.
- (5) A person who wilfully obstructs any person acting in the execution of this section, or of a warrant under this section, shall be liable on summary conviction^{F86}—
 - (a) where the wilful obstruction occurs in relation to land in England, to a fine not exceeding level 4 on the standard scale;
 - (b) where the wilful obstruction occurs in relation to land in Wales,] to a fine not exceeding [^{F87}level 1 on the standard scale].

Annotations:

Amendments (Textual)

- F85** S. 26(1A) inserted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), **Sch. 14 para. 5**; S.I. 2016/733, [reg. 3\(h\)](#) (with [reg. 6](#))
- F86** S. 26(5)(a)(b) inserted (E.W.) (1.4.2014 for E.) by [Mobile Homes Act 2013 \(c. 14\)](#), **ss. 13(2), 15(2)**; S.I. 2014/816, [art. 2](#) (with [art. 3](#))
- F87** 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**

^{F88} 26A Liability of officers of bodies corporate

- (1) This section applies to an offence under this Act committed in relation to land in England.
- (2) Where a body corporate commits an offence to which this section applies and it is proved that—
 - (a) the offence was committed with the consent or connivance of an officer of the body corporate, or
 - (b) the offence was attributable to neglect on the part of an officer of the body corporate,
 the officer, as well as the body corporate, is guilty of the offence and is liable to be proceeded against and punished accordingly.
- (3) In subsection (2), “officer” means—
 - (a) a director, manager, secretary or similar officer of the body corporate,
 - (b) in the case of a body corporate whose affairs are managed by its members, a member of the body corporate, or
 - (c) a person purporting to act in a capacity mentioned in paragraph (a) or (b).]

Annotations:

Amendments (Textual)

- F88** S. 26A inserted (E.W.) (1.4.2014 for E.) by [Mobile Homes Act 2013 \(c. 14\)](#), **ss. 14, 15(2)**; S.I. 2014/816, [art. 2](#) (with [art. 3](#))

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^{F89}27

Annotations:

Amendments (Textual)

- F89** S. 27 repealed (S.) by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **Sch. 29**
S. 27 repealed (E.W.) (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), **Sch. 1 Pt. XIII** Group1.

28 Crown land.

The provisions of this Part of this Act relating to site licences shall apply to land the occupier of which is not the Crown notwithstanding that an interest in the land belongs to Her Majesty in right of the Crown or of the Duchy of Lancaster, or to the Duchy of Cornwall, or belongs to a government department or is held in trust for Her Majesty for the purposes of a government department.

29 Interpretation of Part I.

(1) In this Part of this Act, unless the context otherwise requires—

“caravan” means any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted, but does not include—

- (a) any railway rolling stock which is for the time being on rails forming part of a railway system, or
- (b) any tent;

“caravan site” has the meaning assigned to it by subsection (4) of section one of this Act;

“development order” means an order made under section thirteen of the Act of 1947 (under which orders may be made which, in some cases, themselves grant permission for development and, in other cases, provide that permission shall be granted on an application in that behalf);

^{F90}
...

^{F91} [^{F92}“fire and rescue authority”, in relation to any land, means the fire and rescue authority under the Fire and Rescue Services Act 2004 for the area in which the land is situated;]

“local authority” means a council of a [^{F93}London borough or a] . . . ^{F94} district [^{F95}the Common Council of the City of London] and the Council of the Isles of Scilly; [^{F96}but, in relation to Wales, means the council of a Welsh county or county borough]

“occupier” has the meaning assigned to it by subsection (3) of section one of this Act and “occupied” and “occupation” shall be construed accordingly;

“[^{F97}relevant protected site ” has the meaning assigned to it by section 5A(5);

“relevant protected site application” has the meaning assigned to it by section 3(7);]

“site licence” has the meaning assigned to it by subsection (1) of section one of this Act;

“the Minister” means [^{F98}the Secretary of State].

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[^{F99}“tribunal” means the First-tier Tribunal or where determined by or under Tribunal Procedure Rules, the Upper Tribunal.]

- (2) Any reference in this Part of this Act to the carrying out of works shall include a reference to the planting of trees and shrubs and the carrying out of other operations for preserving or enhancing the amenity of land.
- (3) For the purposes of any provision of this Part of this Act relating to the expiration of permission granted under Part III of the Act of 1947 for any use of land, permission granted for the use of land for intermittent periods shall not be regarded as expiring at any time so long as the permission authorises the use of the land for further intermittent periods.
- (4) Any reference in this Part of this Act to permission granted under Part III of the Act of 1947 for the use of land as a caravan site shall be taken as a reference to such permission whether or not restricted in any way or subject to any condition or limitation, and any reference in this Part of this Act to such permission shall include a reference to permission deemed to be granted under the said Part III [^{F100}or granted on the designation of an enterprise zone under Schedule 32 to the Local Government, Planning and Land Act 1980].
- (5) In this Part of this Act references to the local planning authority shall, where appropriate, be taken as references to any local authority to whom any of the functions of the local planning authority under Part III of the Act of 1947 have been delegated.

Annotations:

Amendments (Textual)

- F90** Definition in s. 29(1) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIII** Group 1.
- F91** Definition inserted (E.W) by **Local Government (Miscellaneous Provisions) Act 1982** (c. 30, SIF 81:1), s. **8(2)(e)**
- F92** Words in s. 29(1) substituted (E.W.) (1.10.2004 for E., 10.11.2004 for W.) by **Fire and Rescue Services Act 2004** (c. 21), s. 61, **Sch. 1 para. 14(4)**; S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2
- F93** By **Greater London Council (General Powers) Act 1976** (c.xxvi), s. **11** it is provided that the definition of “local authority” in section 29(1) shall have effect and be deemed to have had effect as from 1 April 1974 as if after the words “of a” there were inserted the words “London borough or a”
- F94** Words repealed by **Local Government Act 1972** (c. 70), **Sch. 30**
- F95** Words inserted by **London Government Act 1963** (c. 33), **Sch. 17 para. 21(1)(b)**
- F96** S. 29(1): words in definition of “local authority” added (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16**, para. 16(3) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F97** Words in s. 29(1) inserted (E.W.) (1.4.2014) by **Mobile Homes Act 2013** (c. 14), ss. **1(7)**, 15(1)
- F98** Words substituted by virtue of S.I. 1965/319, arts. **2**, 10(1)(a) Sch. 1 Pt. I and 1970/1681, arts. 2, 6(3)
- F99** Words in s. 29(1) inserted (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. 11**
- F100** Words inserted by **Planning (Consequential Provisions) Act 1990** (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 8**

Modifications etc. (not altering text)

- C28** Definition of "caravan" amended by **Caravan Sites Act 1968** (c. 52), s. 13
- C29** By **Greater London Council (General Powers) Act 1976** (c.xxvi), s. **11** it is provided that the definition of "Local Authority" in section 29(1) shall have effect and be deemed to have had effect as from 1 April 1974 as if after the words "of a" there were inserted the words "London borough or a"

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30 Part repeal of s. 269, Public Health Act, 1936.

(1) Section two hundred and sixty-nine of the ^{M3}Public Health Act 1936 (which empowers local authorities in England and Wales, excluding London, to control by means of licences the use of movable dwellings within their areas) shall cease to have effect in relation to caravans; . . . ^{F101}

^{F102}(2)

Annotations:

Amendments (Textual)

F101 Words repeal [Public Health Act 1936 \(c. 49\), s. 269\(5\)\(ii\)](#)

F102 S. 30(2) repealed (5.11.1993) by [1993 c. 50, s. 1\(1\), Sch. 1 Pt. XIII](#) Group 1.

Marginal Citations

M3 [1936 c. 49.](#)

31 ^{F103}

Annotations:

Amendments (Textual)

F103 Ss. 24(9), 31 repealed by [London Government Act 1963 \(c. 33\), Sch. 18 Pt. II](#)

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 ^{M4}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
Section twenty-six . . .	Section twenty-four

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- (c) for any reference, in relation to any land, to a magistrates’ court ^{F104}... there shall be substituted a reference to the sheriff having jurisdiction in the place where the land is situated;
- ^{F105}(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;

- ^{F106}(f)
- (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 ^{M5}Acquisition of Land (Authorisation Procedure) Act 1946, there shall be substituted a reference to the ^{M6}Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947; and

^{F107}^{F108}(iii) 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 ^{M7}Local Government (Scotland) Act 1973 and a regional or district planning authority within the meaning of Part IX of that Act”];

- (i) in section twenty-six, any reference to a justice of the peace shall be construed as including a reference to a sheriff;

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- (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, [^{F109}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^{F110} . . .
- [^{F111}(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 [^{F112}Supreme Court] shall lie, with the leave of the Court of Session or of the [^{F112}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 [^{F112}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)^{F113}
- (5)^{F114}

Annotations:

Amendments (Textual)

- F104** 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)
- F105** 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.I. 2003/456](#), art. 2
- F106** S. 32(1)(f)(g)(j) repealed (5.11.1993) by [1993 c. 50](#), s. 1(1), [Sch. 1 Pt. XIII](#) Group1.
- F107** 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](#)
- F108** S. 32(1)(h)(iii) substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 23 para. 2\(a\)](#)
- F109** Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 23 para. 2\(b\)](#)
- F110** Words in s. 32(1)(l) repealed (5.11.1993) by [1993 c. 50](#), s. 1(1), [Sch. 1 Pt. XIII](#) Group1.
- F111** S. 32(1)(m) inserted (S.) (1.5.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), [ss. 63\(1\)](#), 104(3); [S.I. 2016/412](#), art. 2, sch.

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- F112** 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)
- F113** S. 32(4) repealed by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1966 \(c. 19\), s. 10, Sch. Pt. I](#)
- F114** S. 32(5) repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\), Sch. 29](#)

Marginal Citations

- M4** 1947 c. 53.
M5 1946 c. 49.
M6 1947 c. 42.
M7 1973 c. 65.

[^{F115}PART 1A

LICENSING OF RELEVANT PERMANENT SITES IN SCOTLAND]

Annotations:

Amendments (Textual)

- F115** Pt. 1A heading inserted (S.) (20.11.2014 for the purposes of ss. 32B-32I, 32N, 32Y, 1.5.2017 for remaining purposes) by [Housing \(Scotland\) Act 2014 \(asp 14\), ss. 63\(2\), 104\(3\)](#); S.S.I. 2014/264, art. 2, sch.; S.S.I. 2016/412, art. 2, sch.

Modifications etc. (not altering text)

- C30** Pt. 1A excluded (S.) (1.5.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\), ss. 83\(3\), 104\(3\)](#); S.S.I. 2016/412, art. 2, sch.

[^{F116}General application

Annotations:

Amendments (Textual)

- F116** S. 32A and cross-heading inserted (S.) (1.5.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\), ss. 63\(2\), 104\(3\)](#); S.S.I. 2016/412, art. 2, sch.

32A Licences under Part 1A

- (1) Subject to the modifications mentioned in subsection (2), Part 1 applies in relation to—
- a relevant permanent site as it applies to a caravan site within the meaning of section 1(4),
 - a relevant permanent site application as it applies in relation to an application for a site licence under Part 1, and
 - a site licence issued or renewed under this Part (a “Part 1A site licence”) as it applies to a site licence within the meaning of section 1(1).
- (2) The modifications are—

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- (a) the offence in section 1 does not apply to the holder of a Part 1A site licence in relation to that person's use of the relevant permanent site which is the subject of the licence,
- (b) sections 3 and 6 do not apply in relation to a relevant permanent site application,
- (c) sections 4 and 9 do not apply in relation to a Part 1A site licence, and
- (d) the further modifications in this Part.]

[^{F117}Part 1A site licence

Annotations:

Amendments (Textual)

F117 Ss. 32B, 32C and cross-heading inserted (20.11.2014 for specified purposes, 1.5.2017 in so far as not already in force) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), **ss. 64, 104(3)**; [S.S.I. 2014/264](#), **art. 2, sch.**; [S.S.I. 2016/412](#), **art. 2, sch.**

32B Relevant permanent site application

- (1) A relevant permanent site application may be made by the occupier of land to the local authority in whose area the land is situated.
- (2) A relevant permanent site application must—
 - (a) be in writing and in such format as is determined by the local authority,
 - (b) specify the land in respect of which the application is made,
 - (c) include information specified in regulations made under section 32N, and
 - (d) include any information relevant to the material falling within section 32O(2) in relation to—
 - (i) the applicant,
 - (ii) any person to be appointed by the applicant to manage the site, and
 - (iii) any other person whom the local authority is required to be satisfied is a fit and proper person in accordance with section 32D(1)(b) or (2)(b).
- (3) An applicant must, either at the time of making the application or subsequently, give to the local authority such other information as the authority may reasonably require.

32C Fee for relevant permanent site application

- (1) A relevant permanent site application must be accompanied by a fee of such amount (if any) as the relevant local authority may fix.
- (2) An authority may fix different fees for different applications or types of application.
- (3) A fee fixed by an authority must not exceed an amount which it considers represents the reasonable costs of an authority in deciding a relevant permanent site application.
- (4) The Scottish Ministers may by regulations subject to the negative procedure make provision about the charging of fees under subsection (1).
- (5) Regulations made under subsection (4) may in particular—

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- (a) provide for the fee not to exceed such amount as may be prescribed by the regulations,
- (b) specify matters to be taken into account by an authority when fixing a fee.]

[^{F118}32D Issue and renewal of a Part 1A site licence

- (1) A local authority may issue a Part 1A site licence if—
 - (a) the applicant is, when the Part 1A site licence is issued, entitled to the benefit of planning permission for the use of the land as a relevant permanent site otherwise than by a development order, and
 - (b) the authority is satisfied—
 - (i) that the applicant is a fit and proper person to hold a site licence,
 - (ii) in the case where an applicant is not a natural person, that the individual who holds the most senior position within the management structure of the relevant partnership, company or body is a fit and proper person in relation to a site licence,
 - (iii) that any person to be appointed by the applicant to manage the site is a fit and proper person to do so, and
 - (iv) in the case where a person to be appointed by the applicant to manage the site is not a natural person, that any individual who is to be directly concerned with the management of the site on behalf of that manager is a fit and proper person to do so.
- (2) A local authority must renew a Part 1A site licence if—
 - (a) the applicant is, when the Part 1A site licence is renewed, entitled to the benefit of planning permission for the use of the land as a relevant permanent site otherwise than by a development order, and
 - (b) the authority is satisfied—
 - (i) that the applicant is a fit and proper person to hold a site licence,
 - (ii) in the case where an applicant is not a natural person, that the individual who holds the most senior position within the management structure of the relevant partnership, company or body is a fit and proper person in relation to a site licence,
 - (iii) that any person appointed, or to be appointed, by the applicant to manage the site is a fit and proper person to do so, and
 - (iv) in the case where a person appointed, or to be appointed, by the applicant to manage the site is not a natural person, that any individual who is, or is to be, directly concerned with the management of the site on behalf of that manager is a fit and proper person to do so.
- (3) The local authority must not issue a Part 1A site licence to a person whom the local authority knows has held a site licence which has been revoked under this Act less than 3 years before that time.
- (4) Before refusing to issue or renew a Part 1A site licence, the authority must give to the applicant a notice stating that—
 - (a) it is considering refusing the application and its reasons for doing so, and
 - (b) the applicant has the right to make written representations to the authority before the date which is specified in the notice (such date to be at least 28 days after the date on which the notice is given).

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- (5) In making its decision under this section the local authority must consider the application and any representations made in accordance with subsection (4)(b).

Annotations:

Amendments (Textual)

F118 Ss. 32D-32I inserted (20.11.2014 for specified purposes, 1.5.2017 in so far as not already in force) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), ss. 65, 104(3); S.S.I. 2014/264, art. 2, sch.; S.S.I. 2016/412, art. 2, sch.

32E Application to transfer a Part 1 A site licence

- (1) This section applies where, under section 10(1), the holder of a Part 1A site licence seeks the consent of the local authority for the transfer of the licence to a person who is to become the occupier of the relevant permanent site (in this section the “transferee”).
- (2) The local authority may refuse consent to the transfer on the ground that the authority is not satisfied—
- (a) that the transferee is a fit and proper person to hold a site licence,
 - (b) in the case where the transferee is not a natural person, that the individual who holds the most senior position within the management structure of the relevant partnership, company or body is a fit and proper person in relation to a site licence,
 - (c) that any person to be appointed by the transferee to manage the site is a fit and proper person to do so, and
 - (d) in the case where a person to be appointed by the transferee to manage the site is not a natural person, that any individual who is to be directly concerned with the management of the site on behalf of that manager is a fit and proper person to do so.
- (3) The applicant and the transferee must, either at the time of making the application or subsequently, give to the local authority such information as the authority may reasonably require in order to determine if the persons mentioned in subsection (2) are fit and proper persons.
- (4) Before refusing to consent to the transfer under subsection (2), the authority must give to the applicant a notice stating that—
- (a) it is considering refusing the application and its reasons for doing so, and
 - (b) the applicant has the right to make written representations to the authority before the date which is specified in the notice (such date to be at least 28 days after the date on which the notice is given).
- (5) In making its decision under this section the local authority must consider the application and any representations made in accordance with subsection (4)(b).

Annotations:

Amendments (Textual)

F118 Ss. 32D-32I inserted (20.11.2014 for specified purposes, 1.5.2017 in so far as not already in force) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), ss. 65, 104(3); S.S.I. 2014/264, art. 2, sch.; S.S.I. 2016/412, art. 2, sch.

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32F Time limit for determining application

- (1) This section applies where a person—
 - (a) makes a relevant permanent site application to a local authority in accordance with section 32B, or
 - (b) makes an application for consent to transfer a licence mentioned in section 32E.
- (2) The local authority must determine the application under section 32D or, as the case may be, sections 10 and 32E before the time limit specified under subsection (3).
- (3) The Scottish Ministers must, by regulations subject to the negative procedure, specify a time limit for the purposes of each application to which this section applies (and in doing so may specify different limits for different applications or types of application).
- (4) The period mentioned in subsection (2) may be extended by the sheriff, on summary application by the local authority, by such period as the sheriff thinks fit.
- (5) The sheriff may not extend a period unless the local authority applies for the extension before the period expires.
- (6) The applicant is entitled to be a party to any proceedings on such summary application.
- (7) The sheriff's decision on such summary application is final.
- (8) If the local authority does not determine a relevant permanent site application within the period required by this section—
 - (a) the authority is to be treated as having issued a Part 1A site licence, on the day by which the authority was required to determine the application, and
 - (b) the relevant person is for all purposes to be treated as having been issued a Part 1A site licence by the local authority under section 32D.
- (9) If the local authority does not determine an application for consent to transfer a licence mentioned in section 32E within the period required by this section, the authority is to be treated as having given its consent to the transfer on the day on which the application was made.

Annotations:

Amendments (Textual)

F118 Ss. 32D-32I inserted (20.11.2014 for specified purposes, 1.5.2017 in so far as not already in force) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), ss. 65, 104(3); S.S.I. 2014/264, art. 2, sch.; S.S.I. 2016/412, art. 2, sch.

32G Local authority power to transfer licence where no application

- (1) This section applies where—
 - (a) the holder of a Part 1A site licence does not seek the consent of the local authority for the transfer of the licence under section 10(1), and
 - (b) it appears to the authority that the licence holder is no longer the occupier of the relevant permanent site.
- (2) The local authority may transfer the licence to a person whom the authority considers to be the occupier of the relevant permanent site (in this section the “transferee”).

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- (3) Before deciding to transfer the licence under subsection (2), the authority must give to the licence holder and the transferee a notice stating that—
 - (a) it is considering transferring the licence to the transferee under this section and its reasons for doing so, and
 - (b) the licence holder and the transferee each have the right to make written representations to the authority before the date which is specified in the notice (such date to be at least 28 days after the date on which the notice is given).
- (4) In making its decision under this section the local authority must consider any representations made in accordance with subsection (3)(b).
- (5) The licence holder and the transferee must give to the local authority such information as the authority may reasonably require in order to make a decision under this section.
- (6) It is an offence for a person to knowingly or recklessly provide information which is false or misleading in a material respect to a local authority in purported compliance with a request under subsection (5).
- (7) A person who commits an offence under subsection (6) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Annotations:

Amendments (Textual)

F118 Ss. 32D-32I inserted (20.11.2014 for specified purposes, 1.5.2017 in so far as not already in force) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), **ss. 65**, 104(3); [S.S.I. 2014/264](#), **art. 2**, **sch.**; [S.S.I. 2016/412](#), **art. 2**, **sch.**

32H Transfer of Part 1A site licences on death: relevant permanent sites

Where a Part 1A site licence is transferred to a person in accordance with section 10(4), that person must give to the local authority such information as the authority may reasonably require in order to make a determination under section 32L.

Annotations:

Amendments (Textual)

F118 Ss. 32D-32I inserted (20.11.2014 for specified purposes, 1.5.2017 in so far as not already in force) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), **ss. 65**, 104(3); [S.S.I. 2014/264](#), **art. 2**, **sch.**; [S.S.I. 2016/412](#), **art. 2**, **sch.**

32I Notification of decision on Part 1A site licence

- (1) A local authority must, as soon as practicable after making a decision mentioned in subsection (2), notify the persons mentioned in subsection (3) of—
 - (a) the making of the decision, and
 - (b) the right to appeal under section 32M.
- (2) The decisions are—
 - (a) the determination of a relevant permanent site application,

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- (b) the determination of an application for consent to transfer a licence mentioned in section 32E,
 - (c) the decision to transfer a licence mentioned in section 32G.
- (3) The persons are—
- (a) in the case of a determination of a relevant permanent site application, the applicant,
 - (b) in the case of a determination of an application for consent to transfer a licence mentioned in section 32E, the applicant and the transferee,
 - (c) in the case of a decision of the local authority to transfer a licence under section 32G, the previous holder of the Part 1A site licence and the transferee.
- (4) A local authority must give to the persons mentioned in subsection (3) its reasons for making a decision mentioned in subsection (2).]

Annotations:

Amendments (Textual)

F118 Ss. 32D-32I inserted (20.11.2014 for specified purposes, 1.5.2017 in so far as not already in force) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), **ss. 65**, 104(3); S.S.I. 2014/264, **art. 2**, **sch.**; S.S.I. 2016/412, **art. 2**, **sch.**

[^{F119}**32J Duration of a Part 1A site licence**

- (1) A Part 1A site licence—
- (a) comes into operation at the time specified in or determined under the licence, and
 - (b) unless terminated by its revocation, continues in force until—
 - (i) the licence holder is not entitled to the benefit of planning permission for the use of the land as a caravan site, or any planning permission for the use of the relevant permanent site as a caravan site expires, or
 - (ii) if earlier, the day which is 5 years after the day on which the licence comes into operation.
- (2) The Scottish Ministers may, by order subject to the affirmative procedure, amend subsection (1)(b)(ii) so as to substitute for the figure for the time being specified there a different figure.]

Annotations:

Amendments (Textual)

F119 S. 32J inserted (S.) (1.5.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), **ss. 66**, 104(3); S.S.I. 2016/412, **art. 2**, **sch.**

[^{F120}**32K Duty to inform local authority where change**

- (1) The holder of a Part 1A site licence must notify the local authority which issued the licence—
- (a) of the appointment of any new person to manage the site, and

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- (b) if, in consequence of a change of circumstances, any information provided by the licence holder to the local authority by virtue of this Part becomes inaccurate.
- (2) The notification must be made—
- (a) in the case of an appointment mentioned in subsection (1)(a), no later than the day on which the appointment takes effect, and
 - (b) in any other case, before the end of the period of 28 days beginning with the day on which the inaccuracy arises.
- (3) The licence holder must, either at the time of notifying the local authority or subsequently, give to the authority such other information in relation to the appointment as the authority may reasonably require.
- (4) Where a local authority requests information under subsection (3), the licence holder must provide the information before the end of the period of 28 days beginning with the day on which the request is made.]

Annotations:

Amendments (Textual)

F120 S. 32K inserted (S.) (1.5.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), **ss. 67**, 104(3); S.S.I. 2016/412, art. 2, sch.

[^{F121}32L Revocation of a Part 1A site licence: fit and proper person

- (1) A local authority which issued a Part 1A site licence may revoke the licence if the authority is satisfied—
- (a) that the licence holder is not, or is no longer, a fit and proper person to hold a site licence,
 - (b) in the case where the licence holder is not a natural person, that the individual who holds the most senior position within the management structure of the relevant partnership, company or body is not, or is no longer, a fit and proper person in relation to a site licence,
 - (c) that any person appointed by the licence holder to manage the site is not, or is no longer, a fit and proper person to do so, or
 - (d) in the case where a person appointed by the licence holder to manage the site is not a natural person, that any individual who is directly concerned with the management of the site on behalf of that manager is not, or is no longer, a fit and proper person to do so.
- (2) Where a local authority proposes to revoke a Part 1A site licence under this section, the authority must serve on the licence holder a notice stating that—
- (a) it is considering revoking the licence under this section and its reasons for doing so, and
 - (b) the licence holder has the right to make written representations to the authority before the date which is specified in the notice (such date to be at least 28 days after the date on which the notice is given).
- (3) In making its decision under this section the local authority must consider any representations made in accordance with subsection (2)(b).

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- (4) Where a local authority revokes a licence under this section, the authority must serve on the person who held the licence a notice which—
 - (a) states that the authority has revoked the licence,
 - (b) explains the right of appeal conferred by section 32M.
- (5) Where a local authority revokes a licence under this section, the authority must give to the person who held the licence its reasons for doing so.]

Annotations:

Amendments (Textual)

F121 S. 32L inserted (S.) (1.5.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), ss. 68, 104(3); S.S.I. 2016/412, art. 2, sch.

[^{F122}32M Appeals relating to a Part 1A site licence

- (1) A person mentioned in subsection (2) may by summary application appeal to the sheriff against—
 - (a) the refusal by the local authority to issue or renew a Part 1A site licence following a relevant permanent site application,
 - (b) the determination by the local authority of an application for consent to transfer a licence mentioned in section 32E,
 - (c) the decision by the local authority to transfer a licence mentioned in section 32G,
 - (d) the decision by the local authority to revoke a Part 1A site licence under section 32L.
- (2) The persons are—
 - (a) in the case of a determination of a relevant permanent site application, the applicant,
 - (b) in the case of a determination of an application for consent to transfer a licence mentioned in section 32E—
 - (i) the applicant,
 - (ii) the transferee,
 - (c) in the case of a decision by the local authority to transfer a licence mentioned in section 32G—
 - (i) the previous holder of the Part 1A site licence,
 - (ii) the transferee,
 - (d) in the case of a decision of the local authority to revoke a Part 1A site licence under section 32L, the person who held the licence.]

Annotations:

Amendments (Textual)

F122 S. 32M inserted (S.) (1.5.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), ss. 69, 104(3); S.S.I. 2016/412, art. 2, sch.

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[^{F123}32N Power to make provision in relation to procedure and appeals

- (1) The Scottish Ministers may, by regulations subject to the negative procedure, make provision in relation to—
 - (a) the procedure to be followed in relation to—
 - (i) the issue, renewal, transfer, transmission and revocation of a Part 1A site licence,
 - (ii) appeals under section 32M,
 - (b) the determination and consequences of an appeal under section 32M.
- (2) Regulations under subsection (1) may in particular make provision for or in connection with—
 - (a) the procedure to be followed by the person making an application for—
 - (i) a new Part 1A site licence,
 - (ii) the renewal of an existing Part 1A site licence which is due to expire,
 - (iii) consent to transfer a Part 1A site licence,
 - (b) the procedure to be followed by a person following the transfer of a licence,
 - (c) the information to be provided in relation to an application mentioned in paragraph (a) or a transfer mentioned in section 32G or 32H,
 - (d) the procedure to be followed in determining an application mentioned in paragraph (a) or in considering a transfer mentioned in section 32G or 32H,
 - (e) the procedure to be followed after an application mentioned in paragraph (a) is determined or a transfer mentioned in section 32G or 32H is considered,
 - (f) the time limits for the giving of reasons under section 32I(4) and 32L(5),
 - (g) the time limits applying in relation to appeals,
 - (h) the procedure to be followed by the person making an appeal.]

Annotations:

Amendments (Textual)

F123 S. 32N inserted (20.11.2014) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), ss. 70, 104(3); S.S.I. 2014/264, art. 2, sch.

[^{F124}Fit and proper persons

Annotations:

Amendments (Textual)

F124 S. 32O and cross-heading inserted (S.) (1.5.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), ss. 71, 104(3); S.S.I. 2016/412, art. 2, sch.

32O Fit and proper person considerations

- (1) In deciding under this Part if a person is a fit and proper person, the local authority must have regard to all of the circumstances of the case, including any material falling within subsections (2) to (6).
- (2) Material falls within this subsection if it shows that the person has—
 - (a) been convicted of an offence—

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- (i) involving fraud or other dishonesty,
 - (ii) involving violence,
 - (iii) involving drugs,
 - (iv) involving firearms,
 - (v) which is a sexual offence within the meaning of section 210A(10) of the Criminal Procedure (Scotland) Act 1995 (c.46),
- (b) practised unlawful discrimination on the grounds of any of the protected characteristics in Part 2 of the Equality Act 2010 (c.15),
 - (c) contravened any provision of—
 - (i) the law relating to caravans,
 - (ii) the law relating to housing,
 - (iii) landlord and tenant law,
 - (d) committed a breach of an agreement to which the Mobile Homes Act 1983 applies,
 - (e) contravened a direction made under section 37 of the Gas Act 1986 (c.44) (maximum prices for reselling gas),
 - (f) contravened a direction made under section 44 of the Electricity Act 1989 (c.29) (maximum prices for reselling electricity),
 - (g) contravened a charges scheme made under section 29A of the Water Industry (Scotland) Act 2002 (asp 3) (charges schemes) as it applied to the person by virtue of section 30(1) of that Act (maximum charges for services provided with help of Scottish Water),
 - (h) engaged in antisocial behaviour within the meaning of section 143 of the Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8),
 - (i) breached the conditions of a site licence issued under Part 1 or Part 1A of this Act.
- (3) Material which shows that a person has a conviction which is a spent conviction for the purposes of the Rehabilitation of Offenders Act 1974 (c.53) does not fall within subsection (2).
- (4) Material falls within this subsection if it relates to the failure by a person to provide information which that person is required to give to the local authority in accordance with this Part.
- (5) Material falls within this subsection if it relates to a complaint made by a person of which the local authority is aware about antisocial behaviour within the meaning of section 143 of the Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8) on the relevant permanent site.
- (6) Material falls within this subsection if it is material of which the local authority is aware as a result of any other function carried out by the authority and it appears to the authority to be relevant to the question of whether the person is a fit and proper person.
- (7) The Scottish Ministers may, by order subject to the affirmative procedure, modify this section by adding to, removing or varying any material in subsections (2) to (6).]

[^{F125}32P Fit and proper person: criminal conviction certificate

- (1) A local authority may, in deciding under this Part if a person is a fit and proper person, require the person in respect of whom the decision is being made to provide the local

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authority with a criminal conviction certificate (within the meaning of section 112 of the Police Act 1997 (c.50)).

- (2) A local authority may require a criminal conviction certificate to be provided under subsection (1) only if it has reasonable grounds to suspect that the information provided under this Part in relation to material falling within section 32O(2) is, or has become, inaccurate.]

Annotations:

Amendments (Textual)

F125 S. 32P inserted (S.) (1.5.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), **ss. 72, 104(3)**; S.S.I. 2016/412, art. 2, sch.

[^{F126}32Q Fit and proper person: information sharing

- (1) A local authority may, for the purpose of another local authority deciding under this Part if a person is a fit and proper person, provide to that other authority information which falls within subsection (2).
- (2) Information falls within this subsection if the local authority holding the information considers that—
- (a) it is likely to be relevant to the other authority's decision under this Part as to whether a person is a fit and proper person, and
 - (b) it ought to be provided for that purpose.
- (3) Subsections (1) and (2) apply despite any duty of confidentiality owed to any person in respect of the information by the authority disclosing the information.]

Annotations:

Amendments (Textual)

F126 S. 32Q inserted (S.) (1.5.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), **ss. 73, 104(3)**; S.S.I. 2016/412, art. 2, sch.

[^{F127}Offences relating to relevant permanent sites

Annotations:

Amendments (Textual)

F127 Ss. 32R-32T and cross-heading inserted (S.) (1.5.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), **ss. 74, 104(3)**; S.S.I. 2016/412, art. 2, sch.

32R Offences in connection with information requirements

- (1) It is an offence for a person to knowingly or recklessly provide information which is false or misleading in a material respect to a local authority in purported compliance with—
- (a) a requirement under section 32B,
 - (b) a requirement under section 32E(3),

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- (c) a requirement under section 32H,
 - (d) a requirement under section 32K.
- (2) It is an offence for a person, without reasonable excuse—
- (a) to fail to notify a local authority in accordance with 32K(1) and (2), or
 - (b) to fail to provide information in accordance with section 32K(3) and (4).
- (3) A person who commits an offence under subsection (1) or (2) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

32S Relevant permanent sites: use without a licence

- (1) It is an offence for the occupier of land to cause or permit that land to be used as a relevant permanent site unless—
- (a) the occupier is the holder of a Part 1A site licence in relation to the site, or
 - (b) subsection (2) or (3) applies to that person.
- (2) This subsection applies to a person from the day on which the person makes a relevant permanent site application to a local authority in accordance with section 32B until—
- (a) that application is determined under section 32D,
 - (b) in the case of a refusal by the authority to issue or renew a Part 1A site licence under that section, the day on which the period during which the applicant may make an appeal under section 32M(1)(a) expires without an appeal being made, or
 - (c) where such an appeal is made, the day on which it is finally determined or abandoned.
- (3) This subsection applies to a person from the day on which the person's Part 1A site licence is revoked under section 32L until—
- (a) the day on which the period during which the person can make an appeal under section 32M(1)(d) expires without an appeal being made, or
 - (b) where such an appeal is made, the day on which it is finally determined or abandoned.
- (4) A person who commits an offence under subsection (1) is liable on summary conviction to a fine not exceeding £50,000.

32T Relevant permanent sites: breach of licence conditions

- (1) It is an offence for the holder of a Part 1A site licence to fail to comply with any condition of a Part 1A site licence issued in relation to the site.
- (2) A person who commits an offence under subsection (1) is liable on summary conviction to a fine not exceeding £10,000.]

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^{F128}Local authority enforcement at relevant permanent sites

Annotations:

Amendments (Textual)

F128 Ss. 32U-32W and cross-heading inserted (S.) (1.5.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), ss. 75, 104(3); S.S.I. 2016/412, art. 2, sch.

32U Breach of licence condition: improvement notice

- (1) If it appears to a local authority which issued a Part 1A site licence that the licence holder is failing or has failed to comply with a condition of the Part 1A site licence, the authority may serve an improvement notice on the licence holder.
- (2) An improvement notice is a notice which—
 - (a) sets out the condition in question and details of the failure to comply with it,
 - (b) requires the licence holder to take such steps as the local authority considers appropriate and as are specified in the notice in order to ensure that that condition is complied with,
 - (c) specifies the period within which those steps must be taken,
 - (d) explains the right of appeal conferred by subsection (3).
- (3) The holder of a Part 1A site licence who has been served with an improvement notice may by summary application appeal to the sheriff against—
 - (a) the issue of that notice,
 - (b) the terms of that notice.
- (4) The period specified in an improvement notice under subsection (2)(c) must begin on the later of—
 - (a) the day on which the period during which the person may make an appeal under subsection (3) expires, or
 - (b) where such an appeal is made, the day on which the appeal is finally determined or abandoned.
- (5) A local authority may—
 - (a) suspend an improvement notice,
 - (b) revoke an improvement notice,
 - (c) vary an improvement notice by extending the period specified in the notice under subsection (2)(c).
- (6) The power to suspend, revoke or vary an improvement notice is exercisable by the local authority—
 - (a) on an application made by the licence holder, or
 - (b) on the authority's own initiative.
- (7) Where a local authority suspends, revokes or varies an improvement notice, the authority must notify the licence holder to whom the notice relates of the decision as soon as is reasonably practicable.

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32V Improvement notice: offence

- (1) It is an offence for a licence holder who has been served with an improvement notice to fail to take the steps specified in the notice within the period so specified.
- (2) A person who commits an offence under subsection (1) is liable on summary conviction to a fine not exceeding £10,000.
- (3) In proceedings against a licence holder for an offence under subsection (1), it is a defence that the licence holder had a reasonable excuse for failing to take the steps referred to in subsection (1) within the period referred to in that subsection.

32W Local authority power to carry out steps in an improvement notice

- (1) This section applies where—
 - (a) an improvement notice has been served in relation to a relevant permanent site, and
 - (b) the licence holder fails to take the steps specified in the notice within the period so specified.
- (2) The local authority which issued the improvement notice may—
 - (a) take any steps required by the improvement notice to be taken by the occupier, but which have not been so taken, and
 - (b) take such further action as the authority considers appropriate for ensuring that the condition specified in the improvement notice is complied with.
- (3) Where a local authority proposes to take action under subsection (2), the authority must serve on the occupier of the relevant permanent site a notice which—
 - (a) identifies the land and the improvement notice to which it relates,
 - (b) states that the authority intends to enter onto the land,
 - (c) describes the action the authority intends to take on the land,
 - (d) if the person whom the authority proposes to authorise to take the action on its behalf is not an officer of the authority, 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 intends to start taking the action and when it expects the action to be completed).
- (4) The notice must be served sufficiently in advance of when the local authority intends to enter onto the land as to give the occupier of the relevant permanent site reasonable notice of the intended entry.]

[^{F129}32X Penalty notice where no licence or breach of licence

- (1) A local authority may serve a penalty notice on the occupier of a relevant permanent site if it appears to the local authority that the occupier—
 - (a) has caused or permitted the relevant permanent site to be used as a caravan site without being the holder of a Part 1A site licence in relation to the site, or
 - (b) has been served with an improvement notice and has failed to take the steps specified in the notice within the period so specified.
- (2) A penalty notice is a notice which—
 - (a) sets out the condition in question and details of the failure to comply with it,
 - (b) explains the effect of subsection (3),

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- (c) specifies the period within which the penalty applies,
 - (d) explains the right of appeal conferred by subsection (7).
- (3) Where a penalty notice is served under this section—
- (a) no amount which a person is required to pay to the occupier of the relevant permanent site in respect of—
 - (i) the right to station a caravan on the site,
 - (ii) rent for the occupation of a caravan on the site, or
 - (iii) the use of the common areas of the site and their maintenance,
 is payable for the period specified in the notice under subsection (2)(c), and
 - (b) no commission on sale payable in accordance with paragraph 8 of Part 1 of Schedule 1 to the Mobile Homes Act 1983 (c.34) is payable to the occupier of the relevant permanent site in respect of a caravan on the site for the period specified in the notice under subsection (2)(c).
- (4) The period specified in a penalty notice under subsection (2)(c) must begin on the later of—
- (a) the day on which the period during which the person may make an appeal under subsection (7) expires, or
 - (b) where such an appeal is made, the day on which the appeal is finally determined or abandoned.
- (5) The local authority must, as soon as practicable after serving a notice under this section and in such manner as it thinks fit, notify the occupiers of caravans on the site of the existence of the notice.
- (6) The ways in which a notification under subsection (5) may be carried out include by fixing a notice in a prominent place at or near the main entrance to the relevant permanent site.
- (7) The occupier of a relevant permanent site in respect of which a local authority has served a penalty notice may, within the period of 28 days beginning with the day on which the notice was served, by summary application appeal to the sheriff against the decision.]

Annotations:

Amendments (Textual)

F129 S. 32X inserted (S.) (1.5.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), **ss. 76, 104(3)**; [S.S.I. 2016/412](#), **art. 2, sch.**

[^{F130}32Y Power to appoint interim manager

- (1) A local authority which has issued a Part 1A site licence may apply to the sheriff for an order appointing an interim manager of the site.
- (2) An order may be granted by the sheriff if—
 - (a) the authority has refused to renew a Part 1A site licence under section 32D,
 - (b) the authority has revoked a Part 1A site licence under section 32L, or
 - (c) the sheriff is satisfied that—

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- (i) the licence holder is failing or has failed, either seriously or repeatedly, to comply with a condition of the Part 1A site licence,
 - (ii) the site is not being managed by a person who is a fit and proper person to manage the site, or
 - (iii) there is no one managing the site.
- (3) The appointment of an interim manager is to be on terms (including as to remuneration and expenses) specified in, or determined in accordance with, the appointment.
- (4) The interim manager has—
 - (a) any power specified in the appointment, and
 - (b) any other power in relation to the management of the site required by the interim manager for the purposes specified in the appointment (including the power to enter into agreements and take other action on behalf of the occupier of the site).
- (5) The Scottish Ministers may by regulations subject to the negative procedure make further provision about the appointment of an interim manager.
- (6) Regulations under subsection (5) may, in particular, make provision in relation to—
 - (a) the procedure to be followed in making an application,
 - (b) the powers of an interim manager,
 - (c) property which vests in the interim manager on the interim manager's appointment,
 - (d) the qualifications that must be held by any person appointed as interim manager,
 - (e) the actions that must be carried out by an interim manager during and after the manager's appointment,
 - (f) the payment and recovery of the remuneration and expenses of the interim manager,
 - (g) the assistance to be provided to the interim manager by the licence holder and other persons,
 - (h) powers of entry to the relevant permanent site,
 - (i) criminal offences which are to apply to failures to comply with the regulations,
 - (j) the procedure for and consequences of the termination of the interim manager's appointment.]

Annotations:

Amendments (Textual)

F130 S. 32Y inserted (20.11.2014 for specified purposes, 1.5.2017 in so far as not already in force) by [Housing \(Scotland\) Act 2014 \(asp 14\), ss. 77, 104\(3\)](#); [S.S.I. 2014/264, art. 2, sch.](#); [S.S.I. 2016/412, art. 2, sch.](#)

[^{F131}32Z Power to take emergency action

- (1) A local authority which has issued a Part 1A site licence may take emergency action in relation to the site concerned if it appears to the authority that—
 - (a) the licence holder is failing or has failed to comply with a condition for the time being attached to the Part 1A site licence, and

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- (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) A local authority in whose area land is being used as a relevant permanent site may take emergency action in relation to the land concerned if it appears to the authority that—
- (a) the occupier does not hold a Part 1A site licence in relation to the land, and
 - (b) there is an imminent risk of serious harm to the health or safety of any person who is or may be on the land.
- (3) The emergency action a local authority may take is such action as appears to the authority to be necessary to remove the imminent risk of serious harm mentioned in subsection (1)(b) or, as the case may be, subsection (2)(b).
- (4) Where a local authority proposes to take emergency action, the authority must serve on the licence holder or, as the case may be, the occupier of the relevant permanent site an emergency action notice.
- (5) An emergency action notice is a notice which—
- (a) identifies the land to which it relates,
 - (b) states that the authority intends to enter onto the land,
 - (c) describes the emergency action the authority intends to take on the land,
 - (d) if the person whom the authority proposes to authorise to take the action on its behalf is not an officer of the authority, states the name of that person, and
 - (e) specifies the powers under this section and section 26 as the powers under which the authority intends to enter onto the land.
- (6) An emergency action notice 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).
- (7) The local authority must serve on the licence holder or, as the case may be, the occupier of the relevant permanent site an emergency action report within the period of 7 days beginning with the date when the authority starts taking the emergency action.
- (8) An emergency action report is 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 expects it to be completed,
 - (d) if the person whom the authority has authorised to take the action on its behalf is not an officer of the authority, states the name of that person, and
 - (e) explains the right of appeal conferred by subsection (10).
- (9) The ways in which an emergency action notice and an emergency action report may be served include by fixing it in a prominent place at or near the main entrance to the relevant permanent site.
- (10) A licence holder or, as the case may be, an occupier of land in respect of which a local authority has taken or is taking emergency action may by summary application appeal to the sheriff against the taking of the action by the authority.
- (11) The grounds on which the appeal may be brought are—

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- (a) that there was no imminent risk of serious harm as mentioned in subsection (1)(b) or, as the case may be, subsection (2)(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, as the case may be, subsection (2)(b) (or, where the action is still being taken, that it is not necessary to remove the risk).]

Annotations:

Amendments (Textual)

F131 S. 32Z inserted (S.) (1.5.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), ss. 78, 104(3); S.S.I. 2016/412, art. 2, sch.

[^{F132}32Z] Powers of entry in relation to relevant permanent site

- (1) Section 26 (as modified by section 32) applies in relation to a relevant permanent site—
 - (a) as if after every reference to “this Part” there were inserted “ or Part 1A ”,
 - (b) as if after paragraph (a) of subsection (1) there were inserted—
 - “(aa) for the purpose of inspecting a relevant permanent site,”and
 - (c) subject to the further modifications in this section.
- (2) If, under an improvement notice or an emergency action notice, a local authority authorises a person other than an officer of the authority to take the action on its behalf, the reference in section 26(1) to an authorised officer of the local authority is to be read as including that person.
- (3) In its application to an improvement notice, the requirement in section 26(1) to give 24 hours' notice of the intended entry applies only in relation to the day on which the local authority intends to start taking the action on the relevant permanent site.
- (4) In its application to an emergency action notice, section 26(1) 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.]

Annotations:

Amendments (Textual)

F132 S. 32Z1 inserted (S.) (1.5.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), ss. 79, 104(3); S.S.I. 2016/412, art. 2, sch.

[^{F133}32Z] Expenses of issuing notices

- (1) This section applies where a local authority has served—
 - (a) an improvement notice,
 - (b) a penalty notice,
 - (c) an emergency action notice, or
 - (d) an emergency action report.

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- (2) The local authority may recover from the licence holder or, as the case may be, the occupier of the relevant permanent site—
- (a) expenses incurred by the authority in deciding whether to serve the notice or report,
 - (b) expenses incurred by the authority in preparing and serving the notice or report, and
 - (c) interest, at such reasonable rate as the authority may determine, in respect of the period beginning on a date specified by the authority until the whole amount is paid.
- (3) The expenses referred to in subsection (2) include in particular the costs of obtaining expert advice (including legal advice).

Annotations:

Amendments (Textual)

F133 Ss. 32Z2-32Z4 inserted (S.) (1.5.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\), ss. 80, 104\(3\); S.S.I. 2016/412, art. 2, sch.](#)

32Z3 Expenses of taking action under improvement notice or emergency action notice

- (1) A local authority which has taken action in accordance with an improvement notice or an emergency action notice may recover from the licence holder or, as the case may be, the occupier of the relevant permanent site—
- (a) expenses incurred by the authority in deciding whether to take the action,
 - (b) expenses incurred by the authority in taking the action, and
 - (c) interest, at such reasonable rate as the authority may determine, in respect of the period beginning on a date specified by the authority until the whole amount is paid.
- (2) The expenses referred to in subsection (1) include in particular the costs of obtaining expert advice (including legal advice).

Annotations:

Amendments (Textual)

F133 Ss. 32Z2-32Z4 inserted (S.) (1.5.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\), ss. 80, 104\(3\); S.S.I. 2016/412, art. 2, sch.](#)

32Z4 Expenses of local authority in relation to Part 1A licences

The local authority which issued a Part 1A site licence may require the licence holder to pay the amount of any expenses incurred by the authority in relation to—

- (a) inspecting a relevant permanent site for the purpose of ascertaining whether there is, or has been, any contravention of the provisions of this Act,
- (b) assessing or investigating compliance by the licence holder with the provisions of this Act following an inspection.]

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Annotations:

Amendments (Textual)

F133 Ss. 32Z2-32Z4 inserted (S.) (1.5.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), **ss. 80**, 104(3); S.S.I. 2016/412, art. 2, sch.

[^{F134}Miscellaneous

Annotations:

Amendments (Textual)

F134 S. 32Z5 and cross-heading inserted (S.) (1.5.2017) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), **ss. 81**, 104(3); S.S.I. 2016/412, art. 2, sch.

32Z5 Offences by bodies corporate etc.

- (1) Where—
- (a) an offence under this Part has been committed by a body corporate or a Scottish partnership or other unincorporated association, and
 - (b) it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect on the part of—
 - (i) a relevant individual, or
 - (ii) an individual purporting to act in the capacity of a relevant individual,the individual (as well as the body corporate, partnership or, as the case may be, other unincorporated association) commits the offence and is liable to be proceeded against and punished accordingly.
- (2) In subsection (1), “relevant individual” means—
- (a) in relation to a body corporate—
 - (i) a director, manager, secretary or other similar officer of the body,
 - (ii) where the affairs of the body are managed by its members, the members,
 - (b) in relation to a Scottish partnership, a partner,
 - (c) in relation to an unincorporated association other than a Scottish partnership, a person who is concerned in the management or control of the association.]

[^{F135}32Z6 Interpretation of Part 1A

- (1) In this Part—
- “emergency action notice” has the meaning given by section 32Z(5),
 - “emergency action report” has the meaning given by section 32Z(8),
 - “excepted permission” means a permission (by virtue of planning permission or a site licence under Part 1) to station a caravan on the land for human habitation all year round, if the caravan is, or is to be, authorised to be occupied by—
 - (a) the occupier,

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- (b) a person employed by the occupier but who does not occupy the caravan under an agreement to which section 1(1) of the Mobile Homes Act 1983 (c.34) applies,
- “improvement notice” has the meaning given by section 32U(2),
- “licence holder” means the person holding the Part 1A site licence,
- “Part 1A site licence” has the meaning given by section 32A(1)(c),
- “penalty notice” has the meaning given by section 32X(2),
- “planning permission” means planning permission under Part 3 of the Town and Country Planning (Scotland) Act 1997 (c.8),
- “relevant permanent site” means land in respect of which a site licence is required under Part 1, other than land for which the relevant planning permission or the site licence—
- (a) is expressed to be granted for holiday use only,
- (b) is otherwise so expressed or subject to conditions that there are times of the year when no caravan may be stationed on the land for human habitation, or
- (c) would meet the conditions in paragraph (a) or (b) if any excepted permission is disregarded,
- “relevant permanent site application” means, irrespective of the conditions in the relevant planning permission, an application for the issue or renewal of a Part 1A 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,
- (b) to be otherwise so expressed or subject to conditions that there will be times of the year when no caravan may be stationed on the land for human habitation, or
- (c) which would meet the conditions in paragraph (a) or (b) if any part of the application for excepted permission were disregarded.
- (2) Any reference in this Part to the sheriff is to the sheriff having jurisdiction in the place where the relevant permanent site is situated.
- (3) Otherwise, words and expressions (as modified by section 32) have the same meaning in this Part as in Part 1.

Annotations:

Amendments (Textual)

F135 Ss. 32Z6, 32Z7 inserted (20.11.2014) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), **ss. 82**, 104(3); S.S.I. 2014/264, art. 2, sch.

32Z7 Guidance

- (1) The Scottish Ministers may, after consulting such persons as they consider appropriate, publish guidance about the operation of this Part.
- (2) A local authority must have regard to any guidance published when carrying out its functions under this Part.]

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Annotations:

Amendments (Textual)

F135 Ss. 32Z6, 32Z7 inserted (20.11.2014) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), **ss. 82**, 104(3); S.S.I. 2014/264, art. 2, sch.

[^{F136}PART II

Annotations:

Amendments (Textual)

F136 Pt. 1A heading inserted (S.) (20.11.2014 for the purposes of ss. 32B-32I, 32N, 32Y) by [Housing \(Scotland\) Act 2014 \(asp 14\)](#), **ss. 63(2)**, 104(3); S.S.I. 2014/264, art. 2, sch.

33—47. ^{F137}

Annotations:

Amendments (Textual)

F137 S. 33–47 repealed by [Town and Country Planning Act 1962 \(c. 38\)](#), **Sch. 15**

PART III

GENERAL

48 ^{F138}

Annotations:

Amendments (Textual)

F138 S. 48 repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), **Sch. Pt. XI**

49 Financial provisions.

There shall be paid out of monies provided by Parliament—

- (a) any administrative expenses incurred by the Minister of Housing and Local Government or the Secretary of State in consequence of the passing of this Act, and
- (b) any increase attributable to the provisions of this Act in the sums payable out of monies so provided under any other enactment.

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Annotations:**Modifications etc. (not altering text)**

- C31** Functions of Minister of Housing and Local Government transferred to Secretary of State by virtue of S.I. 1965/319, **arts. 2, 10(1)(a)**, Sch. 1 Pt. I and 1970/1681, arts. 2, 6(3)

50 Short title, interpretation, extent and commencement.

- (1) This Act may be cited as the Caravan Sites and Control of Development Act 1960.
- (2) In this Act “the Act of 1947” means the ^{M8}Town and Country Planning Act 1947.
- (3) This Act shall not extend to Northern Ireland.
- (4) This Act shall come into force at the expiration of a period of one month beginning with the date on which it is passed.]

Annotations:**Marginal Citations**

- M8** 1947 c. 51.

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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 [^{F139}falling between the beginning of October in any year and the end of March][^{F139}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.

Annotations:

Amendments (Textual)

F139 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.

Annotations:

Modifications etc. (not altering text)

C32 [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](#))

Changes to legislation: Caravan Sites and Control of Development Act 1960 is up to date with all changes known to be in force on or before 31 July 2018. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

^{F140} Gipsy sites occupied by county councils or regional councils

Annotations:

Amendments (Textual)

F140 Para. 11A inserted by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\)](#), s. 176

[^{F141}11A [^{F142}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 [^{F143}persons to whom section 24(8A) of this Act applies].]]

Annotations:

Amendments (Textual)

F141 Para. 11A inserted by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\)](#), s. 176

F142 [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

F143 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.

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SECOND SCHEDULE

Section 23.

FURTHER PROVISIONS AS TO ORDERS RELATING TO COMMONS

Annotations:

Modifications etc. (not altering text)

C33 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)

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 . . .
^{F144} district council shall consult with the conservators.

Annotations:

Amendments (Textual)

F144 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 . . .
^{F145} 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.

Annotations:

Amendments (Textual)

F145 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 . . .
^{F146} district council shall serve a copy thereof on every person entitled as lord of the manor or otherwise to the soil of the land.

[^{F147}Provided that where][^{F147}unless the council are satisfied that] the persons entitled to the soil of the land are numerous, or cannot after diligent inquiry be ascertained, [^{F148}the Minister may dispense with the service of notices under this sub-paragraph.]

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- (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.

Annotations:

Amendments (Textual)

- F146** Word repealed by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)
F147 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](#)
F148 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 . . . ^{F149} district council by any person entitled to the soil of the land, and the notice is not subsequently withdrawn, the . . . 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.

Annotations:

Amendments (Textual)

- F149** 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 . . . ^{F150} 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.

Annotations:

Amendments (Textual)

- F150** Word repealed by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)

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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 [^{F151}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.

[^{F152}(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.]

Annotations:

Amendments (Textual)

F151 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)

F152 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)

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^{F153}THIRD SCHEDULE

Annotations:

Amendments (Textual)

^{F153} Sch. 3 repealed by [Town and Country Planning Act 1962 \(c. 38\)](#), [Sch. 15](#)

.....

^{F154}FOURTH SCHEDULE

Annotations:

Amendments (Textual)

^{F154} Sch. 4 repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. XI](#)

.....

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 12A-12E and cross-heading inserted by [2013 c. 14 s. 8](#)



Department for
Communities and
Local Government

Mobile Homes Act 2013

A Best Practice Guide for Local Authorities on Enforcement of the New Site Licensing Regime



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Section 1: Background

- 1.1 Approximately 85,000 households live on about 2000 mobile home sites in England. Many of these sites are well managed and run. Unfortunately there are some rogue site operators, who do not run their sites well and allow conditions to deteriorate, affecting the amenity of the site, and the health and safety of residents.
- 1.2 Local authorities are responsible for safeguarding the interests of home owners and the public at large through the licensing regime under the Caravan Sites and Control of Development Act 1960. A review by Parliament's Communities and Local Government Select Committee in early 2012 found it was outdated and did not provide local authorities with the tools or the resources to ensure effective management and maintenance of sites.
- 1.3 The Mobile Homes Act 2013 introduced a new site licensing regime for relevant protected sites (that is park home sites and mixed sites of both residential park homes and holiday homes) which came into force on 1st April 2014. The new site licensing regime gives local authorities more effective control of conditions on relevant protected sites. In appropriate cases, it provides local authorities with the tools required to take enforcement action including the power to serve compliance notices in relation to breaches of site licence conditions, emergency action powers, and the ability to carry out works in default and recover expenses.
- 1.4 Ahead of the introduction of the licensing reforms the Department of Communities and Local Government (DCLG) set up a working group of local authority practitioners, industry trade bodies and national residents' organisations to provide best practice guidance to local authorities on how to use the new licensing regime and powers to best effect.
- 1.5 Most local authorities will already have enforcement protocols or policies in place and this guidance may be used to review and/or amend these. Additional guidance on fees setting and enforcement can be downloaded from <https://www.gov.uk/government/collections/park-homes#mobile-homes-act-2013>
- 1.6 This guidance is not definitive and local authorities should seek their own legal advice if they have any doubt as to its application to cases they are dealing with.

Section 2: Relevant Protected Sites

- 2.1 The new licensing regime introduced by amendments to the Caravan Sites and Control of Development Act 1960 by the Mobile Homes Act 2013 only relates to relevant protected sites. These are defined by Section 5A (5) of the amended act as follows:

“(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 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 caravans 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 site licence which permits the stationing of a caravan on the land for human habitation all year is to be ignored if the caravan is to be occupied by:

(a) the occupier

(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”

- 2.2 Any licensable caravan site will be a relevant protected site unless it is specifically exempted from being so. A site is exempted if it has planning permission or a site licence for exclusive holiday use or there are restrictions preventing it from being used on a permanent residential basis. Holiday sites will still be subject to the licensing provisions of the Caravan Sites and Control of Development Act 1960 that existed before the Mobile Homes Act 2013 amendments, as the object of the new licensing provisions is to provide better protection of sites in residential use. This guidance relates specifically to these relevant protected sites.
- 2.3 An exemption to the above rule is that if a holiday site has permission for residential use too, and that use is only by the owner of the site (including family members) or employees working on the site their permanent occupation does not make the site a relevant protected site. The caveat to this is that if the employee occupies the home under an agreement to which the Mobile Homes Act 1983 applies, the site will be a relevant protected site.
- 2.4 A site’s exemption will depend on what use the planning permission permits; or if the permission is silent it will depend on what the site licence permits; and if there is a conflict between the planning permission and site licence as to the site’s use it is the use permitted under the planning permission that applies.

- 2.5 Where both planning permission and site licence are silent about permitted use of a site the presumption would generally be that it is a relevant protected site. In such circumstances the actual use of the site may have a bearing.
- 2.6 For further details on the definition of relevant protected sites, see the DCLG Guidance “Definition of Relevant Protected Sites” at **Appendix 1** which includes examples of different types of sites and tenures of occupation to illustrate the applicability of the new regime.

Section 3: Enforcement Policy

- 3.1 Government does not envisage that local authorities should, from the 1st April 2014, rush to serve compliance notices on site operators for breaches of site licence conditions where there is not a significant risk of harm, particularly in the circumstances where the breach has existed for many years. It is expected that local authorities' actions and demands should be reasonable and proportionate.
- 3.2 In every case where enforcement action is proposed, the interests of home owners, as well as the site operator, should be considered. Also in the case where a breach of the site licence condition is only impacting on an individual home owner, consideration should be given to the consequential impacts on other home owners. This may mean drawing a line under existing site licence condition breaches, where there is no risk of significant harm to persons or property, to enable all to move forward in a constructive and positive way.
- 3.3 It is intended that local authorities should focus their enforcement on poorly managed, badly run sites; such risk based enforcement will serve to deliver a fair and level playing field for businesses operating in the industry.
- 3.4 Local authorities should ensure efficient and effective approaches to regulatory inspection and enforcement are provided in line with their enforcement policies and regulatory improvements should be achieved without imposing unnecessary burdens, (including in relation to timescales, costs, resources and future liability) onto the site operator. This is in accord with the Regulators' Code, which implements the Hampton Principles. In carrying out enforcement, local authorities should also be mindful of human rights and ensure any action is legitimate, appropriate and proportionate. The Regulator's Code and further resources are available at: <https://www.gov.uk/government/publications/regulators-code>.
- 3.5 Local authorities should always look to work with site operators in a fair, consistent and transparent way as underlined in the principles of the Regulator's Code. Where possible, an informal approach to enforcement should be taken in the first instance, while recognising that this may not always be appropriate, for example where there is a significant risk to health or damage to property or where there may be evidence of previous non-compliance (and bearing in mind 4.2 above where long-standing breaches may not present any risk of harm).
- 3.6 Enforcement action must be based on the appropriate legislation. For example breaches of:
 - Planning conditions - relevant planning legislation
 - Site licence conditions - Caravan Sites and Control of Development Act 1960
 - Fire safety measures – Regulatory Reform (Fire Safety) Order 2005 (where this applies)
- 3.7 Local authorities **cannot** enforce (or impose) site licence conditions in respect of the fabric of the mobile home itself. A mobile home is the property of the home owner and completely outside the control of the site operator and the scope of site licence conditions. For example, site licence conditions cannot:

- require the provision of heating
- require the installation of fire sprinkler systems or
- prevent a home owner from selling their property or impose conditions on such a sale.

Section 4: Licence conditions

Background/historic links

4.1 Local authorities have powers to attach licence conditions under section 5 of the Caravans Sites and Control of Development Act 1960. The Act states:

“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”.

4.2 Although few licences are nowadays issued for new relevant protected sites, existing sites do from time to time change ownership resulting in applications for the transfer of a licence. If the existing licence conditions are no longer adequate

or enforceable and the local authority wishes to alter the licence conditions it can refuse the transfer application and request that an application is made for the grant of a new licence. However, it would be expected that the applicant would agree with the local authority at the pre-application discussion stage, what kind of application would be required.

- 4.3 A local authority does not have to wait until it grants a new licence to change the site licence conditions. Local authorities may want to consider reviewing licence conditions with the advent of the new licensing regime, particularly to test whether licence conditions are appropriate and can be enforced under the provisions in sections 9A and 9E of the 1960 Act. For example it may be the licence conditions are based on old Model Standards and have not been brought up to date for many years or the local authority may wish to add new conditions or delete obsolete ones.
- 4.4 For further guidance on changing site licence conditions including examples of how a licence condition should be framed so that it can be enforced, see the DCLG Guidance “*Advice to local authorities on the new regime for applications for the grant or transfer of a site licence*” at <https://www.gov.uk/government/collections/park-homes#mobile-homes-act-2013>

Model Standards

- 4.5 In formulating site licence conditions, local authorities must have regard to Model Standards published by government, the most recent being: Model Standards 2008 for Caravan Sites in England: Caravan Sites and Control of Development Act 1960 – Section 5: <http://webarchive.nationalarchives.gov.uk/20120919132719/http://www.communities.gov.uk/publications/housing/modelstandardsparkhomes>.
- 4.6 The Introduction to the Model Standards 2008 includes:

“Under section 5(6) of the Caravan Sites and Control of Development Act 1960 the Secretary of State may from time to time specify model standards with respect to the lay-out and the provision of facilities, services and equipment for caravan sites or particular types of caravan site; and that, in deciding what (if any) conditions to attach to a site licence, the local authority shall have regard to any standards so specified.”

“These standards only apply to those sites which contain caravans that are used as permanent residential units. They do not apply to sites used exclusively for holidays or touring caravan sites (for which separate model standards have been issued).”

“These standards should be considered when applying licence conditions to new sites and sites that have been substantially redeveloped. In considering variations to existing site licences or applications for new site licences for existing sites local authorities should consider whether it is appropriate for these standards to apply. In relation to variation of a licence the local authority must consult the site licence holder on its proposed variations and may wish to

consult with residents or a Residents' Association, where appropriate. Where a current licence condition is adequate in serving its purpose, the authority should not normally apply the new standard. Where it is appropriate to apply the new standard to a condition the local authority should be able to justify its reasons for doing so, having regard to all the relevant circumstances of the site. In deciding whether to apply a new standard the local authority must have regard to the benefit that the standard will achieve and the interests of both residents and site operators (including the cost of complying with the new or altered condition).

The model standards represent those standards normally to be expected as a matter of good practice on caravan sites. They should be applied with due regard to the particular circumstances of the relevant site, including its physical character, any relevant services, facilities or other amenities that are available within or in the locality of the site and other applicable conditions”.

4.7 The Government's view is that if an existing licence condition is adequate and enforceable under the new licensing provisions; and there are no exceptional circumstances to warrant changing it, then a local authority should not do so. However, where existing conditions are ambiguous, irrelevant or outdated, they should be reviewed and revised as necessary to ensure that they are appropriate and reasonable and importantly, that they are enforceable. Notably therefore:

- local authorities need to make sure any licence conditions are adequate and enforceable
- It is not mandatory for local authorities to vary site licence conditions
- New conditions should not be proposed where current conditions are adequate
- Local authorities should be able to justify any proposed change
- The benefit the change will achieve must be considered
- The interests of home owners and the site operator should be taken into account
- The cost of compliance should be taken into account
- The particular circumstances of the relevant protected site should be considered including:
 - Physical characteristics
 - Relevant services
 - Facilities or other amenities that are available within or in the locality of the site.

Drafting site licence conditions

4.8 The following general advice should be considered when drafting site licence conditions.

- Conditions need to be reasonable. A condition can be *ultra vires* on the grounds that it is not reasonable, even though it may be precise and within the powers available; the Tribunal will have regard to the Model Standards 2008 in making any decision (see 4.1 and 6.6).

- Conditions need to have clarity. Conditions must not only be precise but also clear. Where a precise condition may be difficult to follow, diagrams, reference to supporting documents or explanatory notes may need to be provided.
- Conditions must not be vague. A condition which is not sufficiently precise for the site operator to be able to ascertain what must be done to comply may be *ultra vires* and therefore cannot be imposed. Use terminology such as ‘shall’ and ‘must’ and not ‘should’ and ‘could’.
- Conditions must be capable of being practically enforced. A condition will be unenforceable if it is difficult or in practice impossible to detect a contravention. In this respect licensing authorities may want to include additional clauses within their conditions. For example, the local authority may consider including a condition that states that bases must meet the industry’s current standard for construction of bases and when a new base is laid, the site owner must send to the local authority written notification of the new base and its location together with photographic evidence and a written undertaking from the site owner that the base has been laid to the industry’s current standards for bases.
- Conditions should include notifying the local authority of changes to the site, for example in respect of bringing new homes onto the site or where alterations to the site layout are proposed or made. This allows officers to intervene if necessary and deal with issues at an early stage.

4.9 The paragraphs reproduced at 4.6 (above) make it clear to local authorities that the Model Standards should not be imported wholesale into site licence conditions. Rather, each park should be considered separately when site licence conditions are to be proposed and each condition evaluated as to its suitability in the circumstances of the particular park. Having said that, the Model Standards can also be seen as a template for what would reasonably be expected on a typical site and it would not be unusual to expect to include most, if not all conditions covered by the Model Standards in a relevant protected site licence. Equally, it may also be appropriate to include conditions for a particular site that are not covered in the Model Standards, provided that they can be justified if challenged.

4.10 The Model Standards 2008 include an Annex with Explanatory Notes to provide additional guidance to local authorities for their work in developing site licence conditions which protect the health, safety and welfare of the homeowners. Both recognise that circumstances vary on parks due to their size, locality and facilities and as such a sensible and pragmatic approach should be taken when deciding what standards should be appropriately met.

4.11 For example, the Model Standards use terminology such as ‘adequate’, ‘suitable’ and ‘satisfactory’ for describing standards for roads, lighting, and drainage. This recognises that:

- Roads may only serve just a few homes; therefore will not need to be constructed to the same standard as , for example a country lane

- Lighting can be intrusive for some; therefore, providing it allows for safe movement of pedestrians and vehicles, the application of a British Standard for street lighting may be considered excessive
- Drainage; in this case, the Model Standards require satisfactory provision and that work is carried out in accordance with current legislation and British or European Standards regardless of park size.

4.12 In order to ‘future proof’ site licence conditions, local authorities are recommended to follow the example of the Model Standards and propose conditions requiring that work is carried out in accordance with current legislation, approved codes of practice and British or European Standards appropriately applied rather than specify the specific legislation that is relevant today, but which may be superseded in the future.

4.13 In the Model Standards 2008, Government recognised that the cost of complying with new or altered conditions should be factored into local authorities’ deliberations. Therefore, proposing new site licence conditions requiring site infrastructure changes within a short period of time, at substantial cost to the site operator, could be unreasonable and therefore *ultra vires*. For example, if an existing drainage system is in working order, the site operator should not have to replace it to comply with new conditions.

4.14 In line with the Model Standards, site licence conditions should be clear that when new installations, repairs or planned maintenance are necessary such work should be carried out by competent persons in accordance, where appropriate, with current legislation, approved codes of practice and British or European Standards.

4.15 Where an authority finds it appropriate to apply the new standards to a condition, it should be able to justify its reasons for doing so a.

NOTE: Site operators with an existing site licence benefit from Permitted Development rights enshrined in planning law. This means that development may be carried out on parks, where this is within the scope of the site licence, which otherwise would have to go through the planning process. This includes matters such as park home bases (up to the limit of the number allowed by the site licence), roads and services.

Spacing issues

4.16 Historical spacing issues cannot usually be resolved quickly or easily. They can arise in a number of ways, for example:

- The site operator, knowingly or otherwise, has sited a park home in breach of the spacing distance in the site licence condition
- The home owner has added a porch or other structure to the home with/without the site operator’s knowledge.

4.17 In deciding the best way forward, a balance needs to be made between the need to upgrade conditions and the extent of any negative impact that enforcement

may have on existing home owners in terms of disturbance or possible adverse affect on the re-sale value of their home.

- 4.18 A sensible approach is to draw a line in the sand; accept existing contraventions and then put site licence conditions in place that, going forward, are clear and can be enforced. For example, to make it a condition that the site operator must inform the licensing authority when a new home is to be sited or when alterations to the site layout are proposed.
- 4.19 It is recognised there is a shared responsibility between the local authority and the local Fire and Rescue Service, in relation to fire safety enforcement on caravan sites (including relevant protected sites).
- 4.20 Local authorities cannot include conditions in site licences which relate to matters that are or could be imposed by or under the Regulatory Reform (Fire Safety) Order 2005 and concern land to which that order applies. As such the local Fire and Rescue Service will be the enforcing authority for dealing with issues relating to access to the site for emergency vehicles and facilities relating to fighting a fire.
- 4.21 Local authorities are responsible for dealing with other fire safety related issues, through the site licence conditions, such as spacing between homes, combustibles within separation distances and general management of the site. Before drafting any new conditions relating to fire safety, a local authority must consult with its Fire and Rescue Service and local authorities may also wish to consult with the Fire and Rescue Service when reviewing their existing site licence conditions for suitability and relevance.
- 4.22 Local authorities may wish to agree a protocol with their local Fire and Rescue Service that sets out which authority is responsible for enforcing fire safety on what parts (and in what context) of the site. This ensures a comprehensive enforcement service, whilst also avoiding duplication of resources. Local authorities already have experience in this type of approach through joint protocols in relation to houses in multiple occupation where similar shared responsibilities arise.

How to change site licence conditions

- 4.23 Section 8 of the 1960 Act allows the local authority to change licence conditions at any time. The local authority does not require the “agreement” of a site operator to change the conditions but the local authority must consult on the proposed changes.
- 4.24 There is no statutory consultation time frame in these circumstances but it is recommended that local authorities allow a minimum period of 28 days for the site owners’ proper consideration of the proposed changes.
- 4.25 If the local authority is proposing a radical overhaul of site licence conditions then consideration should be given to a longer period for consultation (say, eight

weeks) to help ensure the smoothest possible transition to the revised licence conditions.

- 4.26 Not only can the local authority on its own volition alter licence conditions but the site owner holding the licence may also apply to change a licence condition. The local authority can charge a fee for consideration of that application and the fee should be set out in the authority's fees policy.

For further details on altering licence conditions see the DCLG guidance "*Advice to local authorities on the new regime for applications for the grant or transfer of a site licence*" at <https://www.gov.uk/government/collections/park-homes#mobile-homes-act-2013>.

Section 5: Achieving Compliance

General Advice

- 5.1 As good practice, the licensing authority should ensure that guidance is available for both site owners and home owners on matters of park home site licensing, occupation and tenure, particularly information relating to enforcement policies and procedures. A local authority website is an ideal platform for signposting and information sharing, however it should not be assumed that all home owners and site operators have access to electronic media. Hard copies of leaflets and other guidance should remain available on request.
- 5.2 Training events and presentations also serve as excellent methods of conveying information to home owners and site operators and have a particular advantage for those hard to reach groups.
- 5.3 Specialist national organisations that can provide advice include:
- **The Government sponsored service called LEASE**
<http://parkhomes.lease-advice.org>
 - **National residents' associations including :**
 - Independent Park Homes Advisory service (IPHAS) www.iphas.co.uk
 - National Association of Park Home Residents (NAPHR)
<http://www.naphr.org>
 - **Industry trade associations:**
 - British Holiday & Home Parks Association <http://www.bhhpa.org.uk>
 - National Caravan Council <http://www.thencc.org.uk>

Advice to Home owners on alterations to a mobile home

- 5.4 The foundation stone of park home law, which defines the legal relationship between the site operator (the site owner holding the caravan site licence) and the home owner on residential parks, is the Mobile Homes Act 1983 (as amended). A 'mobile home' (often called a park home) in the 1983 Act, has the same meaning as 'caravan' in Part 1 of the Caravan Sites and Control of Development Act 1960 (as amended by the Caravan Sites Act 1968). The statutory definition of a caravan is reproduced at Appendix 2.
- 5.5 Mobile homes (park homes) must comply and remain compliant with the statutory definition of a 'caravan' to ensure compliance with the Mobile Homes Act 1983 (as amended) as well as planning and site licensing law.
- 5.6 Typically, agreements between home owners and site operators include Express Terms that require home owners to ensure that:

- (i) the mobile home at all times complies with the statutory definition of a “mobile home” set out in the Mobile Homes Act 1983 (or any definition that may subsequently amend or supersede it) and*
- (ii) the mobile home is maintained at all times in a condition whereby it is capable of being moved from one pitch on the site to another.’*

- 5.7 Therefore, where the home owner alters the park home to the extent that it no longer complies with the statutory definition of a caravan they would be in breach of the agreement with the site operator.
- 5.8 Home owners should be advised to check their written agreement with the site operator to ensure they comply with any requirement to seek the site operator’s consent before carrying out works on the home or the pitch. They should also consult with their planning authority if they are considering modifying or adding to their home.

Compliance Notices

- 5.9 The legislation provides a local authority with the power to intervene where they consider there has been a breach of a site licence condition on a relevant protected site, on the basis of a ‘risk of harm’. Section 9A of the Caravan Sites and Control of Development Act 1960 provides powers for local authorities to serve compliance notices on the site operator, where a breach of a site licence condition has occurred.
- 5.10 Local authority officers should ensure they follow the principles of the Regulators Code and any specific enforcement policies relating to caravan site regulation when taking enforcement action.

A staged approach to enforcement

- 5.11 Where possible, an informal approach to enforcement should be taken in the first instance whilst recognising that this may not always be appropriate, for example where there is a significant risk to health or damage to property or where there may be evidence of previous non-compliance. This would mean working towards an agreed schedule of works which should be provided to the site operator in writing. Unless the circumstances dictate otherwise, formal action should only be considered when the informal process has failed to achieve the necessary outcome within reasonable timescales.
- 5.12 The decision to take action, together with the remedial works set out in any compliance notice, should be reasonable and proportionate to carry out to ensure compliance with the licence condition (and should not aim to achieve a standard higher than that required by the licence condition).
- 5.13 Alternative remedies may be appropriate to achieve compliance with the site licence condition(s) and the local authority should discuss such possibilities with the site operator before embarking on the formal procedure/works. The local authority should also be aware that unforeseen matters may arise during the course of remedial work. The site operator should therefore be afforded the

opportunity to re-engage with the local authority to discuss and agree an alternative course of action and if necessary, an extension of the time needed to complete the works.

- 5.14 However, whilst it is important to offer the site operator reasonable opportunity to achieve compliance within reasonable timescales, local authority officers must be mindful that whilst a contravention exists, the home owners' health, safety and welfare on the site may continue to be compromised and as such officers may be open to challenge for being slow to secure improvements. The new legislation has been introduced to facilitate local authorities to effectively carry out their licensing and enforcement functions and as such they are expected to use these powers when appropriate.
- 5.15 In order to promote good relations, a local authority may deem it appropriate in some circumstances to consult the relevant Residents' Association, where one exists, on its proposed approach and then to keep them informed of progress towards compliance.
- 5.16 Contraventions (singularly or collectively) may present not only high remedial costs but also considerable disruption to home owners on the relevant protected site. Where possible through negotiation with the site operator, it may therefore be appropriate to specify varying time periods for compliance (multiple contraventions) which are commensurate to the contravention and hazard and the likely disruption to the home owners' 'enjoyment' of the site.
- 5.17 A compliance notice must
- set out the condition which, in the opinion of the local authority, has been breached and the details of the failure.
 - detail the steps the site operator must take to remedy the breach of the site licence condition(s) and
 - specify a time scale for completion and
 - explain the right of appeal to the First Tier Tribunal (Property Chamber) against the notice.
- 5.18 A compliance notice can only be used in relation to breaches of site licence conditions. If there are failings on the site which are not covered by the licence conditions for the site, alternative legislative powers will need to be considered.
- 5.19 No prescribed compliance notices are proposed and it is for a local authority to produce their own. However, a model compliance notice that local authorities may wish to use as a template is included at **Appendix 3**.
- 5.20 A demand for expenses which is served in conjunction with a compliance notice may be registered as a local land charge, which should be removed once the full amount has been recovered.

- 5.21 Failure to comply with a compliance notice within the period specified in the notice is an offence which on summary conviction carries a level 5 fine (unlimited)¹.
- 5.22 In circumstances involving action against a site owned by bodies corporate (a corporate entity which is distinct from its members), where it has been proven that an offence has been committed, all notices and other legal correspondence should be served on an 'officer' of the body corporate. Section 26A (3) of the Caravan Sites and Control of Development Act 1960 provides that an 'officer' means a director, manager, secretary or similar officer.
- 5.23 On conviction, any known previous offences should be drawn to the attention of the court as they may help determine appropriate sentencing. Enforcing officers should endeavour to indicate known offences to their legal team and discuss any additional sanctions on a site operator as part of a court ruling.
- 5.24 Where criminality has been demonstrated, convicted offenders may be deprived of their proceeds under the Proceeds of Crime Act 2002. Local authorities should consider asset recovery when it can be shown that a defendant has benefited from criminal conduct and may instigate confiscation proceedings. Should confiscation not be appropriate or cost effective, alternative asset recovery options should be considered.
- 5.25 Where the site operator is convicted of an offence the local authority may carry out any necessary works in default. Section 9D of the Caravan Sites and Control of Development Act 1960 details the process which includes serving a notice of intention in good time.
- 5.26 As a last resort, and where the licence holder has been convicted on two or more previous occasions of failing to comply with a compliance notice, the local authority may apply to the court for revocation of the site licence.

Further information:

Mobile Homes Act 2013 - new licensing enforcement tools: Advice for Park Home Site Owners

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/285930/140227_Mobiles_Homes_Act_2013_-_new_licensing_enforcement_tools.pdf

Power to take emergency action

- 5.27 A local authority may take emergency action where the site operator has failed or is failing to comply with a site licence condition and, as a result of such 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.

¹ Section 85 of the Legal Aid, sentencing and punishment of offenders Act 2012 which increases standard scale offences (including level 5 from £5000 to an unlimited fine) is proposed to be commenced in 2015.

- 5.28 Where the local authority proposes to take emergency action a notice must be served, giving the site operator reasonable notice of intended entry, which specifies:
- the land to which it relates
 - that the local authority intends to enter the land
 - the emergency action the authority intends to take
 - if another person other than the local authority is to enter the land (e.g. contractor), details of that person
 - the powers the local authority is using to enter the site.
- 5.29 If the local authority (or persons authorised on their behalf) are refused entry to the land, this amounts to obstruction and a warrant to enter should be obtained from the Magistrates' court.
- 5.30 Whilst reasonable notice must be given, the words 'at all reasonable hours' are omitted from the provisions regarding the power of entry of local authority officers and what is 'reasonable' in terms of length of notice will obviously depend on the specific circumstances of the case.
- 5.31 An example of a scenario where emergency action may be appropriate would include a situation where an electric overhead power cable is hanging dangerously low over the site. In this case, where a site operator was unwilling or unable to take prompt action, the local authority, having informed the site operator, could go on to the site with its specialist contractor to carry out the works necessary to reinstate the cable and make the site safe for residents and visitors.
- 5.32 The emergency works carried out by the local authority should be those works necessary to remove the imminent risk. It is possible that these works fall short of the standard required to comply with the site licence conditions. In those cases the emergency action would need to be followed up by a compliance notice.
- 5.33 Within seven days of any emergency action being started the local authority must serve another notice on the site operator which:
- describes the risk of harm to the health and safety of persons on the land
 - describes the emergency action which has been taken or still to be taken
 - states when actions started and expected completion date
 - explains the right of appeal.
- 5.34 No prescribed emergency action notices are proposed and it is for a local authority to produce their own. However, local authorities may wish to use as a template the example 'notice of proposed emergency action' at **Appendix 4** and the example 'emergency action notice' at **Appendix 5**.
- 5.35 The site operator has the right of appeal to the First Tier Tribunal (Property Chamber) on the grounds there was no imminent risk of serious harm or the action taken was not necessary to remove the imminent risk.
- 5.36 Subject to any appeal decision, the local authority is entitled to recover, from the site operator, its expenses incurred, including interest.

- 5.37 Expenses include the cost incurred in:
- deciding whether to take the action
 - preparing and serving any notice or a demand for expenses and taking the action
- 5.38 The debt should be registered as a local land charge from the time it becomes payable (after the end of the period for appealing the demand, if no appeal is brought) and removed on payment.

Further information:

Mobile Homes Act 2013 - new licensing enforcement tools: Advice for Park Home Site Owners

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/285930/140227_Mobiles_Homes_Act_2013_-_new_licensing_enforcement_tools.pdf

Rationalising the need to take emergency action

- 5.39 Before taking direct action, the local authority should give full consideration as to the nature of the hazard and potentially harmful outcomes, as this will dictate the time periods specified for compliance and whether emergency action is the most appropriate course of action.
- 5.40 It may be appropriate to obtain the opinion of site operators and home owners (including any residents' association) prior to taking action, but the urgency of the matter may make this impractical.
- 5.41 Liaising with specialist agencies (governmental or otherwise) may be appropriate when determining the corrective action required. For example, matters of drainage and surface water flooding may benefit from guidance from the Environment Agency.
- 5.42 Significant works may require adherence to the provisions cited within the Construction (Design and Management) Regulations 2007.

Expectations of home owners

- 5.43 Inevitably, there will be circumstances where home owners and site operators demand action by the local authority when, in their opinion, a contravention has arisen. Managing those expectations will require transparency and consistency in any advice given or action taken. Good communication will help all parties distinguish between statutory requirements and general advice about what is desirable but not compulsory.
- 5.44 An appropriate site inspection regime should help detect potential contraventions before they become significant. A proactive discussion with a site operator should also prevent potential contraventions without having to resort to formal action on well managed sites.

5.45 An example of where residents' expectations may need to be managed is where a communal road on the site is in poor condition with pot holes in places which have been exacerbated by winter weather conditions. Residents may want immediate repairs to the road to avoid personal injury. The site operator on the other hand may be able to show that he has the repairs and other general maintenance work programmed for spring, when the weather will be milder and the repairs longer lasting. In the meantime he proposes to 'corner off' the area to mitigate against personal injury or vehicular damage, whilst still maintaining access around the site. This is a sensible proposition and residents should be reassured by the local authority that the situation will be monitored and action taken should timescales slip.

Expenses

- 5.46 Where the local authority is proposing to charge for functions associated with licensing they must produce and publish a fees policy in accordance with Section 10A of Caravan Sites and Control of Development Act 1960. A separate DCLG guidance [Mobile Homes Act 2013: a guide for local authorities on setting licence fees](#) provides more information on developing a fees policy.
- 5.47 Although the legislation does not require fees associated with enforcement to form part of the fees policy it is good practice to ensure all fees are transparent and accessible to those who may be subjected to them.
- 5.48 In addition it should be transparent that where costs associated with annual licensing inspections are charged for under those arrangements, they are not double-charged when any enforcement costs are levied. Annual licence fees cannot be used to cover enforcement costs.
- 5.49 For example, a local authority visits a site as part of an annual licensing inspection and remedial works are requested through an informal letter. These works are however not carried out within the agreed time scale and the local authority decides to serve a compliance notice. If the site operator has been charged an annual licensing fee it should be transparent what this charge covers (e.g. up to the point of informal works not being completed), and only the time involved after that point should then be included in any charges associated with processing the compliance notice.
- 5.50 Local authorities are recommended to make it clear to the site operator when the expenses are charged, that this charge may not be recovered from home owners as part of the pitch fee review process or in any other way.

Section 6: Roles and Responsibilities

Overview

6.1 Whilst there are legal responsibilities imposed on local authorities, site operators, home owners and other third parties to ensure that minimum standards on park home sites are met, it is hoped that good working relationships lead to good practice, so that enforcement action becomes the exception rather than the norm. Examples are given below of how each party can help that process.

6.2 Site operators can help that process by

- operating a well-managed site that complies, amongst other things with the site licence conditions imposed by the Local Authority and ensuring through good management that the site continues to comply.
- recognising a Qualifying Residents Association, if one exists, and consulting with it (this being a legal obligation under Implied Term 28 of the agreement under the Mobile Homes Act 1983). A well-managed site will be one where residents associations can engage positively with the site operator, and vice versa, to address any issues before they escalate and need local authority intervention. The aim should be for mutual respect between all home owners and the site operator, whereby constructive dialogue leads to improvements on the site and helps develop strong community cohesion.
- maintaining good communication with the local authority and raise any issues that may have implications in respect of their compliance with site licence conditions early.
- being aware of all legislative requirements in respect of operating a park home site and specifically the legislation in respect of site licensing and the enforcement process. Reference to the DCLG Guidance document '*Mobile Homes Act 2013 – new licensing enforcement tools: A guide for park home site owners*' may be useful.
- entering into early dialogue with the local authority, should they become the recipient of a compliance notice or the site subject to emergency action. This will allow the site operator to make an informed decision as to whether to appeal, or alternatively take early action to comply with any notice in order to avoid prosecution.
- acting responsibly to comply with any compliance notice that has been reasonably and properly served on them by the local authority.

6.3 Park home owners can help the process by

- complying with any terms of their agreement with the site operators so that their actions or inactions do not hinder the site operator in achieving compliance with the site licence conditions, for example, in relation to the

erection of a porch or decking; or the height of boundary hedges and fences between pitches.

- notifying the local authority, where it is a requirement, before taking certain steps. For example where the home owner wishes to erect a porch, a site licence condition may require prior permission from the local authority in order to check size restrictions and obtain any necessary planning permission.
- channelling their views and concerns through their Residents' Association, where one exists. In this way the site operator can address matters where there is a consensus and can engage in a structured way.

NOTE: *It should be noted that while consultation with and through any residents' association is desirable, the park owner has a separate agreement with each individual home owner and this must be respected. A Qualifying Residents' Association cannot make an agreement with the site operator which is binding on all individual home owners.*

6.4 Local Authorities can help the process by

- ensuring that they set site licence conditions that are clear, reasonable, fair, relevant and written so that they are adequate and enforceable.
- ensuring that where there is a breach of site licence conditions and where serving compliance notice is appropriate, or in cases of imminent risk, emergency action is required, that such enforcement action is taken expediently.
- encouraging positive dialogue with site operators, ensuring that they are aware of their obligations with respect to the site licence and its conditions and informing them of the enforcement regime in place.
- informing home owners of the new enforcement regime in place and how they can secure improvements through the local authority if the site operator fails to manage the site properly or fails to comply with the site licence conditions. This may include direct communications with and presentations to Residents Associations, local publicity, distributing leaflets and booklets such as the DCLG booklet '*Park home: know your rights*' and directing residents to the free advisory service, LEASE.
- providing a point of contact to which both site operators and home owners can direct any queries and issues in relation to site licensing. Site operators and home owners should be confident of receiving impartial, fair and professional advice where requested, together with prompt action within agreed service response times when appropriate.
- Providing information and guidance on relevant matters as they arise and to keep both home owners and site operators updated and involved.

- Negotiating and working with site operators to ensure that site licence conditions are complied with within reasonable timescales. Carrying out regular, programmed, monitoring inspections, as part of its licensing function, will help make site operators fully aware of the standards expected of them. Park inspection intervals should be risk-based allowing necessary resource to be directed towards the most non-compliant sites.
- Using the full range of formal and informal enforcement tools at their disposal in accordance with all relevant guidance and enforcement policies.
- Liaising with planning officers within the same local authority to ensure a consistent approach and avoid contradictory requirements.
- Consulting with the local Fire and Rescue Service when reviewing existing licence conditions relating to fire safety and for any new conditions it proposes to include.

6.5 Fire and Rescue Services can also help the process by assisting local authorities

- in an advisory capacity on fire related site licence conditions that they are considering imposing for the first time or where reviewing existing site licence conditions.
- in assessing the risk of an existing fire related non compliance of a site licence condition to help the local authority decide the most appropriate action, if any to take. For example, the view of the Fire and Rescue Service is likely to influence a local authority's decision as to whether they are justified in taking emergency action.
- To enforce the requirements for fire safety that are covered by the Regulatory Reform (Fire Safety) Order 2005 and concern land to which that order applies.

First Tier Tribunal (Property Chamber)

6.6 In April 2011, the Government introduced a new system for dealing with disputes under the Mobile Homes Act 1983 (or an agreement to which it applies). If following a dispute, a home owner and a site operator are not able to negotiate a settlement, they can apply to the First Tier Tribunal (Property Chamber) for a determination.

6.7 Since 1 April 2014, the tribunal has also had the jurisdiction to hear appeals in site licensing matters under the Caravan Sites and Control of Development Act 1960 (as amended).

6.8 Appeals by the site operator that may be considered by the Tribunal include those against:

- site licence conditions set by a local authority

- a local authority for service of a Compliance Notice (for failure to comply with a site licence condition).
- a local authority for Emergency Action (that has been taken for failure to comply with a site licence condition and/or compliance notice).
- a local authority for demands for payment following works in default or Emergency Action.

The Tribunal may allow, quash or vary an appeal and may also award payments for compensation, damages or otherwise.

The Magistrates' Court

6.9 Local authorities also have powers to prosecute a site operator in a magistrates' court:

- for causing or permitting any land to be used as a caravan (park home) site without a site licence (Caravan Sites and Control of Development Act 1960 s.1(2)). Maximum fine, level 5.
- for wilful obstruction of an officer carrying out his duties or from entering land by authorisation of a warrant (Caravan Sites and Control of Development Act 1960 s.26(5)). Maximum fine, level 4.
- for failure to take the steps specified in a Compliance Notice within the period so specified (Caravan Sites and Control of Development Act 1960 s.9B(1)). Unlimited fine at level 5.
- on the third (or more) conviction of the site operator in the Magistrates' Court for failure to comply with site licence conditions, to hear an application from the local authority for an order revoking the site licence in question.
- in cases against an individual instead of or as well as a body corporate when considering any offence under the Caravan Sites and Control of Development Act 1960 (s.26A).

Appendix 1- Definition of relevant protected sites

Site licensing: Applying the new regime

1. During the recent presentation DCLG gave at the CIEH event on Park Homes a number of questions were raised around which types of sites are caught by the new licensing regime introduced from April 2014. This issue has been raised at other events DCLG have attended.
2. We, therefore, thought it might be useful if we gave a number of examples of different types of sites and tenure of occupation to illustrate the applicability of the new regime. This list is not exhaustive and nor is it definitive. Authorities should get their own legal advice if they have any doubt about whether a site falls within the new licensing regime.
3. It should be remembered that if a site is not subject to the new licensing regime it will remain subject to the existing licensing provisions in the Caravan Sites and Control of Development Act 1960 un-amended by the changes introduced by the Mobile Homes Act 2013, unless the land is exempted from licensing altogether by virtue of schedule 1 to the 1960 Act. These exempted sites are described in the Annex C.
4. It also needs to be borne in mind that
 - a site licence cannot be issued unless there is planning permission for use of the land as a caravan site and
 - it will often (although not always) be the case that the type of use of the land for which planning permission is granted will determine whether or not the site is a “relevant protected site”, rather than the site licence itself.
5. The starting point is that the new licensing regime introduced by the Mobile Homes Act 2013 only applies to “*relevant protected sites*”. A relevant protected site is defined in section 5A (5) and (6) of the Caravan Sites and Control of Development Act 1960 as:

“(5) In this Part¹ “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 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 caravans may be stationed on the land for human habitation²

¹ This is a reference to Part 1 of the 1960 Act- i.e. the licensing provisions

² This extends to restrictions on habitation in the caravan for certain times of the year (even if there is no requirement to remove them).

(6) For the purpose of determining whether land is a relevant protected site, any provision of the relevant planning permission or site licence which permits the stationing of a caravan on the land for human habitation all year is to be ignored if the caravan is to be occupied by:

(a) the occupier³

(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”

6. Any licensable caravan site will be a “relevant protected site” unless it is specifically exempted from being so. A site is exempted if it has planning permission or a site licence for exclusive holiday use or there is a restriction on use as permanent residential. (The object of the new licensing provisions being better protection of sites in residential use.)
7. A site’s exemption will depend on what use the planning permission permits, or if the permission is silent on what the site licence permits. The actual use of the site in those circumstances is irrelevant. For example, if the land has planning permission for use as a holiday site and the residents live there full time, the site will not be a relevant protected site.
8. If both the planning permission and site licence are silent about the permitted use of the site the presumption should normally be that it is a relevant protected site. This is because the planning consent or site licence has to expressly provide the land is for holiday use only etc for the exemption to apply.
9. In such circumstances, however, actual use may be relevant. For example, if the planning permission and site licence simply give consent for the land to be used as a “caravan park” and its use is for stationing touring caravans and the site operates as a genuine and exclusive holiday business, it is unlikely to be a relevant protected site.
10. On the other hand if touring caravans on the site were let out or occupied by owners for residential purposes as well as others being stationed for holiday purposes, the site is likely to be a relevant protected site.
11. If either the planning permission or the licence specifies use of the site, and the other does not, that specification will determine whether the land is a relevant protected site or not.
12. If there is a conflict between the planning permission and site licence as to the site’s use (which, of course, there should not be), it is the use permitted under the planning permission that applies to determine whether the site is a relevant protected site. This is because section 3 (3) of the 1960 Act provides that the site licence is only issued if the land has planning permission for use as a caravan site. The licence is, therefore, subordinate to the planning permission.

³ This means the site owner and members of his family.

13. There are some sites where the planning permission and/ or site licence permits both use for holiday and permanent residential purposes. Such sites are relevant protected sites, because the relevant consent is not exclusively for holiday purpose.
14. However, there is an important exemption to this rule, which is that if a holiday site has permission for residential use too, and that use is only by the owner of the site (including family members) or employees working on the site- their permanent occupation does not make the site a relevant protected site. The caveat to this is that if the residential occupier/ employee occupies the home under an agreement to which the Mobile Homes Act 1983 applies, the site will be a relevant protected site.
15. In deciding whether a site is a relevant protected site the type of residential occupation or tenure of occupation of the site, or any part of it, is not relevant.
16. Examples of sites that are and are not relevant protected sites are set out in Annex A and B. If an authority has any doubt as to the status of a particular site it should seek advice from its planning or legal departments.
17. If you have any enquiries about this document, email parkhomes@communities.gsi.gov.uk or write to us at

Park Homes Policy Team
Department for Communities and Local Government
3rd floor (SW)
2 Marsham Street
London
SW1P 4DF

January 2014

In Annexes A and B “consent” means planning permission and/ or consent by the site licence as the context requires.

Annex A

The following are types of sites that are relevant protected sites and therefore subject to the new licensing regime:

- A single owner occupied or rented pitch on which a caravan is stationed with consent for residential use or where it has planning permission to station a caravan, but the consent is silent on type of use of the pitch it is occupied by a caravan used as used as a permanent residence⁴ .
- A site comprising rented⁵ caravans which has consent for residential use.
- A site comprising owner-occupied caravans which has consent for residential use.
- A site comprising both rented and owner occupied caravans which has consent for residential use.
- A site which has consent for both holiday and permanent residential use and is occupied under that arrangement.
- A site with consent for both holiday and permanent residential use but where the pitches for permanent residential use are
 - (a) for the time being vacant or
 - (b) being used for holiday purposes or otherwise –whether in breach of the planning permission or site licence or otherwise.
- A site which has planning permission restricting permanent residential occupation of part of it but which also comprises pitches for permanent residential occupation (as permitted in the consent) and occupied under that arrangement
- A site which has planning permission restricting permanent residential occupation of part of it but which also comprises pitches for permanent residential occupation (as permitted in the consent) but where the pitches for permanent residential use are:
 - (a) for the time being vacant or
 - (b) being used for holiday purposes or otherwise –whether in breach of the planning permission or site licence or otherwise
- An owner occupied gypsy and traveller site with relevant consent
- A rented gypsy and traveller with relevant consent.

⁴ Subject to the exemption from licensing- in schedule 1 of the 1960Act- see Annex C.

⁵ Whether under a short hold tenancy or by a licence.

- A site with planning permission as a caravan site, but the consent is silent on type of use, but such use includes permanent residential use (notwithstanding any other usage).

Annex B

The following are types of sites that are not “relevant protected site” and are not, therefore, subject to the new licensing regime:

- A site which has consent for holiday use only- whether or not there are restrictions relating to occupation of caravans on the site.
- A site which has consent for holiday use and ancillary residential use but that use is only by the owner and his employees⁶.
- A site on which caravans are not permitted to be stationed permanently by virtue of planning permission.
- A site where the planning permission requires caravans or pitches to be vacated at certain times of the year and/or prevents them being slept in during certain times.
- A site where the consent requires the site to close at certain times of the year.
- A site with planning permission as a caravan site but the consent is silent on type of use, but its actual use is as a holiday site (and not for any residential purpose).

Annex C

The following are types of sites that are not required to be licensed at all under the 1960 Act:

- Land on which a caravan stationed which is attached and belongs to a dwelling (e.g. a parking space or front or back garden).
- Land on which a single caravan is stationed when travelling from one place to another for a maximum of two nights (and a caravan is not stationed on the land for more than 28 nights in total in a 12 month period).
- Land (not built on⁷) and comprising 5 or more acres and (a) has not been occupied by a caravan for more than 28 days in the last twelve months and (b) has been occupied in that period by no more than three caravans at any one time.

⁶ But see caveat in paragraph 14.

⁷ This means any type of building- for example a toilet or shower block.

- Land used for recreation under the supervision of an exempted organisation⁸ which occupies the land.
- Land which an exempted organisation has certified as approved for recreational use of its members for the period specified in the certificate (not exceeding one year) and which is not occupied by more than five caravans at any time during that period.
- Land used by an exempted organisation for meetings of not more than 5 days, of its members under the organisation's supervision.
- Land on which caravans are stationed which is agricultural or forestry land and are in occupation during the particular season by agricultural or forestry workers.
- Land on which caravans are stationed in connection with building or engineering works and are occupied by persons employed in those works.
- Land occupied by travelling showmen who are members of an organisation of travelling showmen⁹ which holds a certificate of exemption and who is travelling in the course of business (e.g. fair grounds/ circuses).
- Land occupied as winter quarters by travelling showmen- between October and March.
- Land occupied by a county council for accommodating gypsies and travellers
- Land occupied by a local authority on which caravans are stationed.

⁸ Exempted organisations are those approved of by the Minister and whose objectives include the encouragement and promotion of recreational activities. A list of exempted organisations is held for England by Natural England to whom applications can be made for exemption status.

⁹ The main organisation is the Guild of Travelling Showmen of Great Britain

Appendix 2 – Definition of a caravan

Section 29 of Caravan Sites and Control of Development Act 1960:

“caravan” means any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted, but does not include—

- (a) any railway rolling stock which is for the time being on rails forming part of a railway system, or*
- (b) any tent;*

Caravan Sites Act 1968 Section 13 – definition of twin unit caravans as amended by the Caravan Sites Act 1968 and Social Landlords (Permissible Additional Purposes) (England) Order 2006 (Definition of Caravan) (Amendment) (England) Order 2006

- (1) A structure designed or adapted for human habitation which—*
 - (a) is composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices; and*
 - (b) is, when assembled, physically capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer), shall not be treated as not being (or as not having been) a caravan within the meaning of Part 1 of the Caravan Sites and Control of Development Act 1960 by reason only that it cannot lawfully be so moved on a highway when assembled.*
- (2) For the purposes of Part 1 of the Caravan Sites and Control of Development Act 1960, the expression “caravan” shall not include a structure designed or adapted for human habitation which falls within paragraphs (a) and (b) of the foregoing subsection if its dimensions when assembled exceed any of the following limits, namely—*
 - (a) length (exclusive of any drawbar): 65.616 feet (20 metres);*
 - (b) width: 22.309 feet 6.8 metres);*
 - (c) overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level): 10.006 feet (3.05 metres).*
- (3) The [Secretary of State] may by order made by statutory instrument after consultation with such persons or bodies as appear to him to be concerned substitute for any figure mentioned in subsection (2) of this section such other figure as may be specified in the order.*

Appendix 3

Model Form of Notice for a compliance notice issued under Section 9A of the Caravan Sites and Control of Development Act 1960

1. Section 9A of the Caravan Sites and Control of Development Act 1960 (the 1960 Act) allows a local authority to serve a notice (called a compliance notice) on an owner of a relevant protected site ¹, where action is required to remedy a breach of one or more conditions of the site licence.
2. Section 9A was inserted into the 1960 Act by the Mobile Homes Act 2013. It, together with sections 9B to 9I, provide a new statutory regime for enforcement of standards and conditions on relevant protected sites, which also permits local authorities to recover their expenses and costs in taking action. The new regime has been in force since 1st April 2014.
3. The attached model form for a compliance notice has been drafted by the Park Homes Licensing Working Group, commissioned by the Government to provide guidance to local authorities on best practice in licensing enforcement.
4. It is not mandatory to use this form when a local authority serves a compliance notice. However, any notice must comply with the requirements in section 9A (2) of the 1960 Act.
5. The model makes reference to a demand for expenses. These are expenses that the local authority has incurred in (a) deciding whether to serve the compliance notice and (b) in preparing and serving the notice, and the demand for expenses.
6. A local authority is not obliged to serve such a demand and if it chooses not to do so, the references to it should be deleted from the notice.
7. If the local authority decides to recover its expenses the legal power to do so is under section 9C of the 1960 Act. A demand can only be served in conjunction with the service of a compliance notice.
8. The expenses that can be recovered are those set out in paragraph 5 above, and includes the cost of expert advice (including legal advice) - see subsections (1) and (2). The demand for expenses cannot include any costs that the authority incurred in dealing with complaints and visiting the site before it considered issuing the compliance notice. A demand must include (a) the total amount of expenses the local authority seeks to recover and (b) a detailed breakdown of how the expenses claimed were incurred. If the local authority wishes to charge interest on the expenses claimed, the demand must specify the rate at which it will apply.
- 9. These notes do not form part of the model compliance notice and should not be given with a compliance notice.**
10. If you choose to use this model do not forget to complete all the blanks and delete all instructions before serving it.

¹ A relevant protected site is a residential park or a mixed use residential/holiday site. A site used exclusively for holiday purposes is not a relevant protected site and none of the provisions in section 9A to 9I applies to such a site. For further information on relevant protected sites see- "Mobile Homes Act 2013: A Best Practice Guide for Local Authorities on Enforcement of the New Site Licensing Regime".

Local Authority Name

Caravan Sites and Control of Development Act 1960 (as amended by the Mobile Homes Act 2013)

Compliance Notice: Section 9A

Re: ADDRESS

To:

Of:

1. You hold the licence for the caravan site on the land known as ") [insert **the name of the site as described in the licence**] [] ("the relevant protected site").
2. [**Insert the name of the local authority**] ("the Council") has issued a site licence in respect of the relevant protected site [**insert the licence reference details**] dated [] licence number [].
3. The Council is satisfied that you [are failing to] [have failed] [delete **as appropriate**] to comply with [a condition] [conditions] [**delete as appropriate**] for the time being attached to the site licence under section 5 of the Caravan Sites and Control of Development Act 1960.
4. This notice is served as there is a failure to comply with the licence condition(s) as specified in **SCHEDULE 1** to this Notice.
5. Under section 9A of the Caravan Sites and Control of Development Act 1960 the Council requires you to carry out the works specified in **SCHEDULE 2** to this Notice. It considers these works will ensure that the licence condition(s) referred to in Schedule 1 [is] [are] complied with. You are to begin the works not later than the day of 20 (being not less than 22 days from the date of the service of this notice) and to complete the works (within the period of from that date) (by {insert date}) [**You should specify either the period for completing the works or the date by which they must be completed**].
6. You have a right to appeal against this notice. An appeal must be made within 21 days of the date of the service of this notice. Your appeal must be sent to the First Tier Tribunal (Property Chamber). (Please see notes below for further information about appeals.)

Signed:.....

[Insert the name and position of the person who signed the notice and who is the proper officer for the purpose]

(The Officer appointed for this purpose)

Date:

All correspondence and enquiries should be made to:

[Name and address of the Council office and specify the Department dealing with the matter]

This matter is being dealt with by: **[specify officer's name and contact details]**

Tel no:

E-Mail address:

SECTION 9A Caravan Sites and Control of Development Act 1960

Schedule 1: The licence condition(s) not complied with

Address:

Failure to comply with licence condition

1. *Licence condition number x and description*
2. *Licence condition number x and description*
3. *Licence condition number x and description*

Details of the failure to comply with the condition

1. *Describe why the licence condition fails*
2. *Describe why the licence condition fails*
3. *Describe why the licence condition fails*

SECTION 9A Caravan Sites and Control of Development Act 1960

Schedule 2: Works required to ensure compliance with the licence condition(s)

Address:

1. *Works specified as necessary to comply with licence condition x at Schedule 1*
2. *Works specified as necessary to comply with licence condition x at Schedule 1*
3. *Works specified as necessary to comply with licence condition x at Schedule 1*

Notes to the compliance notice for the licence holder

When the compliance notice and any demand for expenses take effect

Under section 9H of the Caravan Sites and Control of Development Act 1960 the compliance notice and demand for expenses (if any) become effective (operative as called in the Act) from the end of the appeal period – i.e. on 22nd day after the notice was served.

If the compliance notice is appealed to the First Tier Tribunal (and it is confirmed or confirmed with variations) the notice and demand for expenses becomes effective from either (a) the day after the last day for appealing against the tribunal's decision on the compliance notice to the Upper Tribunal or (b) where an appeal is brought to the Upper Tribunal the date on which that tribunal confirms, or confirms with variations, the compliance notice.

Council expenses in serving the compliance notice [Delete this section if the Council does not intend to demand the recovery of its expenses]

Under section 9C of the Caravan Sites and Control of Development Act 1960 the Council is able to recover the expenses it has incurred in connection with the service of the compliance notice.

Attached is a demand for the recovery of the expenses the Council has incurred in preparing and serving this compliance notice (and preparing the demand for expenses)

[Do not include these paragraphs below if the authority is not charging interest.]

Under section 9I of the Caravan Sites and Control of Development Act 1960 the Council is able to charge interest on the sum demanded in the expenses demand from when it becomes effective until the full sum is recovered.

The Council is charging interest on the sum at the rate set out in the demand for expenses attached to this compliance notice.

Local Land Charge [Delete this section if the Council does not intend to demand the recovery of its expenses]

When a demand for expenses served with compliance notice becomes effective, it will take effect as a local land charge on the relevant protected site to which it relates. This means that it will be recorded in the register of local land charges kept by the Council. This register is public and anyone may search for entries in it upon payment of a fee. Purchasers of land will normally search this register.

Your right of appeal against the Compliance Notice

If you do not agree with this compliance notice you may appeal against it to the First Tier Tribunal (Property Chamber) but you must do this within 21 days of the notice being served on you.

You may wish to seek independent professional or legal advice before deciding to make an appeal. The Council cannot offer you any advice on the merits of an appeal.

If you decide to appeal you must send your application to the First Tier Tribunal (Property Chamber), not to the Council.

The tribunal may on appeal confirm, vary or quash the compliance notice (see section 9G (5) of the Caravan Sites and Control of Development Act 1960).

Please note you cannot separately appeal against the demand for expenses if it is served with a compliance notice. If you appeal against the compliance notice and a demand for expenses was served with the notice, the tribunal will consider the demand if the appeal is successful, and may confirm, reduce or quash any charge set out in the demand.

Further information on the process of making an appeal can be obtained from the First Tier Tribunal (Property Chamber). An application form must be completed in all cases and the forms can be obtained from the Justice website www.justice.gov.uk/tribunals/residential-property.

If you do not have access to a computer, you can phone and ask the tribunal office to send you a form.

[Insert below the address of the regional office of the Tribunal and its contact details]

First Tier Tribunal (Property Chamber) local office address:

E-Mail address:

Telephone no:

Failure to comply with the requirements in the compliance notice

If you fail to comply with the effective notice within such time, or by such date, as is specified in paragraph 5 of the compliance notice, or as the case may be, such other time or date as may be allowed by the tribunal, to the Council's satisfaction, you may be prosecuted by the authority in the magistrates' court and upon conviction will be subject to a fine not exceeding Level 5 (see section 9B(1) and (2) of the Caravan Sites and Control of Development Act 1960).

Where the offence is committed by a body corporate (e.g. company) certain officers of the company are liable to be fined, as well as the company, if the court is satisfied they were materially responsible for the offence being committed (see section 26A of the Caravan Sites and Control of Development Act 1960).

Upon conviction the Council may enter the site and carry out the required works and recover its costs and expenses in doing so from you (see sections 9D and 9F of the Caravan Sites and Control of Development Act 1960).

Variation and Revocation of the Compliance Notice

You may ask the Council to vary the compliance notice so as to give you more time to comply with it – e.g. extend the period or date in paragraph 5 of the notice. The Council does not have to agree to that request. The Council may also decide on its own initiative to vary the notice and if it decides to do so will let you know in writing.

If you are satisfied, for example, that the requirements of the notice have already been complied with in full, you may ask the Council to revoke the compliance notice. The Council

does not have to agree that request. The Council may also decide on its own initiative to revoke the notice and if it decides to do so will let you know in writing. A revocation comes into force when it is made and from that date the compliance notice ceases to be effective.

Further Advice

If you do not understand this notice or wish to know more about it, you should contact the Council. If you want independent advice about your rights and obligations you should go to a Citizen's Advice Bureau or a solicitor. If you want to know more about the works the Council require you to do, you may wish to consult a surveyor.

Appendix 4

Model form of Notice of Proposed Emergency Action issued under Section 9E (3) of the Caravan Sites and Control of Development Act 1960

1. Section 9E (3) of the Caravan Sites and Control of Development Act 1960 (the 1960 Act) requires a local authority to serve a notice on an owner of a relevant protected site¹, if it intends to enter the site to remove an imminent risk of serious harm to the health and safety of any person who is or may be on the land.

2. Section 9E was inserted into the 1960 Act by the Mobile Homes Act 2013. It, together with sections 9A to 9D and 9F to 9I, provide a new statutory regime for enforcement of standards and conditions on relevant protected sites, which also permits local authorities to recover their expenses and costs in taking action. The new regime has been in force since 1st April 2014.

3. The attached model form of notice of proposed emergency action has been drafted by the Park Homes Licensing Working Group, commissioned by the Government to provide guidance to local authorities on best practice in licensing enforcement.

4. It is not mandatory to use this form when a local authority serves a proposed emergency action notice. However, any notice must comply with the requirements in section 9E (3) of the 1960 Act.

5. These notes do not form part of the proposed emergency action notice and should not be given with a proposed emergency action notice.

6. If you choose to use this model do not forget to complete all the blanks and delete all instructions before serving it.

¹ A relevant protected site is a residential park or a mixed use residential/holiday site. A site used exclusively for holiday purposes is not a relevant protected site and none of the provisions in section 9A to 9I applies to such a site. For further information on relevant protected sites see- "Mobile Homes Act 2013: A Best Practice Guide for Local Authorities on Enforcement of the New Site Licensing Regime".

[Local Authority Name]

Caravan Sites and Control of Development Act 1960 (as amended by the Mobile Homes Act 2013)

Notice of Proposed Emergency Action: Section 9E [3]

Re: ADDRESS

To:

Of:

1. You are the occupier of the land known as [] ("the relevant protected site").
2. XXXXXXXXXXXXXCouncil ("the Council") has issued a site licence in respect of the relevant protected site dated [] licence number [].
3. The Council is satisfied that you [are failing] [have failed] to comply with [a condition] [conditions] for the time being attached to the site licence under Section 5 of the Caravan Sites and Control of Development Act 1960 and 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.
4. The Council intends to enter the said land in order to remove the risk/s specified in **Schedule 1** to this Notice.
5. The steps the Council intends to take are specified in **Schedule 2**.
6. Where the Council authorises persons other than or in addition to their own officers to enter the land and to carry out the steps specified in Schedule 2, the name of that person or persons is stated in Schedule 2.
7. The emergency action is being taken under Section 9E of the Caravan Sites and Control of Development Act 1960 (as amended by Section 5 of the Mobile Homes Act 2013) and will begin on [].
8. The power to enter the said land to carry out the emergency action is conferred by Section 26 (1) of the Caravan Sites and Control of Development Act 1960 and Section 9E of the Caravan Sites and Control of Development Act 1960 (as amended by Section 5 of the Mobile Homes Act 2013). If entry onto the land is refused the

Council may apply to a Justice of the Peace for a warrant under section 26(2) of the Caravan Sites and Control of Development Act 1960 for an officer authorised by the Council to enter the land if necessary by force and to take such people with him as deemed necessary.

Signed:.....

[Insert **the name and position of the person who signed the notice and who is the proper officer for the purpose**]
(The Officer appointed for this purpose)

Date:

All correspondence and enquiries should be made to:
[Name and address of the Council office and specify the Department dealing with the matter]

This matter is being dealt with by: **[specify officer's name and contact details]**
Tel no:
E-Mail address:

Section 9E Caravan Sites and Control of Development Act 1960

Address:

Schedule 1: Details of imminent risk(s) of serious harm

1.

2.

3.

Section 9E Caravan Sites and Control of Development Act 1960

Address:

Schedule 2: Emergency action(s) the Council intends to take

1.

2.

3.

Names of person/s authorised by the Council to carry out the above:

Notes

The Notice of proposed emergency action to enter the land must be served sufficiently in advance of when the local authority intends to enter the site, to give the site owner reasonable notice of intended entry.

You will be served a further notice within 7 days of the emergency action commencing. This notice will contain further information about the action being carried out and your right of appeal in relation to this action.

Advice

If you do not understand this notice or wish to know more about it, you should contact the Council.

If you want independent advice about your rights and obligations you should go to a Citizen's Advice Bureau or a solicitor. You may be able to obtain help with all or part of the cost of legal advice from a solicitor under the Legal Aid Scheme. If you do not know whether you could apply for Legal Aid you can see a solicitor who may be prepared to give you half-an-hour of legal advice for a small fee.

The Leasehold Advisory Service (LEASE) is a government supported service who is able to provide free impartial advice either directly on telephone 020 7832 2525 or at www.parkhomes.lease-advice.org/

Appendix 5

Model Form of Notice for an emergency action notice issued under Section 9E (8) of the Caravan Sites and Control of Development Act 1960

1. Section 9E (8) of the Caravan Sites and Control of Development Act 1960 (the 1960 Act) requires a local authority to serve a notice (called an emergency action notice) on an owner of a relevant protected site¹, where the authority has taken or is taking emergency action to remove the risk of imminent harm to the health and safety of any person who is or may be on the land.

2. Section 9E was inserted into the 1960 Act by the Mobile Homes Act 2013. It, together with sections 9A to 9D and 9F to 9I, provide a new statutory regime for enforcement of standards and conditions on relevant protected sites, which also permits local authorities to recover their expenses and costs in taking action. The new regime has been in force since 1st April 2014.

3. The attached model form for an emergency action notice has been drafted by the Park Homes Licensing Working Group, commissioned by the Government to provide guidance to local authorities on best practice in licensing enforcement.

4. It is not mandatory to use this form when a local authority serves an emergency action notice. However, any notice must comply with the requirements in section 9E(8) of the 1960 Act.

5. The model makes reference to a demand for expenses. These are expenses that the local authority has incurred in (a) deciding whether to serve the emergency action notice and (b) in preparing and serving the notice and the demand for expenses.

6. A local authority is not obliged to serve such a demand and if it chooses not to do so, the references to it should be deleted from the notice.

7. If the local authority decides to recover its expenses the legal power to do so is under section 9F of the 1960 Act. The expenses that can be recovered are those set out in paragraph 5 above, and includes the cost of expert advice (including legal advice). A demand must include (a) the total amount of expenses the local authority seeks to recover and (b) a detailed breakdown of how the expenses claimed were incurred. If the local authority wishes to charge interest on the expenses claimed, the demand must specify the rate at which it will apply.

8. A demand for expenses cannot be served with the emergency notice. A charge cannot be imposed until after the end of the appeal period for the emergency works.

9. These notes do not form part of the emergency action notice and should not be given with an emergency action notice.

10. If you choose to use this model do not forget to complete all the blank spaces and delete all instructions before serving it.

¹ A relevant protected site is a residential park or a mixed use residential/holiday site. A site used exclusively for holiday purposes is not a relevant protected site and none of the provisions in section 9A to 9I applies to such a site. For further information on relevant protected sites see- "Mobile Homes Act 2013: A Best Practice Guide for Local Authorities on Enforcement of the New Site Licensing Regime".

[Local Authority Name]

Caravan Sites and Control of Development Act 1960 (as amended by the Mobile Homes Act 2013) Emergency Action Notice: Section 9E [8]

Re: ADDRESS

To:

Of:

2. You are the occupier of the land known as [] ("the relevant protected site").
2. XXXXXXXXXXXXX Council ("the Council") has issued a site licence in respect of the relevant protected site dated [] licence number [].
3. The Council is satisfied that you have failed to comply with [a condition] [conditions] for the time being attached to the site licence under Section 5 of the Caravan Sites and Control of Development Act 1960 and 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.
4. The Council has entered the said land in order to remove the risk/s specified in **Schedule 1** to this Notice.
5. The steps the Council has taken or will take are specified in **Schedule 2**.
6. Where the Council authorises persons other than or in addition to their own officers to enter the land and to carry out the steps specified in Schedule 2 the name of that person or persons is stated in Schedule 2.
7. The emergency action is being taken under Section 9E(8) of the Caravan Sites and Control of Development Act 1960 (as amended by Section 5 of the Mobile Homes Act 2013) and began on [] and is expected to be completed by [].
8. The power to enter the said land to carry out the emergency action is conferred by Section 26 (1) of the Caravan Sites and Control of Development Act 1960 and Section 9E of the Caravan Sites and Control of Development Act 1960 (as amended by Section 5 of the Mobile Homes Act 2013). If entry onto the land is refused the

Council may apply to a Justice of the Peace for a warrant under section 26(2) of the Caravan Sites and Control of Development Act 1960 for an officer authorised by the Council to enter the land if necessary by force and to take such people with him as deemed necessary.

9. You have a right to appeal against the emergency action being taken by the Council. An appeal must be made within 21 days of the date of the service of this notice. Your appeal must be sent to the First Tier Tribunal (Property Chamber). (Please see notes below for further information about appeals).
10. The grounds on which the appeal may be brought are—
 - (a) that there was no imminent risk of serious harm as mentioned in Schedule 1 (or, where the action is still being taken, that there is no such risk);
 - (b) that the action the authority has taken (as set out in Schedule 2) was not necessary to remove the imminent risk of serious harm mentioned in Schedule 1 (or, where the action is still being taken, that it is not necessary to remove the risk).

Signed:.....

[Insert the name and position of the person who signed the notice and who is the proper officer for the purpose]
(The Officer appointed for this purpose)

Date:

All correspondence and enquiries should be made to:
[Name and address of the Council office and specify the Department dealing with the matter]

This matter is being dealt with by: **[specify officer's name and contact details]**
Tel no:
E-Mail address:

Section 9E(8) Caravan Sites and Control of Development Act 1960

Address:

Schedule 1: Description of imminent risks of serious harm

1.

2.

3.

Section 9E(8) Caravan Sites and Control of Development Act 1960

Address:

Schedule 2: Action taken or to be taken to remove the imminent risk of serious harm

1.

2.

3.

Names of person/s authorised by the Council to carry out the above:

Notes to the emergency action notice for the licence holder

Service of an emergency action notice

The emergency action notice must be served within seven days from the date when the authority starts taking the emergency action.

Your right of appeal against the action taken by the local authority

If you do not agree with the emergency action taken by the local authority you may appeal against it to the First Tier Tribunal (Property Chamber) but you must do this within 21 days of this notice being served on you.

If you decide to appeal you must send your application to the First Tier Tribunal (Property Chamber), not to the Council.

Further information on the process of making an appeal can be obtained from the First Tier Tribunal (Property Chamber). An application form must be completed in all cases. The forms can be obtained from the Justice website www.justice.gov.uk/tribunals/residential-property-or-by-phoning the tribunal office.

[Insert below the address of the regional office of the Tribunal and its contact details]

First Tier Tribunal (Property Chamber) local office address:

E-Mail address:

Telephone no:

The tribunal may on appeal confirm, vary or reverse the decision of the local authority (see section 9G (5) of the Caravan Sites and Control of Development Act 1960).

You may wish to seek independent professional or legal advice before deciding to make an appeal. The Council cannot offer you any advice on the merits of an appeal.

Council expenses in serving the emergency action notice *[Delete this section if the Council does not intend to demand the recovery of its expenses]*

Under section 9F of the Caravan Sites and Control of Development Act 1960 the Council is able to recover the expenses it has incurred in connection with the service of the emergency action notice.

- (1) A local 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 9E or a demand for expenses and
 - (c) taking the action.

- (2) The expenses referred to in (1) include in particular the costs of obtaining expert advice (including legal advice).

- (3) If the local authority decides to make a demand for expenses they must serve on the occupier of the land a demand for the expenses which—
 - (a) sets out the total expenses the local authority seek to recover (“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 against the demand
- (4) No charge may be imposed until the end of the appeal period or, if an appeal is made, until the appeal has been determined by the First Tier Tribunal (Property Chamber). The appeal period referred to here is the appeal period in relation to a local authority decision to take emergency action.
- (5) Where an appeal is made and the decision confirms the authority’s decision, no charge may be imposed until the end of the appeal period to the Upper Tribunal or, if such an appeal is made, until the appeal has been determined by the Upper Tribunal.
- (6) 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
- (7) An occupier of land who is served with a demand may appeal to a First Tier Tribunal (Property Chamber) against the demand.
- (8) A demand under this section must be served:
 - (i) before the end of the period of two months beginning with the earliest date (if any) on which a charge may be imposed, 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.

If an appeal is brought against a demand, the tribunal will consider the demand and may confirm, vary or quash any charge set out in the demand.

When any demand for expenses take effect

Under section 9H of the Caravan Sites and Control of Development Act 1960 the demand for expenses (if any) become effective (operative as called in the Act) at the end of the appeal period – i.e. on the 22nd day after the demand was served, unless an appeal has been made.

If an appeal is made to the First Tier Tribunal and a decision confirms the demand for expenses, the demand becomes effective from either (a) the day after the last day for appealing against the tribunal’s decision in relation to the demand to the Upper Tribunal or (b) where an appeal is brought to the Upper Tribunal the date on which that tribunal confirms the demand.

[Do not include these paragraphs below if the authority is not charging interest.]

Under section 9I of the Caravan Sites and Control of Development Act 1960 the Council is able to charge interest on the sum demanded in the expenses demand from when it becomes effective until the full sum is recovered.

The Council is charging interest on the sum at the rate set out in the demand for expenses attached to this emergency action notice.

Local Land Charge [Delete this section if the Council does not intend to demand the recovery of its expenses]

When a demand for expenses becomes effective, it will take effect as a local land charge on the relevant protected site to which it relates. This means that it will be recorded in the register of local land charges kept by the Council. This register is public and anyone may search for entries in it upon payment of a fee. Purchasers of land will normally search this register.

Further Advice

If you do not understand this notice or wish to know more about it, you should contact the Council. If you want independent advice about your rights and obligations you should go to a Citizen's Advice Bureau or a solicitor. If you want to know more about the works the Council require you to do, you may wish to consult a surveyor.

Appendix 6 –Useful sources for information

1. Caravan Sites and Control of Development Act 1960 (as amended)
2. Caravan Sites Act 1968 and Social Landlords (Permissible Additional Purposes) (England) Order 2006 (Definition of Caravan) (Amendment) (England) Order 2006
3. Mobile Homes Act 1983 (as amended)
4. Mobile Homes Act 2013
5. Model Standards 2008 for Caravan Sites in England



**Model Standards 2008 for Caravan Sites in England
Caravan Sites and Control of Development Act 1960 – Section 5**





Model Standards 2008 for Caravan Sites in England
Caravan Sites and Control of Development Act 1960 – Section 5

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Introduction

1. Under section 5(6) of the Caravan Sites and Control of Development Act 1960 (the Act) the Secretary of State may from time to time specify model standards with respect to the lay-out and the provision of facilities, services and equipment for caravan sites or particular types of caravan site; and that, in deciding what (if any) conditions to attach to a site licence, the local authority shall have regard to any standards so specified.
2. These standards only apply to those sites which contain caravans that are used as permanent residential units. They do not apply to sites used exclusively for holidays or touring caravan sites (for which separate model standards have been issued). The standards also do not apply to sites occupied by gypsies or travellers or caravan sites which house agricultural workers.
3. These standards should be considered when applying licence conditions to new sites and sites that have been substantially redeveloped. In considering variations to existing site licences or applications for new site licences for existing sites local authorities should consider whether it is appropriate for these standards to apply. In relation to variation of a licence the local authority must consult the site licence holder on its proposed variations and may wish to consult with residents or a Residents' Association, where appropriate. Where a current licence condition is adequate in serving its purpose, the authority should not normally apply the new standard. Where it is appropriate to apply the new standard to a condition the local authority should be able to justify its reasons for doing so, having regard to all the relevant circumstances of the site. In deciding whether to apply a new standard the local authority must have regard to the benefit that the standard will achieve and the interests of both residents and site owners (including the cost of complying with the new or altered condition).
4. The model standards represent those standards normally to be expected as a matter of good practice on caravan sites. They should be applied with due regard to the particular circumstances of the relevant site, including its physical character, any relevant services, facilities or other amenities that are available within or in the locality of the site and other applicable conditions.
5. The annex to this document provides advice on the application and enforcement of the model standards when considering attaching conditions to licences.

6. In the model standards any references to “site” includes a park home site (including a mobile home site) and to “caravan” includes a mobile or park home.
7. This document should be referred to as Model Standards 2008 for Caravan Sites in England.

Previous Standards

8. The 2008 Standards replace the document “Model Standards 1989: Permanent Residential Mobile Homes Sites”. When issuing any new licences or reviewing current ones the local authority must have regard to the 2008 Standards in setting or varying any of the conditions attached.

THE STANDARDS

1. The Boundaries and Plan of the Site

- (i) The boundaries of the site from any adjoining land shall be clearly marked by a man made or natural feature.
- (ii) No caravan or combustible structure shall be positioned within 3 metres of the boundary of the site.
- (iii) (a) A plan of the site shall be supplied to the local authority upon the application for a licence and, thereafter whenever there is a material change to the boundaries or layout of the site, or at any other time on the demand of the local authority.

(b) The plan supplied must clearly illustrate the layout of the site including all relevant structures, features and facilities on it and shall be of suitable quality.

2. Density, Spacing and Parking Between Caravans

- (i) Except in the case mentioned in sub paragraph (iii) and subject to sub paragraph (iv), every caravan must where practicable be spaced at a distance of no less than 6 metres (the separation distance) from any other caravan which is occupied as a separate residence.
- (ii) No caravan shall be stationed within 2 metres of any road or communal car park within the site or more than 50 metres from such a road within the site.
- (iii) Where a caravan has retrospectively been fitted with cladding from Class 1 fire rated materials to its facing walls, then the separation distance between it and an adjacent caravan may be reduced to a minimum of 5.25 metres.
- (iv) In any case mentioned in subparagraph (i) or (iii):
 - (a) A porch attached to the caravan may protrude one metre into the separation distance and must not exceed 2 metres in length and 1 metre in depth. The porch must not exceed the height of the caravan. Where a porch is installed only one door may be permitted at that entrance to the home, either on the porch or on the home.

- (b) Eaves, drainpipes and bay windows may extend into the separation distance provided the total distance between the extremities of two facing caravans is not less than 5 metres, except where sub paragraph (iii) applies in which case the extension into the separation distance shall not exceed 4.25 metres.
- (c) Any structure including steps, ramps, etc (except a garage or car port), which extends more than 1 metre into the separation distance shall be of non-combustible construction. There should be a 4.5 metre clear distance between any such structure and any adjacent caravan.
- (d) A garage or car port may only be permitted within the separation distance if it is of non-combustible construction.
- (e) Windows in structures within the separation distance shall not face towards the caravan on either side.
- (f) Fences and hedges, where allowed and forming the boundary between adjacent caravans, should be a maximum of 1 metre high.
- (g) Private cars may be parked within the separation distance provided that they do not obstruct entrances to caravans or access around them and they are a minimum of 3 metres from an adjacent caravan.
- (v) The density of caravans on a site shall be determined in accordance with relevant health and safety standards and fire risk assessments.

3. Roads, Gateways and Overhead Cables

- (i) Roads shall be designed to provide adequate access for emergency vehicles and routes within the site for such vehicles must be kept clear of obstruction at all times.
- (ii) New roads shall be constructed and laid of suitable bitumen macadem or concrete with a suitable compacted base.
- (iii) All roads shall have adequate surface water/storm drainage.
- (iv) New two way roads shall not be less than 3.7 metres wide, or if they are designed for and used by one way traffic, not less than 3 metres wide.
- (v) One-way systems shall be clearly signposted.
- (vi) Where existing two way roads are not 3.7 metres wide, passing places shall be provided where practical.
- (vii) Vehicular access and all gateways to the site must be a minimum of 3.1 metres wide and have a minimum height clearance of 3.7 metres.

(viii) Roads shall be maintained in a good condition.

(ix) Cable overhangs must meet the statutory requirements.

4. Footpaths and Pavements

(i) Every caravan shall be connected to a road by a footpath with a hard surface which shall be maintained in good condition.

(ii) Where practicable, communal footpaths and pavements shall not be less than 0.9 metres wide.

5. Lighting

Roads, communal footpaths and pavements shall be adequately lit between dusk and dawn to allow the safe movement of pedestrians and vehicles around the site during the hours of darkness.

6. Bases

(i) Every unit must stand on a concrete base or hard-standing.

(ii) The base must extend over the whole area occupied by the unit, and must project a sufficient distance outwards from its entrance or entrances to enable occupants to enter and leave safely. The hard standings must be constructed to the industry guidance, current at the time of siting, taking into account local conditions.

7. Maintenance of Common Areas, including Grass, Vegetation and Trees

(i) Every part of the site to which the public have access shall be kept in a clean and tidy condition.

(ii) Every road, communal footpath and pavement on the site shall be maintained in a good condition, good repair and clear of rubbish.

(iii) Grass and vegetation shall be cut and removed at frequent and regular intervals.

(iv) Trees within the site shall (subject to the necessary consents) be maintained.

(v) Any cuttings, litter or waste shall be removed from the immediate surrounds of a pitch.

8. Supply & Storage of Gas etc

- (i) Gas (including natural gas) and oil installations, and the storage of supplies shall meet current statutory requirements, relevant Standards and Codes of Practice.
- (ii) Liquefied Petroleum Gas cylinders must not be positioned or secured in such a way as to impede access or removal in the event of an emergency.

9. Electrical Installations

- (i) On the site there shall be installed an electricity network of adequate capacity to meet safely all reasonable demands of the caravans and other facilities and services within it.
- (ii) The electrical network installations shall be subject to regulation under current relevant legislation and must be designed, installed, tested, inspected and maintained in accordance with the provisions of the current relevant statutory requirements.
- (iii) Any work on electrical installations and appliances shall be carried out only by persons who are competent to do the particular type of work being undertaken, in accordance with current relevant statutory requirements.
- (iv) Any work on the electrical network within the site shall be done by a competent person fully conversant with the appropriate statutory requirements.

10. Water Supply

- (i) All pitches on the site shall be provided with a water supply sufficient in all respects to meet all reasonable demands of the caravans situated on them.
- (ii) All new water supplies shall be in accordance with all current legislation, regulations and relevant British or European Standards.
- (iii) All repairs and improvements to water supplies and installations shall be carried out to conform with current legislation and British or European Standards.
- (iv) Work on water supplies and installations shall be carried out only by persons who are qualified in the particular type of work being undertaken and in accordance with current relevant legislation and British or European Standards.

11. Drainage and Sanitation

- (i) Surface water drainage shall be provided where appropriate to avoid standing pools of water.
- (ii) There shall be satisfactory provision for foul and waste water drainage either by connection to a public sewer or sewage treatment works or by discharge to a properly constructed septic tank or cesspool approved by the local authority.
- (iii) All drainage and sanitation provision shall be in accordance with all current legislation and British or European Standards.
- (iv) Work on drains and sewers shall be carried out only by persons who are qualified in the particular type of work being undertaken and in accordance with current legislation and British or European standards.

12. Domestic Refuse Storage & Disposal

- (i) Where communal refuse bins are provided these shall be non-combustible and housed within a properly constructed bin store.
- (ii) All refuse disposal shall be in accordance with all current legislation and regulations.

13. Communal Vehicular Parking

Suitably surfaced parking spaces shall be provided to meet the requirements of residents and their visitors.

14. Communal Recreation Space

On sites where it is practical to do so, suitable space equivalent to about one tenth of the total area of the site shall be allocated for recreational purposes, unless in the local authority's opinion there are adequate recreational facilities within a close proximity to the site.

15. Notices and Information

- (i) The name of the site shall be displayed on a sign in a prominent position at the entrances to the site together with the current name, address and telephone number of the licence holder and manager and emergency contact details, a copy of the site licence or the front page of the said licence and details of where the full licence and other information required to be available under this standard can be viewed and between which times (if not displayed on the notice board).

- (ii) A current plan of the site with roads and pitches marked on it shall be prominently displayed at the entrances to it.
- (iii) A copy of the current site licence shall be available for inspection in a prominent place on the site.
- (iv) In addition at the prominent place the following information shall also be available for inspection at the prominent place:
 - (a) A copy of the most recent periodic electrical inspection report.
 - (b) A copy of the site owner's certificate of public liability insurance.
 - (c) A copy of the local flood warning system and evacuation procedures, if appropriate.
 - (d) A copy of the fire risk assessment made for the site.
- (v) All notices shall be suitably protected from the weather and from direct sunlight.

16. Flooding

- (i) The site owner shall establish whether the site is at risk from flooding by referring to the Environment Agency's Flood Map.
- (ii) Where there is risk from flooding the site owner shall consult the Environment Agency for advice on the likelihood of flooding, the depths and velocities that might be expected, the availability of a warning service and on what appropriate measures to take.

17. Requirement to Comply with the Regulatory Reform (Fire Safety) Order 2005

The site owner shall make available the latest version of the fire risk assessment carried out under the Regulatory Reform (Fire Safety) Order 2005 for inspection by residents and when demanded, a copy of the risk assessment shall be made available to the local authority.

18. Fire safety measures where the Regulatory Reform (Fire Safety) Order 2005 does not apply (such as single unit sites and those sites solely occupied by family groups)

- (i) The standards in this paragraph only apply if the site is **not** subject to the Regulatory Reform (Fire Safety) Order 2005.

Fire Points

- (ii) These shall be located so that no caravan or site building is more than 30 metres from a fire point. Equipment provided at a fire point shall be housed in a weather-proof structure, easily accessible and clearly and conspicuously marked "FIRE POINT".

Fire Fighting Equipment

- (iii) Where water standpipes are provided:
 - (a) The water supply shall be of sufficient pressure to project a jet of water not less than 5 metres from the nozzle.
 - (b) There shall be a reel that complies with the current British or European Standard, with a hose not less than 35 metres long, having a means of connection to a water standpipe (preferably a screw thread connection) with a water supply of sufficient pressure and terminating in a small hand nozzle.
 - (c) Hoses shall be housed in a red box and marked "HOSE REEL". Access to the fire point shall not be obstructed or obscured.
- (iv) Where hydrants are provided, hydrants shall conform to the current British or European Standard.
- (v) Access to hydrants and other water supplies shall not be obstructed or obscured.
- (vi) Where standpipes are not provided or the water pressure or flow is not sufficient, each fire point shall be provided with water extinguishers (2 x 9 litres) which comply with the current British or European Standard.

Fire Warning

- (vii) A suitable means of raising the alarm in the event of a fire shall be provided at each fire point.

Maintenance and Testing of Fire Fighting Equipment

- (viii) All alarm and fire fighting equipment shall be installed, tested and maintained in working order by persons who are qualified in the particular type of work being undertaken and be available for inspection by, or on behalf of, the licensing authority or the Fire and Rescue Service.

- (ix) A record shall be kept of all testing and remedial action taken.
- (x) All equipment susceptible to damage by frost shall be suitably protected.

Fire Notices

- (xi) A clearly written and conspicuous notice shall be provided and maintained at each fire point to indicate the action to be taken in case of fire. This notice should include the following:

“On discovering a fire:

- I. Ensure the caravan or site building involved is evacuated.
- II. Raise the alarm.
- III. Call the fire brigade (the nearest phone is sited at).”

Annex to Model Standards 2008 for Caravan Sites in England: Explanatory Notes

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Preface

1. These explanatory notes are designed to be read in conjunction with Model Standards 2008 for Caravan Sites in England (“the Standards”) and are intended to offer guidance on the application and enforcement of the standards for local authorities.
2. The standards are a revision and modernisation of the 1989 standards, incorporating a number of new requirements, particularly in relation to maintenance of sites and flood protection measures, other standards have been modified and the standard relating to telephones has been deleted. The standards also take account of the effect of the Regulatory Reform (Fire Safety) Order 2005.
3. These standards do not apply to sites used exclusively for siting holiday or touring caravans. However, the standards apply to holiday sites containing permanent residential caravans (except those holiday sites where the only permanent residents are the site owner and members of his family and/ or his employees who are employed on the site and occupy the caravan pursuant to their contract of employment). The standards should be applied with due regard to the particular circumstance of the site to which they are intended to apply, including its physical characteristics, size, density, layout, amenities and services. See also paragraph 3 of the Standards document for further advice on the application of the standards.
4. In this document the term “site owner” is referred to throughout, as normally that person would be the licence holder.

Legal background

5. The use of land as caravan sites is controlled by relevant planning legislation, whereas the physical standards and layout, amenities and other standards are controlled by a site licence issued under the Caravan Sites and Control of Development Act 1960 (“the Act”). Section 5 of the Act enables local authorities to set licence conditions.
6. Under the Act, most privately owned sites must be licensed by the local authority, unless exempted under the Act¹. A licence will be granted unless the applicant does not have relevant planning permission to operate the site or has had a licence revoked in the last three years.²

¹ Section 2 and Schedule 1 to the Act set out in which circumstances a site licence is not required.

² Section 3 (4) and (6).

7. The local authority may attach conditions to the licence, but these can only relate to the physical use of the site and its management³. The Secretary of State may issue Model Standards which the local authority must have regard to in deciding what conditions to attach to a licence⁴. The authority may from time to time alter a site licence condition (either of its own volition or upon the application of the licence holder)⁵.
8. A licence holder may appeal against the imposition of a condition in a licence or any proposed alteration to a condition or a refusal to alter a condition⁶.
9. It is an offence to breach a licence condition and on summary conviction the offender can currently be fined up to £2,500⁷. Where a condition requires works to the site to be carried out and these are not done either within the time specified or to satisfaction of the local authority, the authority may carry out the works itself and recover from the licence holder any expenses it has reasonably incurred in doing so⁸.
10. The local authority may apply to the court to have a licence revoked if the licence holder has been convicted on two or more occasions of breaches of licence conditions⁹.
11. The local authority is required, under Section 25 of the Act, to maintain an accurate register of the site licences in their area. Given the number of different types of sites that local authorities may deal with, it is recommended that the register shows what type of site each is, be it holiday, residential, mixed use or gypsy and traveller. It is recommended as a minimum the information the site register has is:
 - Name and address of site (if available the Geographic Information Service mapping code should also be logged)
 - Name of the licence holder, the site owner (if different) and any person managing the site on behalf of either of those persons
 - Type of site
 - The number of pitches
 - The licence conditions (if any)

³ Section 5 (1) to (5). For restriction see *Mixnam's Properties v Chertsey UDC A.C. 735*.

⁴ Section 5 (6).

⁵ Section 8.

⁶ Sections 7 and 8 (2).

⁷ Section 9 (1). The maximum penalty on summary conviction is a fine not exceeding level 4 on the standard scale.

⁸ Section 9 (3).

⁹ Section 9 (2).

MODEL STANDARDS – EXPLANATORY NOTES

Introduction

12. The Model Standards 2008 for Caravan Sites in England have been made under powers conferred on the Secretary of State under section 5(6) of the Caravan Sites & Control of Development Act 1960 (the Act). A local authority must have regard to the standards when it imposes conditions in a site licence.
13. The standards do not apply to sites used solely for caravan holiday homes (although they do apply to mixed residential/ holiday sites), touring caravans or to sites occupied by gypsies and travellers or agricultural workers. The standards as laid out represent what would normally be expected as a matter of good practice on such sites. They should be applied with due regard to the particular circumstances of each case, including the physical character of the site, any facilities or services that may already be available within convenient reach and other local conditions.
14. The local authority must apply the Model Standards with regard to the particular characteristics of the site to which they are intended to apply, and in particular its existing layout and size. It is recognised that not all sites will easily be able to meet the Model Standards in every case due to their particular characteristics, but a local authority will need to be able to justify any decision not to have regard to a standard in setting a licence condition.
15. The standards are not intended to be the “ideal”; local authorities may in the circumstances set more demanding ones if that can be justified.
16. There will be some licence conditions which require inter and cross agency input and advice from other teams within the local authority and outside organisations, such as the Health and Safety Executive, the local Fire and Rescue Service and the Environment Agency. It is important for all parties concerned with sites that effective lines of communication are established to ensure that any problems are identified and resolved as early as possible.
17. Disability Discrimination legislation applies to sites and this should be borne in mind when framing licence conditions and considering possible enforcement action. Guidance can be found at www.dwp.gov.uk and this can also help local authorities in their consideration of licence conditions. Further guidance can also be found on the Equality and Rights Commission website at www.equalityhumanrights.com.

Enforcement

18. Any decision to enforce a licence condition should be taken in line with the Compliance Code (ISBN: 978-0-85605-712-0) which came into force in April 2008, for which comprehensive guidance is available on the Department for Business, Enterprise and Regulatory Reform website, www.bre.berr.gov.uk.
19. Local authorities should allow a reasonable period of time after any site licence alteration for compliance with the revised conditions, unless the reason for making the alteration was to address a matter requiring immediate attention.
20. When considering taking enforcement action local authorities should undertake a risk assessment to take into account all possible factors in relation to the prosecution.

The Boundaries and Plan of the Site

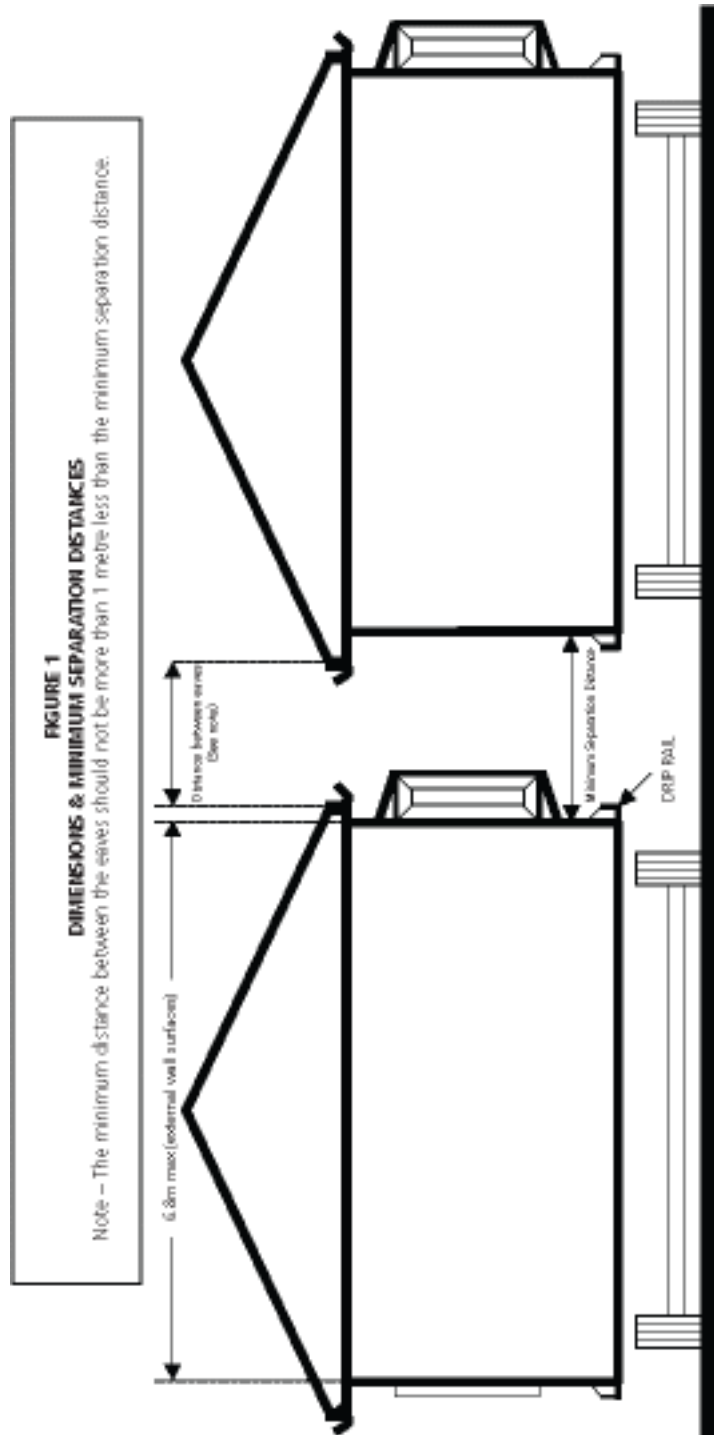
21. The boundary should clearly define the limit of the site owner's responsibility. The boundary should be suitably marked and properly maintained. This boundary could be formed of a fence, hedge, wall or natural feature or any other suitable structure (or any combination of these) or it may in whole, or part, be formed by an appropriate natural feature, such as a river or a wood. It would not normally be appropriate for that natural feature to simply include an open field.
22. Plans of the site shall be provided to the local authority at the site owners' expense.
23. It is best practice for copies of the plan to be made available to the emergency services.
24. The 3 metre separation distance inside the boundary serves the purpose of ensuring privacy from whatever is on the other side of the boundary, such as a road, and other developments, such as houses etc.
25. The 3 metre separation distance measurement should be taken from the caravan wall.

Density, Spacing and Parking Between Caravans

26. The 6 metre separation distance is required for two reasons:

- Health and safety considerations; and
- Privacy from neighbouring caravans.

27. A diagram explaining the separation distances is attached below.



28. If a caravan has been fitted with cladding from class 1 fire rated materials, then the distance between units may be reduced. However, there is a need for the privacy of residents to be taken into consideration. Health and safety matters, such as the positioning of gas bottles, etc. will also need to be taken into account.
29. For the purposes of calculating the distance between the caravans, the point from which measurements are taken is the exterior cladding of the relevant caravan. Eaves, drainpipes, gutters, sills, threshold, door canopies and bay windows should be discounted.
30. Porches should not render the home incapable of being moved, which means they should be demountable.
31. If structures, other than garages, are on pitches within the separation distance and are of a combustible construction, then the local authority should consider allowing sufficient time for them to be replaced with an acceptable non combustible model.
32. At no time should a garage constructed of combustible material be allowed in the separation distance.

Enforcement

33. In considering the enforcement of the separation distance the local authority should consult with the local Fire and Rescue Service. It should also seek the views and take account of representations from the site owner and affected residents before taking any steps to enforce this standard, where practicable.
34. Before the local authority undertakes any enforcement action it should consider the benefit of the works against the potential impact on the residents' enjoyment of their homes and the cost to the site owner.

Roads Gateways and Overhead Cables

35. Roads should be constructed of bitumen macadam or concrete with suitable compacted base. However, sites with roads constructed of tarmac (which is now obsolete and no longer commercially available) should not be required to automatically upgrade their roads. The roads should only be required to be upgraded as and when they begin to fall into disrepair.

36. Some larger sites may have traffic calming measures such as speed humps on their roads. Though not specifically covered in this standard, it will be worth ensuring that any legal requirements applying to un-adopted roads are met. Guidance and assistance can be found on the Department for Transport website, www.dft.gov.uk.
37. Gateways, roads and turnings should have enough clearance to allow safe entry for emergency vehicles and new units on lorries. The widths and heights given are based on the maximum sizes of emergency vehicles that may regularly attend incidents on sites.
38. In determining the permitted height of cable overhangs the local authority must take into account the current statutory requirements. Those applying as at the date of this guidance are found in the Electricity Safety Quality and Continuity Regulations 2002 SI 2002/2665 (ESQCR). These regulations provide that, in general, cables should not overhang a road at a height of less than 5.8 metres. In the case of fully insulated overhead conductors the ground clearance is 3.8 metres. There are a number of exceptions where:
- The overhead line follows a route along a hedgerow, fences, boundary walls or similar features. The minimum clearance in these circumstances is 4 metres.
 - If it crosses a driveway with an access width of no more than 2.5 metres (and the driveway is defined by gateposts or similar features), the minimum clearance is 4.3 metres.
- Further advice on minimum clearances is available from the Health and Safety Executive.
39. It is good practice that all overhead lines on sites should be fully insulated and where a cable is in within easy reach of a property; it must be so and protected from interference.
40. The authority should require the site owner to comply with regulation 3 of the ESQCR and in considering any enforcement action in relation to cables must consult with the HSE.

Footpaths and Pavements

41. Communal path widths should normally be 0.9 metres in respect of new sites or sites that are undergoing substantial redevelopment (including expansion to part of the site); otherwise paths of not less than 0.75 metres should be accepted where they already exist.

Lighting

42. The lighting provided for communal paths and roads should be adequate to allow safe movement around the site during the hours of darkness. Many sites use low lighters rather than traditional street lamps and these work well as long as they are well maintained and plants/vegetation are not allowed to grow around them and stop them emitting light effectively. The lighting must be fit for purpose i.e. to allow vehicles and pedestrians to navigate around the site between dusk and dawn.

Bases

43. It is important to note that the construction, maintenance and repair of the concrete base are the responsibility of the site owner. New bases should be laid as a minimum in accordance with the current industry guidelines issued by the National Park Homes Council and the British Holiday and Home Parks Association. The Industry's current standard for the bases provides:

“A hard core base to a minimum depth of 150 mm, well consolidated and topped with 100 mm of concrete (mix as BS8500-2:2006¹⁰) shall be used. The finished raft must be generally level with due allowance for surface drainage. Where the ground conditions so require, thickening or the introduction of reinforcement of the raft may be necessary.”

44. Particular attention should be paid to the terrain of the site before a base is laid, which may mean a thicker base is needed. The base should be sufficient to handle the load placed upon it by the caravan and its contents.

Enforcement

45. When considering any enforcement action, the authority should also seek the views and take account of representations from the site owner and affected residents before taking any steps to enforce this standard, where practicable.
46. Before the local authority undertakes any enforcement action it should consider the benefit of the works against the potential impact on the residents' enjoyment of their homes and the cost to the site owner.
47. Where a caravan has to be removed in order to facilitate works to the base the authority should normally, if it is feasible and if it is the resident's wish, require the site owner to reinstate, at his own expense, the caravan on the original pitch on completion of the works.

¹⁰ Copies of the Standard can be obtained from the British Standards Institute.

Maintenance of Common Areas, including Grass, Vegetation and Trees

48. Cut grass and vegetation should be removed from the site as soon as practicable. Bonfires should not be used as a means of disposal. Vegetation is often used for sight screening but should be kept at a reasonable height.
49. Trees on the site will normally be the responsibility of the site owner. Where trees are in need of care and maintenance the local authority should, before any action is taken, liaise with the officer responsible for trees at the authority to ensure that all statutory and other requirements are complied with.
50. The common parts of the site (including roads, paths and pavements) must be kept free of any rubbish and maintained in a clean and tidy condition. The local authority may wish to consider whether appropriate receptacles for litter need to be provided in such areas. In any case the site owner should be required to make arrangement for the regular collection of routine rubbish from the site. He should also be required to make arrangements for the prompt disposal of waste and other materials which accumulate on the site during any works etc. Secure non combustible facilities should be provided on the site for the proper storage of rubbish and waste prior to its removal and disposal off the site.

Supply and Storage of Gas etc

51. The HSE website, www.hse.gov.uk, provides details and information about the various legislative requirements and contacts if further information is needed. In addition the trade body for LPG suppliers, [uklpg](http://uklpg.com), www.lpga.co.uk, also has information which may be of use.
52. Anyone being employed by a site owner to carry out work on gas (including natural gas) or oil installations should be suitably qualified to do the work. The HSE pages contain details of some of the schemes. The Communities and Local Government website contains details of various certification schemes which may apply. The details of these schemes can be found at www.communities.gov.uk .

Enforcement

53. In considering whether to take enforcement action for a breach of site licence conditions officers should liaise with the Health and Safety Executive to ensure any action taken by the authority is not in conflict with any action the HSE are proposing to take.

54. Local authority officials who identify areas of concern on sites should always consult the HSE about the problem(s).
55. All new installations must be to the current regulations and maintained at that standard.

Electrical Installations

56. The electrical installations on the site will be a distributor's network either belonging to the local regional electricity network operator or the owner of the site. The HSE website: www.hse.gov.uk contains information on the electricity legislation which may well apply to the site and can provide further information if needed.
57. A suitably qualified person for the purpose of carrying out work on electrical installations and appliances, including maintenance and inspections, includes a professionally qualified electrical engineer, a member of the Electrical Contractors Association, a contractor approved by the National Inspection Council for Electrical Installations Contracting, or a qualified person acting on behalf of the above.
58. It may be necessary to ensure the electricity distribution network complies with ESQCR, in which case such work should only be undertaken by a competent person familiar with those Regulations.
59. All new installations must meet the requirements of the current regulations and maintained at that standard.

Enforcement

60. In considering whether to take enforcement action for a breach of site licence conditions, officers should liaise with the Health and Safety Executive to ensure any action taken by the authority is not in conflict with any action the HSE are proposing to take.
61. Local authority officials who identify significant areas of concern with site electrical networks and installations should always consult the HSE about the problem(s).

Water Supply

62. OFWAT lay down service standards for the water suppliers and details can be found on their website at www.ofwat.gov.uk . In addition there are various schemes for suitably qualified persons and authorities should check to see those undertaking works are qualified. The main scheme is run by NIC certification and details can be found about the scheme at www.niccertification.com .

Enforcement

63. With the majority of well established sites, enforcement of this section will need to be carefully handled, as most sites will have long established water systems. As with gas and electricity above, there may be a case for dual enforcement if an offence is identified. Consultation with the Environment Agency and the local water company is essential.
64. As with the previous sections, local authority officers who identify an issue with water supply on a particular site may wish to advise the Environment Agency, and the local water company of the problem.
65. All new installations must be to the current regulations and maintained at the appropriate standard.

Drainage and Sanitation

66. As with water supplies, provision of sewerage facilities is overseen by OFWAT and codes of practice are in place.
67. It is important that all drains and sewers are well maintained and are connected to the appropriate system. If left unchecked, there can be consequences for the health of residents, along with those who live near the site.
68. It should be noted that the environmental quality of drainage is regulated by the Environment Agency, with whom the local authority must consult about any problems.

Enforcement

69. In considering whether to take enforcement action for a breach of site licence conditions officers should liaise with the Environment Agency to ensure any action taken by the authority is not in conflict with any action the Agency are proposing to take.

70. Local authority officials who identify areas of concern on sites should alert the Environment Agency and the local water company to the possible defects.
71. All new installations must be to the current regulations and maintained at that standard.

Domestic Refuse Storage and Disposal

72. If communal bins are provided they should be of a type that is non-combustible and stored properly. Liaison with colleagues who deal with refuse collection matters will help in ensuring that the bins provided by the site owner (in the case of communal bins) are acceptable to the local authority in pursuance of its collection of rubbish from them.
73. The site owner should be required to discuss with the local authority arrangements for the separation of waste for the purpose of recycling it, and require him to provide the necessary receptacles etc on the site.

Communal Vehicular Parking

74. Parking needs will vary considerably between individual parks. Parking requirements should reflect the reasonable needs of the residents, having regard to the size and layout of the site, the number of units, the occupation criteria of the site and the availability of public transport in the immediate vicinity.
75. Provision of parking spaces on new sites or those undergoing redevelopment or extension should be consistent with local planning policies.

Communal Recreation Space

76. This standard should only be applied if the local authority is satisfied that it is both practicable to provide recreation space on the site and there is insufficient recreation space off the site in the near locality.
77. It will only be practicable to provide such space on the site if there is sufficient open space which is available and it is possible to safely use that space for recreation. The standard requires the local authority to consider the need for recreation space; it does not require it to consider the need for recreation facilities, although the local authority may consider that need as part of a licence condition. The larger the site the more recreation space or spaces may

be needed. On small sites there may be no need for space at all. In deciding whether it is practicable to provide the space the authority should also consider the site layout, the availability of private open spaces (e.g. within the pitch), the availability of other amenities on the site (e.g. club houses) and the age and number of residents on the site.

78. On site recreation space may be considered unnecessary if there is sufficient suitable space available off site within close (walking) distance of it. The space must, however, be freely accessible by the public, such as a municipal park, commons land, and greens or any part of the countryside to which the public have a right to walk.

Notices and Information

79. It is important that all notices are protected from the weather and are prominently displayed, either on a board, in an office open to the public, or other places on the site which the residents have free and reasonable access to.
80. The notices must include the most recent site licence, and the contact details of the site manager, and if different the licence holder. This should include an out of hours contact number for emergencies, and if available an e-mail address.
81. The site owner is also required to make available certain information for inspection by residents in a prominent position on the site. That could be the site office provided it is open at reasonable times, a community room which every resident was entitled to use and which is also open at reasonable sites or a notice board located at the entrance to or in a central part of the site.

Flooding

82. It is important that if a site is in an area susceptible to flooding, procedures are in place to ensure that all those on the site are alerted quickly, and that they are aware of any evacuation procedures that may be in place. A notice should be prominently displayed with all relevant information.

83. The site should be included in any local authority flood evacuation plan.
84. Advice on flood risks is available from the Environment Agency website:
www.environment-agency.gov.uk
85. It is important in those parts of the country where flooding is an issue that local authorities have effective liaison with the Environment Agency office for their area, as well as relevant officials across their own local authority. Local water companies should also be contacted.

Fire Safety Measures

86. The Regulatory Reform (Fire Safety) Order 2005 (the Order) applies to caravan sites. The Order disapplies some fire related standards that may be in current site licensing conditions. It applies to all non domestic premises in England and Wales, including certain types of caravan sites:
 - all sites with common or shared parts; and
 - individual caravans which are holiday-let type i.e. they are rented out
87. On such sites the local authority should advise the 'responsible person', who will be the licence holder of his duty under that Order to undertake a fire risk assessment and decide what prevention and protection arrangements are appropriate and adequate to mitigate the identified risks.
88. However, there are some sites around the country which do not fall under the Order. These may include single unit sites and those sites which are occupied by single family groups.
89. Where the Order applies the authority should satisfy itself that the site owner is aware of, and complying with, his obligations under it, in particular that a fire risk assessment has been carried out. In this regard the local authority should seek the advice of the local Fire and Rescue Service who are the main enforcers of the Order.
90. The Communities and Local Government website:
www.communities.gov.uk contains a range of helpful information on fire safety and the requirements of the Fire Safety Order. This includes links to technical guides for specific types of accommodation, including one for sleeping accommodation.

91. The Fire and Rescue Service has a duty to provide fire safety advice to those who ask for it, although it will not carry out risk assessments.
92. In applying any standards relating to fire safety measures where the Order does not apply, the local authority must consult the local Fire and Rescue Service.

Fire Fighting Equipment

93. The Guidance under the remaining sections only applies to sites to which the Order does not apply; however these standards will provide a useful benchmark of the sort of preventative and protective measures that may be necessary following completion of a fire risk assessment.
94. The siting of the fire points should be so that they are visible at all times, and marked in a way that makes it obvious as to what they are. They will need to be kept clear of any obstructions at all times should they be needed in the event that a fire breaks out.
95. Fire Points are the places on sites where fire fighting equipment is stored, ready for use by anyone in the event of an emergency.
96. If hosepipes are provided, they should be of the relevant British and European Standards¹¹, and positioned in such a way that they are easily attachable to the mains water supply, if not permanently attached. Any valves connecting the hose to the water supply should be easily accessible. The hose reel should be well maintained and in good working order.
97. Any hydrants provided on the site should be kept clear of any obstruction in the event that they need to be used. The positioning of mains connected hydrants is the responsibility of the local water company, and any queries as to whether a site has a hydrant should be directed to them. The positioning of the hydrants should be recorded on the site map, which will assist the emergency service in locating them in the event of an emergency.
98. Fire Extinguishers should only be used if there is not enough water pressure for a hose reel. Where provided, extinguishers should comply with the current British or European Standard.

¹¹ Details of relevant British Standards can be found at www.communities.gov.uk

99. A water tank with buckets and a pump should not be the main means of fighting fire for the following reasons:
- Pumps and buckets are likely to be vandalised or stolen.
 - Pumps and buckets are inadequate for fighting a fire.
 - A water storage tank should be securely covered to prevent it becoming a health or safety hazard.

Fire Warning

100. The means of raising the alarm in the event of a fire should be appropriate to the size and layout of the site. If you are unsure of which form of raising the alarm is the most suitable to the site, then contact the local Fire and Rescue Service, who will be able to advise you.

Maintenance and Testing of Fire Fighting Equipment

101. It is important that all fire warning systems and fire fighting equipment are regularly inspected and maintained. The suggestion is that these checks should be carried out on an annual basis. All testing and maintenance should be carried out by a person suitably qualified to do the work. Records should be kept of any testing and when the most recent inspections were carried out. The record of all tests and inspections should be kept on the site for inspection.

Fire Notices

102. The fire action notice should be displayed on a notice board, and at other suitable points around the site. The full address of the site, including the postcode should be included.

Enforcement

103. The main enforcer for the Order is the Fire and Rescue Service.

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Model Standards for Residential Mobile Home Site Licences

Guidance to local authorities on site licence conditions for mobile home, park home, or caravan sites which are licensed to have permanent residents.

PART 1: INTRODUCTION

1. Local authorities are the licensing authority for caravan sites in their area. Operators of caravan sites must apply to the local authority for a licence to operate. Local authorities can attach conditions to a site licence they issue, and this document provides guidance on the licence conditions they may wish to put in place. Under section 32T of the Caravan Sites and Control of Development Act 1960 (the 1960 Act), if a site licence holder does not comply with a site licence condition they are guilty of an offence, and, if convicted by a court, can be fined. The new licensing system introduces a number of other measures that a local authority can take against a site licence holder who is not complying with any site licence conditions including the service of an improvement notice under section 32U of the 1960 Act.

2. The purpose of this document is to provide model standards for the licence conditions that a local authority can put in place when it issues, or reviews, a licence for a relevant permanent site (a caravan site with permanent residents). Such caravan sites are often described as mobile home or park home sites.

3. The model standards are published under section 5(6) of the 1960 Act. This states that:

“The Minister may from time to time specify 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.”

4. These model standards apply to licences for sites which are used as relevant permanent sites. This excludes land for which planning permission or the site licence is granted, for holiday use only or on the basis that there will be times of the year when no caravan may be stationed on the land for human occupation. In the main they cover sites which are residential mobile home sites that are licensed to have permanent residents. On mixed use sites the model standards apply to the parts of the site licensed for permanent residents.

5. The standards do not apply to:

- caravan sites which are covered by the exemptions under the First Schedule to the 1960 Act¹;
- sites that are used exclusively for holidays or touring caravan sites. For holiday and touring caravan sites the model standards set out in Circular

¹ <https://www.legislation.gov.uk/ukpga/Eliz2/8-9/62/schedule/FIRST>

17/1990 continue to apply, although local authorities should use their judgement to make sure that licence conditions for such sites reflect modern standards and practice. The Fire (Scotland) Act 2005, amended section 5 of the 1960 Act and added a new subsection 6A which provides that any model standards issued under section 5(6A) of the 1960 Act cannot cover those fire safety matters which are regulated by the 2005 Act.

6. The model standards are guidance to local authorities in considering what licence conditions they should put in place in their area, and set out an appropriate baseline for an authority's licence conditions. Under section 5(1) of the 1960 Act a local authority can issue a site licence "subject to such conditions as the authority may think it necessary or desirable to impose..." A local authority is not limited to only setting licence conditions set out in the model standards, and can take the view that it wishes to impose licence conditions that are not set out in this document.

7. While licence conditions need not be limited to those in the model standards, they should not place unreasonable requirements on site owners. Licence conditions should be applied which secure an environment that allows site residents to live safely on a site and which also take into account issues such as the amenity of the site. Local authorities should apply licence conditions that are reasonable, clear, proportionate and straightforward to comply with and enforce.

8. The model standards themselves should be applied with due regard to all the circumstances, including the physical character of the site, any services or facilities that may be already available within convenient reach, and any other local conditions. The relationship of the site to the broader environmental aspects should also be given careful consideration.

9. It is fundamental that decisions on site licence conditions are lawful, fair and reasonable. The Scottish Government guidance *Right First Time* provides a practical guide to help decision-makers comply with these standards, available online at: <http://www.gov.scot/Publications/2010/02/23134246/0>. Local authorities should ensure that their actions are in accordance with the Scottish Regulators' Strategic Code of Practice, available online at: <http://www.gov.scot/Resource/0046/00467429.pdf>

10. The site licence conditions that local authorities attach to a licence should reflect the relevant best practice and regulations at the date the site licence is issued. This means that over time conditions applied may vary from those in the published model standards. Work carried out on the site after the licence has been issued should comply with the statutory requirements in place at the time the work is carried out and may require further updating to meet changed standards. These model standards reflect best practice and regulations at the time they are issued (December 2018), and local authorities should check that they are aware of the relevant legal requirements (e.g. the latest regulations), relevant British and/or European Safety Standards, and any other relevant guidance or advice on best

practice. A local authority should also ensure that in attaching conditions to a mobile home site licence it is reflecting the latest standards on the provision of services such as gas, electricity, water, drainage, sewerage and flood protection.

11. A new site licensing regime for sites with permanent residents, set out in Part 5 of the Housing (Scotland) Act 2014 was introduced on 1 May 2017. The Scottish Government published guidance for local authorities on the new licensing system in April 2017 which is available at: <http://www.gov.scot/Resource/0051/00516665.pdf>

12. Holders of site licences issued prior to 1 May 2017 have until 1 May 2019 to apply for a licence under the new system. The new regime came into force on 1 May 2017 for those who are applying for a site licence for the first time. When a local authority is issuing a licence under the new system for a new or existing site it should examine the attached conditions and determine the licence conditions to put in place.

13. Where an existing site does not meet the standards set out in the model standards a local authority could consider a transitional period to allow the site to meet new requirements. Such a period should give a site licence holder a specific and reasonable amount of time to meet any new licence conditions. Any new conditions applied in light of the model standards should be reasonable and proportionate. In considering licence applications for existing sites local authorities should consider whether it is appropriate for each standard to apply. Where a current licence condition is adequate in serving its purpose, the local authority may consider whether to apply the new standard. Where it is appropriate to apply the new standard to a condition the local authority should be able to justify its reasons for doing so, having regard to all the relevant circumstances of the site.

Fire Safety

14. Fire safety obligations are imposed on duty holders by Part 3 of the Fire (Scotland) Act 2005 (the 2005 Act). Whether these fire safety duties apply in respect of premises, or part of premises, depends on whether the premises, or part of the premises, are 'relevant premises' as defined in section 78 of the 2005 Act. A mobile home which is used by someone as their residence, whether as owner or tenant will be domestic premises and not relevant premises. A residential site itself will be relevant premises where it contains units, and the units or pitches are rented on a commercial basis, regardless of whether the occupiers of the units are owners or tenants. Where mobile homes are used as a private residence, each pitch and the mobile home on it will be considered domestic premises and outwith the control of the 2005 Act, regardless of whether the occupier is an owner or tenant.

15. The fire safety regime in Scotland requires those persons with responsibility for non-domestic premises (duty holders) to put in place appropriate fire safety measures, based on an assessment of risk. More than one person can have fire safety responsibilities for the premises. However this responsibility will be in direct

proportion to someone's level of control - the more control a person has over the premises, the greater their responsibility. In accordance with the 2005 Act a duty holder must make sure that appropriate fire safety measures are put in place on the basis of an assessment of fire safety risk.

16. Further information on the duties and requirements under Part 3 of the 2005 Act is available online at: <http://www.gov.scot/Topics/Justice/policies/police-fire-rescue/fire/FireLaw>. Particular guidance on caravan sites can be found at annex 3 of <https://www.gov.scot/binaries/content/documents/govscot/publications/guidance/2018/06/practical-fire-safety-guidance-existing-premises-sleeping-accommodation/documents/00536681-pdf/00536681-pdf/govscot%3Adocument> which sets out the following benchmarks in relation to spacing and car parking:

- Subject to variations, the distance between any two units should generally be not less than 6 m for permanent residential sites.
- The 6 m distance between units may be reduced where caravan construction is inherently fire-resistant. Under such circumstances, the distance may be reduced to 5 m. Where there is a mix of fire-resistant and non fire-resistant construction, the larger separation distances apply.
- The distance from any part of a tent or caravan to any site road should be not less than 2 m, and not less than 3 m from any site boundary.
- One car only should be permitted to park between adjoining units subject to the entrance to the unit not being obstructed. Plastic or wooden boats should not be kept between units.

17. These model standards do not make any provision for fire safety, as site operators must comply with the fire safety regime set out in the 2005 Act. The 2005 Act amended section 5 of the 1960 Act and added a new subsection 6A which provides that any model standards issued under section 5(6A) of the 1960 Act cannot cover those fire safety matters which are regulated by the 2005 Act.

18. The process of fire safety risk assessment should be on-going. If there is a reason to suspect that the current fire safety risk assessment is no longer valid, or if there has been a significant change in the matters to which it relates, then the assessment must be reviewed by the duty holder and any changes in the fire safety measures required must be made to ensure continued compliance with the said Act and Regulations

19. Free advice is available from the Scottish Fire and Rescue Service on technical details and options for compliance; however the duty holder is responsible for carrying out the fire safety risk assessment for their premises; and identifying and implementing the fire safety measures necessary as a result of the findings of the fire safety risk assessment.

Showpeople Sites

20. Some mobile home sites are used as homes by showpeople, people with small businesses who travel to fairs etc. to work. Under paragraph 10 of the first schedule of the 1960 Act showpeople sites that are only occupied for certain months of the year are exempt from the licensing regime. Local authorities will need to explore the circumstances of those living on showpeople sites in their area (e.g. for which months of the year someone lives on a site) to determine whether the exemption applies.

21. If a showpeople's site does require a licence, local authorities should be aware that provisions that may be necessary for a mobile home site may not be appropriate for a showpeople's site. We encourage local authorities, in licensing such showpeople's sites, to consult with those living on the site and any relevant representative body (such as the Scottish Showman's Guild²).

British Standards

22. In a number of places this guidance refers to the relevant British Standards. These are published by the British Standards Institution, and can be obtained online at <http://shop.bsigroup.com/>.

Structure

23. There are three parts to this guidance:

- Part 1: this introduction;
- Part 2: the model standards for mobile homes sites with permanent residents;
- Part 3: explanatory notes on the model standards.

24. This guidance is not an interpretation of the law. Local authorities are advised to obtain their own legal advice if they have any questions about what site licence conditions are legal and appropriate for a site in their local authority area.

² <http://scottishshowmensguild.org/>

PART 2: THE MODEL STANDARDS

These 2018 Model Standards replace Appendix A of Model Standards for Residential Caravan Sites of Scottish Development Department Circular 17/1990. The 1990 model standards continue to apply to sites which are not licensed for permanent, year-round, residents (e.g. holiday and touring caravan sites).

Number of Mobile Homes, Site Plans and Boundaries

1. The maximum number of mobile homes to be stationed on the site is
2. The boundaries of the site and each pitch must be clearly marked by appropriate man-made or natural features.
3. A plan of the site of a suitable level of quality and detail must be supplied to the local authority whenever there is a material change to the boundaries or layout of the site.

Amenity and Privacy

4. For amenity and privacy reasons:
 - The distance between any two units should generally not be less than 6 m.
 - The density of mobile homes on a site must not exceed the density stated in the planning consent conditions, or if none is stated, 50 mobile homes per hectare of usable area (excluding lakes, watercourses, high flood risk areas, roads, common service areas, and other areas unsuitable for the siting of mobile homes).

Roads, Gateways and Traffic Routes

5. Roads must be constructed of hard durable materials (such as suitable bitumen macadam or concrete with a suitable compacted base) and must be provided so that no mobile home is more than 45 metres from a road. Roads must be capable of carrying vehicles with an axle loading of 14 tonnes as a minimum.
6. Roads must be designed to provide adequate access for emergency vehicles. Routes for emergency vehicles must be kept clear of obstructions at all times. Where necessary, suitable vehicle turning areas should be provided.
7. All roads must have adequate surface water/storm drainage. Roads must not be less than 3.7 metres wide unless they are designed for, and used by, one way traffic in which case they must not be less than 3 metres wide.
8. One-way systems must be clearly signposted.

9. Where existing two-way roads are less than 3.7 metres wide, passing places or a one-way system must be provided.
10. All gateways/entrance/exits to the site must be a minimum of 3.5 metres wide and have a minimum height clearance of 3.7 metres for vehicular access and be accessible at any time.
11. Roads must be maintained to a good standard.
12. Cable overhangs must meet the relevant statutory requirements.
13. Salt or grit should be provided in conveniently located containers, for use to allow the safe movement of vehicles in icy conditions.
14. Where appropriate, suitable measures (e.g. signage or speed bumps) to control the speed of vehicles on the site should be provided.

Pedestrian Routes

15. Every hard standing must be connected to a road by a footpath at least 0.9 metres wide with a hard surface which must be maintained in good condition.
16. Communal pedestrian routes should not be less than 0.9 metres wide. The route should be made of a hard surface and must be maintained in good repair and in a safe condition.
17. All pedestrian routes must have adequate surface and storm water drainage.
18. Salt or grit should be provided in conveniently located containers, for use to allow the safe movement of pedestrians in icy conditions.
19. The surface and gradient of roads and all pedestrian routes should be designed and maintained to take into account the requirements of disabled households.

Bases and Hard Standings

20. Every mobile home must be sited safely and securely on a hard-standing or solid base.
21. The base must extend over the whole area occupied by the mobile home, and must where possible project at least 0.9 metres outwards from its entrance to enable occupants to enter and leave safely. The hard standings must be constructed to the industry guidance current at the time of construction, and kept in a suitable condition with any necessary maintenance.

Supply and Storage of Gas

22. Gas supply (liquefied petroleum gas (LPG) and natural) and the storage of LPG gas cylinders must meet relevant statutory requirements, and relevant Standards and Codes of Practice.
23. Any gas installations must be designed, installed, tested, inspected and maintained in accordance with relevant statutory requirements. Any work on gas installations and appliances on the site must only be carried out by persons who are competent to do the particular type of work being undertaken.³

Electrical Installations

24. The site must be provided with an electricity supply and distribution network of adequate capacity to safely meet the reasonable demands of the mobile homes and other facilities and services within it. The electrical system on the site, including the distribution network and supplies to mobile homes and site buildings, must be designed, installed, tested, inspected and maintained in accordance with relevant statutory requirements.
25. Any work on the electrical distribution network on the site and equipment connected to it must be carried out only by persons who are competent to do the particular type of work being undertaken.⁴

Oil Storage Tanks

26. Oil storage tanks must be designed, constructed and located so as to comply with relevant statutory requirements and British and/or European Standards.

Water Supply

27. All pitches on the site must be provided with a water supply sufficient in all respects to meet the reasonable demands of the mobile homes situated on them, and all water supplied for human consumption must be of the quality required by relevant statutory requirements and British and/or European Standards.
28. The water distribution network and installations must be designed, installed, tested, inspected and maintained in accordance with the provisions of the relevant statutory requirements and British and/or European Standards.

³ For the definition of a competent person please see paragraph 8.2 of the Explanatory Notes to these Model Standards.

⁴ For the definition of competent person see paragraph 9.3 of the Explanatory Notes to these model standards.

29. All repairs and improvements to water supplies and installations must be carried out to conform to relevant statutory requirements and British and/or European Standards.
30. Work on water supplies and installations must be carried out only by persons who are qualified in the particular type of work being undertaken and in accordance with relevant statutory requirements and British and/or European Standards.
31. Water supplies should be adequately protected from damage by frost.

Drainage and Sanitation

32. The mobile home site, including every hard standing, must be provided with a suitable drainage system for the hygienic disposal of foul, rain and surface water from the site, buildings, mobile homes, roads and footpaths.
33. The surface and foul drainage network and installations must be designed, installed, tested, inspected and maintained in accordance with relevant statutory requirements.
34. Each mobile home and site building must be connected to a foul drainage system. The connection should be capable of being made air-tight when not in use.
35. Provision must be made for foul drainage either by connection to a public sewer, a sewage treatment facility or to an appropriate septic tank or treatment system approved by the local authority or, where appropriate, the Scottish Environment Protection Agency (SEPA). Septic tanks and treatment systems should be registered with SEPA in accordance with their requirements.

Flooding

36. The site licence holder should establish whether the site is at risk from flooding by referring to SEPA's Flood Maps.
37. Where the site is at risk of flooding the licence holder should sign up to SEPA's Floodline service, establish an evacuation plan, and display notices prominently on the park with all relevant information.

Lighting

38. Roads and pedestrian routes must be provided with an adequate working artificial lighting system between dusk and dawn to allow the safe movement of pedestrians and vehicles around the site during the hours of darkness.
39. Where appropriate, communal buildings should have adequate working artificial internal and external lighting.

40. The lighting systems and installations must be designed, installed, tested, inspected and maintained in accordance with relevant statutory requirements.

Domestic Waste

41. Each mobile home must be provided with, or have ready access to, appropriate facilities for the recycling of waste material and for the disposal of residual waste.

Notices and Information

42. Displayed in a prominent place must be:

- a) details of how to contact the Police, the Fire and Rescue Service, and emergency and local medical services;
- b) the name, contact address and telephone number of the site licence holder or the site manager (if different from the site licence holder) and their emergency contact details;
- c) a copy of the Site Rules. If the site rules are more than one page long the first page can be displayed, along with details of a specific place on the site that the full site rules can be inspected on request;
- d) a copy of the Site Licence.

All notices must be suitably protected from the elements.

Other relevant information should be provided to the local authority if requested, including a copy of documents showing the on-going maintenance and inspection of the site and its facilities.

Site Maintenance

43. The site licence holder should ensure that the site and all the facilities on it are maintained in a good order and condition, and function as intended.

Additional Structures and Alterations to Existing Structures

44. New structures on the site and buildings or structures undergoing a change of use, alteration or adaption must comply with relevant building standards Regulations. Planning Permission may also be required and any conditions complied with.

Mobile Homes Let by the Site Licence Holder for Permanent Accommodation

45. Each mobile home let by the site licence holder must be maintained in a good state of repair by the site operator, be weatherproof, free from damp, and comply with the relevant British Standard at the time of manufacture (at time of publication BS 3632:2015). The standard covers the manufacture of mobile homes, for use as permanent places of residence.

Parking

46. Sufficient and appropriate provision should be made for car parking by residents and their visitors.

Glossary

47. In these standards we have used the following terms. Please note this glossary defines these terms for the purposes of these standards only, and is not (and is not intended to be) a reference for how these terms are used in all legislation or by Local Authorities and others. In these standards:

<i>“axle loading”</i>	the axle load of a wheeled vehicle is the total weight felt by the roadway for all wheels connected to a given axle.
<i>“hardstanding”</i>	means a solid base upon which a mobile home is situated.
<i>‘holiday caravan site’</i>	means sites open only for the summer months and perhaps also for part of the spring and autumn seasons and those sites open during the winter for holiday purposes
<i>“local authority”</i>	means the local authority which issues the caravan site licence.
<i>“mobile home”</i>	for the purposes of this guidance this means a caravan that someone lives in as their residence, and covers other terms used to refer to such a mobile home (including park home, unit, residential mobile home, and residential caravan).
<i>“pitch”</i>	means the area of the site in which the hardstanding or stance is situated and any adjacent or surrounding ground which forms part of a tenancy agreement.
<i>“relevant permanent site”</i>	has the meaning given in section 32Z6 of the 1960 Act
<i>“spacing”</i>	means the distance which must be maintained between any point on one mobile home and an adjacent mobile home.
<i>“site licence holder”</i>	means the person who holds the licence for a caravan site.
<i>“site manager”</i>	means a person or organisation appointed by the site licence holder to be responsible for the day to day running and management of a site.
<i>‘touring caravan site’</i>	means a site for caravans which are not permanently placed on the site throughout the year or the holiday season

PART 3 – EXPLANATORY NOTES ON THE MODEL STANDARDS

1. Introduction

1.1. These Explanatory Notes should be read alongside the Model Standards for Residential Mobile Home Site Licences issued in 2018. They provide advice and guidance to a local authority on the Model Standards. These Explanatory Notes are not an interpretation of the law.

1.2. A local authority has a legal duty to have regard to the model standards. It is the responsibility of the local authority to ensure that any site licence conditions they set conform to the latest relevant legislation, regulations, codes of practice, and British and/or European Standards).

1.3. When framing licence conditions, care should also be taken to ensure compatibility with relevant requirements of equality legislation, including those relating to disability.

1.4. There are a number of organisations which can provide guidance and assistance to site licence holders. These organisations also provide training for site operators and managers, and their details are set out below.

❖ British Holiday and Home Parks Association (www.bhhpa.org.uk)

Membership is made up of the owners and managers of mobile-home estates, touring and tenting parks, caravan holiday-home parks, chalet parks and all types of self-catering accommodation.

Chichester House, 6 Pullman Court, Great Western Road, Gloucester GL1 3ND. Telephone 01452 526911.

❖ National Caravan Council (www.thencc.org.uk)

The NCC is a UK trade body for the tourer, motor-home, caravan holiday home and park home industries. Membership comprises manufacturers, dealers, distributors, holiday and residential park owners and managers, and suppliers and service providers to the industry.

Catherine House, Victoria Road, Aldershot, Hampshire GU11 1SS, Telephone 01252 318251

2. Legal Background

2.1. Under section 29 of the Caravan Sites and Control of Development Act 1960 a caravan is defined as “any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted.” This includes mobile homes. It does not include:

- any railway rolling stock which is for the time being on rails forming part of a railway system, or
- any tent.

2.2. Section 13 of the Caravan Sites Act 1968 amended the definition of “caravan” so it includes those which come in no more than 2 sections and are assembled on site. Although they are unlikely to be moved once they have been put in place, under section 13 such a mobile home must remain “physically capable of being moved from one place to another”.

2.3. The issuing of site licences is linked by section 3(3) of the 1960 Act to the existence of planning permission for the use of the land as a caravan site. A site licence can only be issued by a local authority if the applicant has planning permission to use the land as a caravan site.

2.4. Under planning legislation, mobile homes, as with any caravan, do not have the permitted development rights associated with dwelling houses or flats. Therefore any structure erected in association with a mobile home may require planning permission. Examples would include garages, sheds, verandas, decking, extensions including conservatories etc. In addition any fence, gate or wall, etc. exceeding 1 metre in height would also require Planning Permission.

2.5. Other activities on the site which are not associated with the use of the land as a mobile home site must not be permitted without separate planning authority consent for any such activity.

2.6. A Building Warrant is not required to create a caravan site itself or for the siting of individual mobile homes but it may be required in certain instances e.g. for the construction recreational buildings on the site, installation of any drainage system, the siting of oil storage tanks or construction of hard standings.

2.7. The operator of a caravan site may also be a duty holder with responsibilities under the Health & Safety at Work Act 1974. Generally, health and safety on residential sites is enforced by health and safety inspectors from the local authority. Care needs to be taken in drafting licence conditions to ensure that the local authority does not impose conditions for matters more properly dealt with under workplace (or other) legislation. The Health and Safety Executive publish lots of guidance on health and safety covering safety policies, risk assessments and

specific matters on their website which might be brought to the attention of the site licence holder. Free confidential help and advice for businesses is provided by Health Working Lives. Free national advice helpline tel. 0800 019 2211
<http://www.healthyworkinglives.com/>

3. Number of Mobile Homes, Site Plans and Boundaries

3.1. The maximum number of mobile homes on a site is determined by the planning permission for the site and cannot be exceeded. However, conditions set by the site licence may reduce the number of mobile homes below that permitted by the planning consent. The maximum number of mobile homes that can be stationed on the site should be stated in the licence.

3.2. The boundaries of the site should be clearly delineated, both on the ground and on a site plan. Suitable marking of the boundaries might be by post and wire fencing, walls, indicator posts, or natural features. Where a site has mixed types of accommodation then the boundaries between each of these areas within the site should also be clearly marked.

4. Amenity and Privacy

4.1. The distance between any two units should generally not be less than 6 m. The density of mobile homes on a site must not exceed the density stated in the planning consent conditions, or if none is stated, 50 mobile homes per hectare of usable area (excluding lakes, watercourses, high flood risk areas, roads, common service areas, and other areas unsuitable for the siting of mobile homes).

4.2. Local authorities should be aware that the provisions of the Fire (Scotland) Act 2005 are also relevant to the issue of distance between units.

5. Roads, Gateways and Traffic Routes

5.1. Access to the site from the public highway must conform to the standards laid down by the local authority's Planning and Highways functions. Where a site has public roads the conditions in the site licence will need to reflect that some of the duties will be placed on the local authority.

5.2. Roads should be of sufficient minimum width at tight bends and junctions that the curve must have a minimum radius necessary for negotiation by Scottish Fire and Rescue Service vehicles, ambulances, waste collection vehicles, oil or gas delivery vehicles, and vehicles delivering or removing mobile homes. Roads should also be suitably constructed so that they can tolerate the additional weight of such vehicles.

5.3. Facilities (such as grit bins) should be provided to enable roads to be cleared of snow and ice.

6. Pedestrian Routes

6.1. A pedestrian route means the paths used by people to walk about the site safely. These foot paths may be at the side of site roads or across areas of the site between pitches. Paths may be constructed from paving, tarmac or similar materials. The site licence holder is responsible for providing a path to the hardstanding of each mobile home when the pitch is initially established but it is up to the pitch agreement to determine who maintains it thereafter to the boundary of the pitch.

6.2. Facilities (such as grit bins) should be provided to enable pedestrian routes to be cleared of snow and ice.

7. Bases and Hard Standings

7.1. It is important to note that the construction, maintenance and repair of the concrete base are the responsibility of the site licence holder. New bases should be laid as a minimum in accordance with the industry guidelines issued by the NCC and the British Holiday and Home Parks Association. The industry's current standard⁵ for the bases provides:

“A hard core base to a minimum depth of 150 mm, well consolidated and topped with 100 mm of concrete (mix as BS8500-2:2006⁶) shall be used. The finished raft must be generally level with due allowance for surface drainage. Where the ground conditions so require, thickening or the introduction of reinforcement of the raft may be necessary.”

7.2. While mobile homes build standards sit outwith the scope of the Scottish Building Regulations⁷, concrete bases may be structures covered by building regulations.

8. Supply and Storage of Gas

8.1. Where gas is supplied on the site the site should comply with the most recent legislation and requirements. At the time of publication the Gas Safety (Installation and Use) Regulations 1998 as amended will generally apply. If there is a mains gas supply to the site the Gas Safety (Management) Regulations 1996 may also apply.

8.2. Any work carried out on any gas appliance, pipework or installation on the site must be carried out by a competent person. A competent person is a person registered with the Gas Safe Register and qualified to work on the type of gas

⁵ Guidelines of Good Practice for the Transportation, Movement, Siting, De-siting and Commissioning of Single Unit Caravan Holiday Homes, 2007

⁶ Available from the British Standards Institute at <http://shop.bsigroup.com/>.

⁷ <https://www.gov.scot/policies/building-standards/>

appliance, pipework or installation. The qualifications of engineers can be checked on the Gas Safe Register website at www.gassaferegister.co.uk and by looking at the registration cards carried by engineers.

8.3. The following organisations provide information which may assist with gas related matters, and you may wish to contact them for further details (and/or encourage site licence holders to do so):

- The NCC Training Academy provides access to training courses for those who are seeking Gas Safe registration. Access to awareness training awareness training / advice on gas safety for site licence holders and operators is also available through the NCC Training Academy at www.ncctraining.org.uk.
- UKLPG is the trade association for LPG industry in the UK. Advice and information can be accessed on their website at www.uklpg.org.
- The NCC and the BHHPA publish advice leaflets on gas safety in residential park homes for both park operators and home owners. For more information visit www.bhpha.org.uk or www.thencc.org.uk.

8.4. Existing installations with buried metallic supply pipe work must be inspected by a competent person at regular intervals to ensure the pipes are not corroding. Alternatively any existing metallic pipe work should be replaced with non-metallic.

9. Electrical Installations

9.1. The British Holiday & Home Parks Association and the National Caravan Council have published a “Practical Guide to the Safety Management of Electrical Installations and Distribution on Parks”. The objective of the Guide is to assist site licence holders and operators in the safe management, operation and maintenance of electricity supplies and distribution systems on residential, holiday and touring sites. It is important that those operating a site have a detailed knowledge of the electrical system (e.g. loading, cable sizing, protection against overcurrent and faults, earthing arrangements, switching and isolation etc.) and plans of all the cables, distribution and connection points on the site.

9.2. To ensure that the electrical installations on the site are safe, site licence holders should have in place a suitably robust system for maintaining the installation in a safe condition. This can be achieved, firstly, by carrying out regular visual examinations of the installation to detect damage or wear and tear that might lead to danger; and, secondly, by carrying out periodic inspections and tests to assess the condition of the system and determine what needs to be done to maintain it in a safe and serviceable condition.

9.3. It is the responsibility of the site licence holder to carry out any remedial works identified as being required by any of these checks. The routine visual examinations do not normally involve dismantling equipment and can be carried out by someone

who has been instructed on what to look for. The more formal periodic inspections and tests should be carried out by a competent person. Regulation 16 of the Electricity at Work Regulations 1989 requires persons to be competent to prevent danger and injury. Using a firm that is a member of an accredited registration scheme operated by a recognised body will give some degree of confidence that this has been achieved. In Scotland, this will usually mean that they are a registered with the National Inspection Council for Electrical Installation Contracting (NICEIC), a member firm of the Electrical Contractors' Association of Scotland (SELECT), or a member of the National Association of Professional Inspectors and Testers (NAPIT). Alternatively, site licence holders should seek evidence of competence and have regard to the details provided.

10. Oil Storage Tanks

10.1. Generally oil used for heating is stored adjacent to mobile homes and the storage tanks are the property and responsibility of the resident unless the mobile home is rented out by the site licence holder. The licence holder should ensure through their tenancy agreements that oil storage tanks conform to the relevant British Standard.

10.2. In Scotland, oil storage is regulated by the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended)⁸. SEPA is responsible for enforcing these regulations throughout Scotland.

10.3. New or replacement domestic oil tanks may require a building warrant from the local authority.

10.4. Detailed guidance on the required levels of fire protection for oil tanks sited near mobile homes can be found in the relevant British Standard.

10.5. If oil spillage occurs, contact must be made with SEPA through their Emergency Hotline Number: 0800 807060. SEPA can advise and may assist in the prevention of a pollution incident.

11. Water Supply

11.1. The licence holder must ensure that water supplied for drinking purposes conforms to the latest regulations. At the time of publication these are The Public Water Supplies (Scotland) Regulations 2014 for public supplies, and The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 for private supplies.

⁸ More details can be found online at: <https://www.sepa.org.uk/regulations/water/pollution-control/oil-storage-in-scotland/#DomesticOilStorage>

11.2. Where water is supplied by Scottish Water, the site licence holder is wholly responsible for ensuring the maintenance of the water distribution network across the site from the point where it enters the site, i.e. the Scottish Water boundary valve or stopcock, until the connection point at each mobile home where an isolating stopcock should be located. The distribution network should be designed and installed in line with water industry best practice and plumbing within any connected mobile home should comply with the Scottish Water Byelaws.

11.3. The Water Regulations Advisory Scheme (WRAS)⁹ has developed a range of publications and other resources providing information relating to water supply regulations and Water Supply Byelaws. A water supply industry installation guide for the arrangement of water supplies in Holiday and Residential Parks can be downloaded, or obtained from WRAS, free of charge.

11.4. Where there is a private supply, the site licence holder is responsible for ensuring the safety of the water supplied to consumers within the boundary of the licensed site. Depending upon any particular local agreements for responsibilities within a shared private water supply system, the licence holder may have wider obligations to meet the requirements of the legislation.

11.5. Piped supplies to mobile homes need to be adequately protected against damage by frost. It is recommended that pipes are buried at least 750mm below the ground and are properly insulated at a lesser depth underground or rise above ground to connect to a mobile home.

11.6. Care should be taken to ensure there are no lead pipes, tanks or leaded pipe fittings within any water supply system.

11.7. All plumbing work should be carried out by a member of an Approved Contractors' Scheme, such as the SNIPEF (The Scottish and Northern Ireland Plumbing Employers Federation)¹⁰ or other WaterSafe scheme¹¹.

12. Drainage and Sanitation

12.1. The site drainage system comprises the pipework and associated infrastructure on the site designed to remove surface water and foul drainage. New drainage must be constructed to meet building standards regulations. Suitable arrangements should be taken to protect drainage pipes from mobile homes from frost or mechanical damage.

⁹ More details can be found online at: <https://www.wras.co.uk/consumers/resources/publications/>

¹⁰ SNIPEF: <http://www.snipef.org/>

¹¹ Watersafe : <https://www.watersafe.org.uk/>

12.2. The site licence holder is wholly responsible for maintaining the drainage system. This includes the clearing of any blockages (including surcharges) between each mobile home and the point at which it connects to the public sewer. The site licence holder should ensure that drainage connections are properly capped off when a pitch does not have a mobile home on it, to prevent problems with pests and odours. Any septic tanks or treatment systems on a site must be specified, designed, installed and maintained to ensure effective operation. They must be approved by the local authority and be registered with SEPA.

13. Flooding

13.1. It is important that if a site is in an area susceptible to flooding, that procedures are in place to ensure that all those on the site are alerted quickly, and that they are aware of any evacuation procedures that may be in place. A notice must be prominently displayed with all relevant information. Advice on flood risks and flood resilience is available from the SEPA website. For advice on flood warning and signing up to receive alerts for your area, see: <http://www.floodlinescotland.org.uk/>

13.2. The site must be included in any local authority flood evacuation plan. In parts of the country where flooding is an issue local authorities may wish to establish contact with the area Flood Advisor in SEPA.

14. Lighting

14.1. It is expected that site licence holders must provide and maintain electrical lighting throughout the site to enable visitors and residents to move around safely by road and footpaths. This would typically comprise suitable lighting columns along roadways and illumination around and within utility buildings used by residents. Lighting should be designed so that it does not cause a nuisance, e.g. shining into the windows of residents' homes.

15. Domestic Waste

15.1. It is important that appropriate arrangements are put in place for the recycling and disposal of waste from a site. Licence holders may wish to make residents aware of any local authority arrangements for the collection of bulky waste items and garden refuse.

16. Notices and Information

16.1. Relevant information should be on display in the site. This must include emergency contact details for the site licence holder or any site manager. Under section 5(3) of the 1960 Act a copy of the site licence must be "displayed on the land in some conspicuous place."

16.2. The intention of this condition is to ensure relevant information is made available or brought to the attention of those visiting or staying on the site. In some instances it may not be practicable to provide all of the information required in or on

notice boards. Licence holders may therefore use other means to supply this information provided this is agreed with the licensing authority.

16.3. As a minimum the information required by conditions 42 (a) (b) and (c) must be displayed at all times. This is for the benefit of the emergency services.

16.4. It would be good practice for the licence holder to provide a copy of the site licence conditions to all residents on the site.

16.5. Note that significant additional structures or rearrangements to the site could comprise a material change to the site and would require an amended site plan.

16.6. Site rules should not contradict the implied or expressed terms of pitch agreements.

17. Site Maintenance

17.1. Under the 1960 Act compliance with the site licence conditions is the sole responsibility of the site licence holder. There will be conditions where site residents could be expected to have a role, such as in the maintenance of their pitches, matters relating to oil storage or checking if permissions are required for additions to their mobile homes. However, responsibility for ensuring that the site licence conditions are adhered to rests with the site licence holder.

17.2. Site licence holders should therefore ensure that new and existing mobile home owners are made fully aware of the site licence conditions. It may be appropriate to include compliance with any relevant site licence conditions as a condition of any written agreement for occupancy of a pitch. Site licence holders should ensure that any matters relating to the site licence conditions that they expect residents to attend to are made explicit in the written agreement.

17.3. It is expected that site licence holders will have detailed plans of the utilities and services associated with the site, and an organised system and plan for carrying out maintenance of the site. Such arrangements are expected to include plans to deal with emergency repairs.

18. Additional Structures and Alternations to Existing Structures

18.1. New structures on the site and buildings or structures undergoing a change of use, alteration or adaption must comply with relevant building standards regulations. Planning Permission may also be required, although work required by a site licence generally does not require planning permission, and any conditions complied with.

18.2. Local authorities should be aware that the provisions of the Fire (Scotland) Act 2005 may also be relevant to the issue of additional structures and alterations.

19. Rented Mobile Homes

19.1. In providing mobile homes for rented accommodation a site licence holder should ensure that they are complying with relevant legal requirements.

20. Parking

20.1. Parking requirements should reflect the reasonable needs of the residents, having regard to the size and layout of the site, the number of mobile homes, and the availability of public transport in the immediate vicinity. On sites for the retired and semi-retired consideration should be given to the ability to have family, friends, or home support visit easily.

Other Issues

21. There are a number of areas that are not covered in the Model Standards in Part 2, but which local authorities should be aware of in relation to site licence conditions in their area.

Land Stability

22. The site licence holder should establish whether the site is at risk from land instability or subsidence. Where there is risk from subsidence or land instability the licence holder should establish and maintain a plan to monitor the condition of the land and make a contingency plan to take appropriate action should there be any probable risk to residents.

Construction of Mobile Homes

23. Local authorities should note that under section 5(2) of the 1960 Act a local authority cannot attach a condition to the site licence controlling the types of caravans on a site by reference to the materials used in their construction.

Communal Recreation Space

24. Requirements relating to recreational or amenity space may be part of the planning permission for the site, and a local authority must reflect this in the site licence conditions. Any children's play areas must conform to the latest British and/or European Standards.

Public Liability Insurance

25. A local authority may wish to establish that a site licence holder has suitable insurance relating to the site.



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MODEL STANDARDS FOR TOURING SITES
Caravan Sites and Control of Development Act, 1960 Section 5

- I. Section 5(6) of the Act provides that the Secretary of State may from time to time specify 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 that in deciding what (if any) conditions to attach to a site licence the Local Authority shall have regard to any standards so specified. Under section 5(1)(c) such conditions may regulate the positions in which caravans are stationed for the purposes of human habitation, and the placing or erection at any time when caravans are so stationed, of structures and vehicles of any description whatsoever and of tents.
- II. Section 7(1) of the Act provides that on an appeal against any condition of a site licence a magistrates' court, if satisfied (having regard amongst other things to any standards specified by the Secretary of State under section 5(6)) that a condition is unduly burdensome, may vary or cancel the condition.
- III. Section 24, which empowers Local Authorities to provide caravan sites, provides, in subsection (2), that in exercising their powers under the section the Local Authority shall have regard to any standards that may have been specified by the Secretary of State under section 5(6) of the Act.
- IV. Section 8(2) of the Local Government (Miscellaneous Provisions) Act, 1982 inserted provisions into sections 5, 8 and 24 of the Caravan Sites and Control of Development Act 1960 requiring Local Authorities to consult Fire Authorities when exercising their powers under that Act in relation to the issuing of site licences for caravan sites and the provision of Local Authority caravan sites. The Local Authority is now required to consult the Fire Authority as to the extent to which any Model Standards relating to fire precautions are appropriate in relation to the site. If the Fire Authority considers that the standards specified are inappropriate in relation to the site, the Local Authority is required to consult them as to what conditions relating to fire precautions ought to be attached to the site licence. The Local Authority is also required to consult the Fire Authority before altering any condition in a site licence that relates to fire precautions or before themselves providing a caravan site.
- V. In pursuance of his powers under section 5(6) of the Act, the Secretary of State now specifies Model Standards for sites for touring caravans. Although these represent the standards normally to be expected, as a matter of good practice, the Secretary of State does not wish them to be applied to all sites, regardless of the economic and other implications for the site operators, people using the site and public amenity. They should be applied with due regard to the particular circumstances of each case, including the physical character of the site, any services or facilities that may already be available within convenient reach, and other local conditions including the kind of holidays which the site is designed to offer. Where usage is restricted to caravans equipped with their own toilet and washing facilities, communal toilet and washing facilities may not be necessary and lower standards than specified may be desirable in some locations for the avoidance of visually intrusive structures or installations.

- VI. These Model Standards are for sites used by touring caravans, by which is meant caravans which are not permanently placed on the site throughout the year or the holiday season. Where a site is used both for touring caravans and for static caravans, the Local Authority should judge whether to refer to the Revised 1977 Model Standards, or to the following Standards according to the predominant use of the site. For example, where static caravans predominate, application of the Revised Model Standards of 1977 will be appropriate. Account should, however, be taken of the fact that significant changes in the nature of the use might warrant the alteration of site licence conditions.

Density

1. Site density should not exceed 75 units (caravans or motor caravans) per hectare (30 units per acre) calculated on the basis of the usable area rather than the total site area (ie excluding crags, lakes, roads, communal services etc), provided that, where tent camping is also permitted, the maximum number of units stationed on the site at any one time should be reduced by the number of pitches occupied by main tents stationed for human habitation.
2. Where the number of units on the site is to be limited by condition, it may be appropriate to prescribe maxima by references to specified periods so as to permit up to 10 more units during such peak holiday periods as may be agreed between the site licensing authority and the licence holder without the provision of additional facilities, provided that:
 - ii The provisions of paragraph 1 above are complied with; and
 - iii The standards relating to spacing, as set out in paragraphs 3-5 below, are complied with.

Spacing

3. Every unit should be not less than 6 metres from any other unit in separate family occupation and not less than 3 metres should be permitted between units in any circumstances.
4. Vehicles and other ancillary equipment should be permitted within the 6 metres space between units in separate family occupation but, in order to restrict the spread of fire, there should always be 3 metres clear space within the 6 metres separation.
5. Emergency vehicles should be able to secure access at all times to within 90 metres of any unit on the site.

Drinking Water and Waste Water Disposal

6. There should be an adequate supply of drinking water. Each pitch on a site should be no further than 90 metres from a water tap. At each tap there should be a soakaway or gully.
7. Water waste disposal points should be provided so that each pitch is no further than 90 metres from a waste water disposal point. The appropriate Water Authority should be consulted about the arrangements for disposal of water likely to be contaminated.

Toilets: WC's and Chemical Closets

8. The scale of provision should be 1 WC and 1 urinal for men and 2 WC's for women per 30 pitches and their location should be to the satisfaction of the licensing authority. The pro rata scale can be reduced where sites have over 120 pitches (see also paragraph 9 below). Toilets may not be justified where sites have less than 10 pitches but on sites with between 10 and 30 pitches at least one WC and 1 urinal for men and 2 WC's for women should be provided.
9. Where the provision of WC's is not feasible or justified entry should be confined to units with their own toilets or chemical closets should be provided.

Disposal Point for Chemical Closets

10. Whether or not WC's are provided, a properly designed disposal point for the contents of chemical closets should be provided together with an adjacent adequate supply of water for cleansing containers. The method of disposal will need to be considered in the light of the particular circumstances and should be to the satisfaction of the Local Authority and the appropriate Water Authority. Where appropriate, the water supply should be clearly labelled as non-potable.

Washing Points

11. There should be a minimum of 4 wash basins supplied with water per 30 units: 2 each for men and women. They should be adjacent to the toilets.

Hot Water: Showers

12. Showers should not be obligatory on sites with less than 70 pitches. If showers are required, provision should be on the basis of 1 shower per 25 pitches and hot water should be available.

Disabled Persons

13. Particular consideration should be given to the needs of the disabled in provision made for water points, toilets, washing points and showers.

Electrical Installation

14. Where there is an electrical installation other than Electricity Board works and circuits subject to Regulations under section 60 of the Electricity Act 1947, it should be installed to the requirements of the Institution of Electrical Engineers' Regulations for Electrical Installations (the IEE Regulations) for the time being in force and, where appropriate to the standard acceptable for the Electricity (Overhead Lines) Regulations 1970. SI 1970 No.1355. Any installation should be maintained in such a way as to prevent danger as far as reasonably practicable and should be periodically inspected and tested by a competent person in accordance with the IEE Wiring Regulations.

Refuse Disposal

15. Adequate provision should be made for the storage, collection and disposal of refuse. (It is expected that site operators should normally be able to meet their responsibilities by making arrangements with the Local Authority).

Fire Precautions

16. No unit should be further than 90 metres from a fire point. At each fire point there should be two water (gas expelled) extinguishers each of 10 litres capacity and complying with British Standard 5423 : 1980 together with a means of raising the alarm in the event of fire (eg a manually operated sounder, gong or hand operated siren). All fire fighting equipment susceptible to damage by frost should be suitably protected.
17. Wherever there is a likelihood of fire spreading due to vegetation catching fire, suitable beaters, of the type used by the Forestry Commission, should also be provided at each fire point.
18. The fire points should be clearly marked and easily accessible. All firefighting equipment should be maintained in working order and kept available for use and for inspection by the licensing authority.
19. Each fire point should exhibit a conspicuous notice indicating the action to be taken in case of fire and the location of the nearest telephone. The notice should include the following:
 - ii Raise the alarm
 - iii Ensure the affected unit is evacuated
 - iiii Call the Fire Brigade (the nearest telephone is sited)
 - iv If practicable, attack the fire using the firefighting equipment provided.

Liquefied Petroleum Gas

20. Arrangements for the storage of Liquefied Petroleum Gas (LPG) on the site should be in accordance with the current national Code of Practice and regulations.

Site Notices

21. A sign indicating the name of the site should be displayed at the site entrance.
22. Notices should be displayed prominently on the site indicating the action to be taken in the event of an emergency and show where the police, fire brigade, ambulance, and local doctors can be contacted, and the location of the nearest public telephone. Where practicable a telephone should be provided on the site and the full address of the site should be displayed near the telephone.
23. At sites subject to flood risk, warning notices should be displayed giving advice about the operation of the flood warning system.
24. At sites with overhead electric lines, warning notices should be displayed on the supports for the lines and at the site entrance. Where appropriate, these should warn against the danger of contact between the lines and the masts of yachts or dinghies.
25. A copy of the site licence with its conditions should be displayed prominently on the site.