Short Title	Session and Chapter
Local Government Superannuation Act, 1953	1 & 2 Eliz. 2. c. 25.
Post Office Act, 1953	1 & 2 Eliz. 2. c. 36.
Summary Jurisdiction (Scotland) Act, 1954 ...	2 & 3 Eliz. 2. c. 48.
Army Act, 1955	3 & 4 Eliz. 2. c. 18.
Air Force Act, 1955	3 & 4 Eliz. 2. c. 19.
Revision of the Army and Air Force Acts (Transitional Provisions) Act, 1955	3 & 4 Eliz. 2. c. 20.
Medical Act, 1956	4 & 5 Eliz. 2. c. 76.
House of Commons Disqualification Act, 1957	5 & 6 Eliz. 2. c. 20.
Naval Discipline Act, 1957	5 & 6 Eliz. 2. c. 53.
Matrimonial Proceedings (Children) Act, 1958	6 & 7 Eliz. 2. c. 40.
Local Government and Miscellaneous Financial Provisions (Scotland) Act, 1958	6 & 7 Eliz. 2. c. 64.
Children Act, 1958	6 & 7 Eliz. 2. c. 65.
Adoption Act, 1958	7 & 8 Eliz. 2. c. 5.
County Courts Act, 1959	7 & 8 Eliz. 2. c. 22.
Mental Health Act, 1959	7 & 8 Eliz. 2. c. 72.

CHAPTER 62

Caravan Sites and Control of Development Act, 1960

ARRANGEMENT OF SECTIONS

PART I

CARAVAN SITES

Licensing of caravan sites

Section
1. Prohibition of use of land as caravan site without site licence.
2. Exemptions from licensing requirements.
3. Issue of site licences by local authorities.
4. Duration of site licences.
5. Power of local authority to attach conditions to site licences.
6. Failure by local authority to issue site licence.
7. Appeal to magistrates' court against conditions attached to site licence.
8. Power of local authority to alter conditions attached to site licences.
9. Provisions as to breaches of condition.
10. Transfer of site licences and transmission on death, etc.
11. Duty of licence holder to surrender licence for alteration.
12. Responsibility of occupier of land subject to a licence or special tenancy.

Special provisions as to existing sites

13. Existing sites.
14. Exemption for existing sites from requirements of section one of this Act.
15. Further exemption from section one.

Section
16. Restriction on increase in number of caravans on existing sites.
17. Existing caravan sites not covered by permission granted on an application: modification of planning control.
18. Existing caravan sites with short term planning permission granted before commencement of this Act.
19. Conditions requiring reduction in number of caravans on existing sites.
20. Conditions to secure termination of use of existing site.

Amendments of planning law in relation to caravan sites

21. Amendment of section 12 (5) of Act of 1947.
22. Duty of local planning authority to consult authority issuing site licences.

Caravans on commons

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

Provision of caravan sites by local authorities

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

Miscellaneous and supplemental

25. Registers of site licences.
26. Power of entry of officers of local authorities.
27. Power of Minister to repeal or amend local enactments.
28. Crown land.
29. Interpretation of Part I.
30. Part repeal of s. 269, Public Health Act, 1936.
31. Exclusion of London from Part I.
32. Application of Part I to Scotland.

PART II

GENERAL CONTROL OF DEVELOPMENT

33. Appeal to Minister against enforcement notice.
34. Appeal from Minister to High Court on questions of law.
35. Service of enforcement notices.
36. Liability of owner of land for failure to comply with requirements of an enforcement notice other than the discontinuance of a use of land.
37. Provisions enabling an owner to comply with an enforcement notice.
38. Discontinuance of enforcement notice on grant of planning permission.
39. Increase of penalty for using land in contravention of planning control.
40. Repeated operation of enforcement notices.
41. Explanation of provisions of 1947 Act relating to planning permission.
42. Amendments as to orders under s. 26 of Act of 1947.
43. Additional powers of entry for purposes of control of development.
44. Enforcement notices under s. 75 of Act of 1947.
45. Notices under sections 30 and 33 of Act of 1947.
46. Construction of Part II.
47. Interpretation, transitional provisions and extent.

PART III

GENERAL

Section
48. Repeals.
49. Financial provisions.
50. Short title, interpretation, extent and commencement.

SCHEDULES:
First Schedule—Cases where a Caravan Site Licence is not required.
Second Schedule—Further Provisions as to Orders relating to Commons.
Third Schedule—Enforcement of Notices under sections 30 and 33 of Act of 1947.
Fourth Schedule—Enactments Repealed.

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]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

CARAVAN SITES

Licensing of caravan sites

Prohibition of use of land as caravan site without site licence.

1.—(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.

(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, in the case of the first offence to a fine not exceeding one hundred pounds, and, in the case of a second or subsequent offence, to a fine not exceeding two hundred and fifty pounds.

PART I

(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.

Exemptions from licensing requirements.

2. 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.

Issue of site licences by local authorities.

3.—(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 particulars, set out in such form, as the Minister may from time to time prescribe by order made by statutory instrument.

(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 particulars prescribed under subsection (2) of this section he is entitled to the benefit of such a permission as aforesaid, the local authority shall 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.

PART

(5) If the applicant becomes entitled to the benefit of such a permission as aforesaid at some time after duly giving the particulars prescribed under subsection (2) of this section the local authority shall 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.

(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.

Duration of site licences.

4.—(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.

Power of local authority to attach conditions to site licences.

5.—(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 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

PART I

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.

(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.

(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 lay-out 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.

PART I

Failure by local authority to issue site licence.

6. 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.

Appeal to magistrates' court against conditions attached to site licence.

7.—(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 acting for the petty sessions area in which the land is situated; and the court, 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.

(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.

Power of local authority to alter conditions attached to site licences.

8.—(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.

(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 acting for the petty sessions area in which the land to which the site licence relates is situated; and the court 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,

PART I

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 and a magistrates' court 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.

Provisions as to breaches of condition.

9.—(1) If an occupier of land 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 one hundred pounds, and, in the case of a second or subsequent offence, to a fine not exceeding two hundred and fifty pounds.

(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 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 on such date as the court may specify in the order, being a date after the end of the period of fourteen days mentioned in subsection (1) of section eighty-four and subsection (2) of section eighty-seven of the Magistrates' Courts Act, 1952, as the period within which the person convicted may bring an appeal, whether by case stated or otherwise; 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 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.

Transfer of site licences, and transmission on death, etc.

10.—(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.

(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 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 as 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.

Duty of licence holder to surrender licence for alteration.

11.—(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 ten pounds.

Responsibility of occupier of land subject to a licence or special tenancy.

12.—(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

PART I

offence under that section if that person were the occupier of the land, the person who is the occupier 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.

Special provisions as to existing sites

Existing sites.

13. In this Part of this Act the expression "existing site" means—

(*a*) land which is in use as a caravan site at the commencement of this Act and which was also used as a caravan site on the ninth day of March, nineteen hundred and sixty, and

(*b*) land begun to be used as a caravan site after the said ninth day of March, nineteen hundred and sixty, and so used at the commencement of this Act, where permission for the use of the land as a caravan site at the commencement of this Act has been granted under Part III of the Act of 1947 otherwise than by a development order, and

(*c*) land (whether or not land which is in use as a caravan site at the commencement of this Act) for the use of which as a caravan site permission under the said Part III is at the commencement of this Act, by virtue of subsection (5) of section twelve of the Act of 1947, not required.

Exemption for existing sites from requirements of section one of this Act.

14. No offence shall be committed under section one of this Act in respect of an existing site at any time within the period of two months beginning with the commencement of this Act, and if within that period the occupier of an existing site duly makes an application under this Part of this Act for a site licence, no offence shall be committed under section one of this Act in respect of the existing site at any time after the expiration of the said period, and before a site licence is first issued in respect of that existing site.

PART I

Further exemption from section one.

15. Where land used as a caravan site at the commencement of this Act was taken into use as such after the ninth day of March, nineteen hundred and sixty, and the occupier was, at the time, entitled to the benefit of a permission in that behalf granted by a development order (and not in pursuance of an application in that behalf), no offence shall be committed under section one of this Act in respect of the land during the period of three months beginning with the commencement of this Act.

Restriction on increase in number of caravans on existing sites.

16.—(1) Subject to subsection (3) of this section, the occupier of an existing site shall not at any time before a site licence is first issued in respect thereof cause or permit the number of caravans stationed thereon for the purposes of human habitation to exceed at any one time whichever of the following numbers is the greatest (that is to say):—

(*a*) the number so stationed at the commencement of this Act; or

(*b*) where the occupier is entitled to the benefit of any permission granted under Part III of the Act of 1947 for the use of the land as a caravan site subject to a condition limiting the number of caravans which may be stationed on the existing site, the number so limited for the time being; or

(*c*) where the occupier is the holder of a licence under section two hundred and sixty-nine of the Public Health Act, 1936, or under any local enactment, which is subject to a condition limiting the number of caravans on the existing site, the number so limited for the time being.

(2) If the occupier of an existing site contravenes subsection (1) of this section he shall be guilty of an offence and liable on summary conviction, in the case of the first offence to a fine not exceeding one hundred pounds, and, in the case of a second or subsequent offence, to a fine not exceeding two hundred and fifty pounds.

(3) In any proceedings for an offence under this section it shall be a defence to show that the existing site is one to which paragraph (*c*) of section thirteen of this Act applies and that the number of caravans stationed thereon for the purposes of human habitation at the time at which the offence is alleged to have been committed did not exceed the greatest number so stationed at any one time during the period of two years ending with the commencement of this Act.

(4) This section shall not apply so as to make unlawful the stationing of caravans on land in circumstances in which, by virtue of section two of this Act, a site licence would not be required for the use of the land as a caravan site if it were not an existing site.

PART I
Existing caravan sites not covered by permission granted on an application: modification of planning control.

17.—(1) This section shall apply to any application for a site licence in respect of an existing site which is made within two months of the commencement of this Act, or within such longer period as the local authority to whom the application is made may, having regard to the special circumstances of the case, allow, other than an application in respect of a site which has at the date of the application 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.

(2) On the making of an application to which this section applies, the local authority to whom the application is made shall take any steps required for transmitting the application to the local planning authority and the local planning authority may grant permission for the use of the existing site as a caravan site under Part III of the Act of 1947 as if the application for the site licence were an application for such permission (and as if compliance with sections thirty-six and thirty-seven of the Town and Country Planning Act, 1959 (which impose requirements to be complied with before certain applications for planning permission are entertained), were not required).

(3) Unless—

(*a*) before the expiration of a period of six months beginning with the date on which the application is made permission has been granted in pursuance of the last foregoing subsection for the use of the land to which the application relates as a caravan site, or

(*b*) before the expiration of the said period, and either before or after the commencement of this Act, the owner and occupier (within the meaning of the Act of 1947) of the land have been served with an enforcement notice under section twenty-three of that Act requiring the use of the land as a caravan site to be discontinued or with notice of an order submitted to the Minister under section twenty-six of that Act and requiring that use to be discontinued,

permission for the use of the land as a caravan site shall be deemed for all purposes to have been granted at the end of that period under the said Part III of the Act of 1947 without any condition or limitation.

(4) If at any time within the said period of six months beginning with the date on which the application to which this section applies is made the land as respects which the application is made is not being used as a caravan site, the local planning authority may serve any such enforcement notice under the said section twenty-three of the Act of 1947, or make any such order under the said section twenty-six of that Act, as they would have had power to serve or make if the land was then being used as a caravan site.

PART I

(5) Where, on an application to which this section applies, permission for the use of the land as a caravan site is granted under Part III of the Act of 1947 by virtue of subsection (2) of this section, and is so granted subject to conditions or limitations, section sixteen of the Act of 1947 (which provides for appeals to the Minister) shall apply in relation to the said application as if it had been an application for permission to develop the land.

Existing caravan sites with short term planning permission granted before commencement of this Act.

18. Where an application for a site licence is made in respect of an existing site and—

(*a*) the existing site has at the date of the application 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, but

(*b*) the said permission was granted before the commencement of this Act and in terms such that it will expire within a period of six months beginning with the date of the application,

no account shall be taken of the said permission either for the purposes of section three of this Act or for the purposes of the last foregoing section; and the last foregoing section shall have effect in relation to the said application as if for the references in subsections (3) and (4) thereof to a period of six months beginning with the date on which the application is made there were substituted references to a period of six months beginning with the date on which the said permission will expire.

Conditions requiring reduction in number of caravans on existing sites.

19.—(1) Without prejudice to the provisions of section five of this Act, conditions attached to a site licence in respect of an existing site may, where the local authority who issue the licence consider that, having regard to any standards which have been specified by the Minister under subsection (6) of section five of this Act, the number of caravans stationed on the existing site for the purposes of human habitation is excessive, and that the reduction of that number may involve the displacement of persons who are resident on the existing site—

(*a*) impose requirements for the purpose of securing that where a person or family ceases to dwell in a caravan, their place shall not be taken by any other person or family, or that where a caravan is taken away from a site it shall not be brought back or replaced, and

(*b*) impose other requirements for the purpose of securing that the number of caravans on a caravan site are progressively reduced,

so, however, that the conditions shall not be framed so as to require the reduction of the number of caravans below the greatest number which can in the opinion of the local authority, and having regard to the said standards, be properly stationed on the land.

PART I

(2) Conditions restricting the total number of caravans stationed on a caravan site, other than conditions of the description in paragraph (*a*) of the foregoing subsection, shall not be attached to a site licence in respect of an existing site unless the local authority who issue the licence are satisfied that, if the imposition of those conditions leads to the displacement of persons who are resident on the existing site, suitable alternative accommodation is or will be available for them.

Conditions to secure termination of use of existing site.

20.—(1) On the grant of permission under Part III of the Act of 1947 for the use of an existing site as a caravan site subject to a condition such that the permission will expire at the end of a specified period the local planning authority or, as the case may be, the Minister, if of opinion that the permission ought not to be granted but for the need to afford time for persons resident on the existing site to secure other accommodation, may issue with the permission a direction that conditions may be attached to any site licence for the existing site for the purpose of securing that its use as a caravan site will be terminated in due course.

(2) Section sixteen of the Act of 1947 (which provides for appeals to the Minister against conditions attached to planning permission) shall apply in relation to the decision of a local planning authority to grant permission under Part III of the Act of 1947 with a direction under the foregoing subsection as if references in that section to conditions included references to such a direction.

(3) Where a direction has been issued as respects an existing site under subsection (1) of this section (not being a direction which has been discharged on an appeal under the said section sixteen) conditions imposed for the purpose of securing that the number of caravans on the existing site are progressively reduced may, subject to the limitation specified in subsection (2) of the last foregoing section as respects the availability of suitable alternative accommodation, be attached to a site licence for the existing site for the purpose of securing that the use of the existing site as a caravan site is terminated in due course.

(4) For the purposes of deciding any appeal under section seven, or under subsection (2) of section eight, of this Act a condition attached to a site licence for an existing site in pursuance of this section shall not be regarded as unduly burdensome solely on the ground that it will have the effect of terminating in due course its use as a caravan site, but this subsection shall not apply in relation to an appeal under the said subsection (2) against the refusal of a local authority of an application by the holder of a site licence for the alteration of conditions attached in pursuance of this section where the direction by reference to which those conditions were attached has been discharged on an appeal under section sixteen of the Act of 1947.

Amendments of planning law in relation to caravan sites PART I

Amendment of section 12 (5) of Act of 1947.

21. After the commencement of this Act the use of any land as a caravan site shall not be treated by virtue of subsection (5) of section twelve of the Act of 1947 as a use for which permission is not required under Part III of the Act of 1947 unless the land has been so used on one occasion at least during the period of two years ending with the ninth day of March, nineteen hundred and sixty.

Duty of local planning authority to consult authority issuing site licences.

22.—(1) Before a local planning authority grant permission for the use of land as a caravan site under Part III of the Act of 1947 they shall, unless they are also the authority having power to issue a site licence for that land, consult the local authority having that power.

(2) This section shall apply in relation to permission granted on an application in that behalf whether or not the application was made after the commencement of this Act.

Caravans on commons

Power of rural district councils to prohibit caravans on commons.

23.—(1) This section applies to any land in the area of a rural 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 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 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) The council of a rural 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 ten pounds.

(4) It shall be the duty of a rural 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

PART I

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 rural 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 rural 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.

Provision of caravan sites by local authorities

Power of local authorities to provide sites for caravans.

24.—(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—

(*a*) to acquire land which is in use as a caravan site, or which has been laid out as a caravan site, or

(*b*) 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.

(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 Acquisition of Land (Authorisation Procedure) Act, 1946, shall have effect in relation to the acquisition of land, or any interest in land, under the said subsection as if this Act had been in force immediately before the commencement of that Act.

(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 and a joint planning board constituted under section four of the Act of 1947 for an area which consists of or includes a National Park as defined by subsection (3) of section five of the National Parks and Access to the Countryside Act, 1949, or any part of such a National Park.

(9) This section extends to the administrative county of London and the expression "local authority" in this section as so extended includes the council of a metropolitan borough.

Miscellaneous and supplemental

Registers of site licences.

25.—(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.

Power of entry of officers of local authorities.

26.—(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

PART I

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.

(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.

(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 to a fine not exceeding five pounds. PART I

Power of Minister to repeal or amend local enactments.

27.—(1) The Minister may within the period of two years beginning with the commencement of this Act by order repeal or amend any provision in any local Act passed before the commencement of this Act or in any order or other instrument made under an Act of Parliament before the commencement of this Act, where it appears to him that that provision is superseded by or inconsistent with the provisions of this Part of this Act.

(2) Before making an order under this section the Minister shall consult with any local authority, and with the council of any county, in any part of whose area the local Act or instrument is in force.

(3) An order made under this section—

(*a*) may contain such transitional, supplemental or incidental provisions as appear to the Minister to be expedient, and

(*b*) shall be made by statutory instrument.

Crown land.

28. 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.

Interpretation of Part I.

29.—(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);

PART I

"existing site" has the meaning assigned to it by section thirteen of this Act;

"local authority" means a council of a borough or urban or rural district and the Council of the Isles of Scilly;

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

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

"the Minister" means the Minister of Housing and Local Government.

(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.

(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.

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

30.—(1) Section two hundred and sixty-nine of the 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; and in subsection (5) of that section, paragraph (ii) thereof (which exempts from the provisions of the said section a movable dwelling belonging to and regularly used by a travelling showman in the course of travelling for the purposes of his business) shall be omitted.

(2) Any condition contained in a licence which, at the commencement of this Act, is held by the occupier of any land under the said section two hundred and sixty-nine shall, until such time as a site licence is issued in respect of that land, continue to have effect as if subsection (1) of this section had not been

enacted; and, subsection (7) of the said section two hundred and sixty-nine (which imposes penalties for failure to comply with a condition attached to a licence granted under that section) shall apply to any failure on the part of an occupier of land to comply with any condition having effect by virtue of this subsection, not being a condition limiting the number of caravans which may be stationed on the land.

Exclusion of London from Part I.

31. Except as otherwise expressly provided, this Part of this Act shall not apply to land in the administrative county of London.

Application of Part I to Scotland.

32.—(1) This Part of this Act shall apply to Scotland with the following modifications:—

(*a*) for any reference to the Minister there shall be substituted a reference to the Secretary of State;

(*b*) for any reference to the Act of 1947 there shall be substituted a reference to the Town and Country Planning (Scotland) Act, 1947; and for any reference to any Part or section of the Act of 1947 specified in the first column of the following table there shall be substituted a reference to the Part or section of the Town and Country Planning (Scotland) Act, 1947, specified in relation thereto in the second column of that table:—

TABLE

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

(*c*) for any reference, in relation to any land, to a magistrates' court acting for the petty sessions area in which the land is situated there shall be substituted a reference to the sheriff having jurisdiction in the place where the land is situated;

(*d*) any reference in subsection (3) of section one, or in section twelve, of this Act to a licence in relation to land (except in the expression "site licence") shall be construed as a reference to a grant of any right or permission relating to the land but not amounting to an estate or interest therein;

PART I

(*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;

(*f*) in section sixteen, in subsection (1), paragraph (*c*) shall be omitted;

(*g*) in section seventeen, in subsection (2), for the references to sections thirty-six and thirty-seven of the Town and Country Planning Act, 1959, there shall be substituted references respectively to sections thirty-five and thirty-six of the Town and Country Planning (Scotland) Act, 1959;

(*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 Acquisition of Land (Authorisation Procedure) Act, 1946, there shall be substituted a reference to the

Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947; and

(iii) in subsection (8) for the words from "the council of a county" to the end of the subsection there shall be substituted the words "a district council within the meaning of section thirty-nine of the Local Government (Scotland) Act, 1947";

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

(*j*) in section twenty-seven in subsection (2), the words "and with the council of any county" shall be omitted;

(*k*) in section twenty-nine—

(i) in subsection (1), for the definition of "local authority" there shall be substituted the following definition:—

"'local authority' means, in relation to a burgh, the town council and, in relation to a county (exclusive of any burgh situated therein), the county council;"

and the definition of "the Minister" shall be omitted;

(ii) subsection (5) shall be omitted;

(*l*) the following sections shall be omitted, that is to say, section twenty-three, section thirty and section thirty-one.

(2) On any appeal to the sheriff under section seven or section eight of this Act as modified by this section—

(*a*) the procedure (including rules as to expenses) shall be such as the Court of Session may by act of sederunt determine; and

(*b*) the decision of the sheriff shall be binding on all parties and shall be final:

Provided that the sheriff may at any stage of the proceedings on the appeal, and shall if so directed by the Court of Session, state a case for the decision of that Court on any question of law arising in connection with the appeal; and an appeal to the House of Lords shall lie, with the leave of the Court of Session or of the House of Lords, from any such decision of the Court of Session, which leave may be given on such terms as to costs or otherwise as the Court of Session or the House of Lords may determine.

(3) Any reference in subsection (2) of section seven, or subsection (3) of section eight, of this Act to the period during which an appeal is pending shall include a reference to any period

PART I

during which, by virtue of the proviso to the last foregoing subsection, any proceedings following on that appeal may be taken or are pending.

(4) The power of the Court of Session to make acts of sederunt under subsection (2) of this section shall be exercisable by statutory instrument, and the Statutory Instruments Act, 1946, shall apply to a statutory instrument containing an act of sederunt so made by the Court in like manner as if the act of sederunt had been made by a Minister of the Crown.

(5) Expenditure incurred by a district council in Scotland under this Act shall not be taken into account in any calculation as to the limit of one shilling per pound imposed on the district council by section two hundred and twenty-six of the Local Government (Scotland) Act, 1947.

PART II

GENERAL CONTROL OF DEVELOPMENT

Appeal to Minister against enforcement notice.

33.—(1) A person on whom an enforcement notice is served under section twenty-three of the Act of 1947, or any other person having an interest in the land, may at any time within the period specified in the enforcement notice as the period at the expiration of which it is to take effect, appeal to the Minister against the enforcement notice on any of the following grounds, that is to say—

(*a*) that permission ought to be granted under Part III of the Act of 1947 for the development to which the enforcement notice relates, or

(*b*) that permission has been granted under the said Part III for the development to which the enforcement notice relates, or

(*c*) that no permission was required under the said Part III in respect of the development to which the enforcement notice relates, or, as the case may be, that the conditions or limitations subject to which such permission was granted have been complied with, or

(*d*) that what is assumed in the enforcement notice to be development did not constitute or involve development for the purposes of the said Part III, or

(*e*) that the enforcement notice was not served on the owner or occupier of the land within the relevant period of four years specified in subsection (1) of section twenty-three of the Act of 1947, or

(*f*) that the requirements of the enforcement notice exceed what is necessary for restoring the land to its condition before the development to which the enforcement notice relates took place, or, as the case may be, for securing compliance with the conditions or limitations to which the enforcement notice relates, or

(*g*) that the period specified in the enforcement notice as the period within which any steps required by the enforcement notice are to be taken falls short of what should reasonably be allowed.

(2) On an appeal under this section Part III of the Act of 1947 shall have effect as if an application for permission for retention on the land of any buildings or works, or for the continuance of any use of the land, to which the enforcement notice relates had been duly made under the said Part III and referred to the Minister under section fifteen of that Act.

The provisions of this subsection shall not be taken as applying sections thirty-six and thirty-seven of the Town and Country Planning Act, 1959 (which impose requirements to be complied with before certain applications for planning permission are entertained).

(3) If an appeal is brought under this section the enforcement notice shall be of no effect pending the final determination or withdrawal of the appeal.

(4) An appeal under this section shall be made to the Minister by a written notice which shall indicate the grounds on which the appeal is brought; and on an appeal under this section the Minister shall, if either the appellant or the local planning authority so desire, afford to each of them an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose.

(5) On an appeal under this section the Minister may correct any informality, defect or error in the enforcement notice if he is satisfied that the informality, defect or error is not a material one.

(6) On the determination of an appeal under this section the Minister shall give directions for giving effect to his determination, including where appropriate directions for quashing the enforcement notice or for varying the terms of the enforcement notice in favour of the appellant.

(7) Subsection (5) of section two hundred and ninety of the Local Government Act, 1933 (which authorises a government department holding an inquiry under that section to make orders with respect to the costs of the parties), shall apply in relation to any proceedings before the Minister on an appeal under this Part of this Act as if those proceedings were an inquiry held by the Minister under the said section two hundred and ninety.

(8) The validity of an enforcement notice which has been served under section twenty-three of the Act of 1947 on the owner and occupier of the land shall not be questioned in any proceedings whatsoever on any of the grounds specified in paragraphs (*b*), (*c*), (*d*) or (*e*) of subsection (1) of this section except by way of an appeal under this Part of this Act:

PART II

Provided that this subsection shall not apply to proceedings brought under subsection (3) of section twenty-four of the Act of 1947 (which makes it an offence to use land in a manner prohibited by an enforcement notice) against a person (other than a person on whom the enforcement notice was served under section twenty-three of the Act of 1947) who has held an interest in the land since before the enforcement notice was so served and who did not appeal against the enforcement notice under this section.

(9) In the said section twenty-three, proviso (*a*) to subsection (3) (which provides that an enforcement notice shall be of no effect pending the determination of an application for planning permission made before the enforcement notice comes into force), and the provisions conferring an appeal to a magistrates' court against an enforcement notice, shall cease to have effect.

Appeal from Minister to High Court on questions of law.

34.—(1) Where the Minister gives any decision in proceedings on an appeal under this Part of this Act against an enforcement notice the appellant or the local planning authority or any person (other than the appellant) on whom the enforcement notice was served under Part III of the Act of 1947 may, according as rules of court may provide, either appeal to the High Court against the decision on a point of law or require the Minister to state and sign a case for the opinion of the High Court.

(2) The Minister may, at any stage of the proceedings on an appeal under this Part of this Act against an enforcement notice, state any question of law arising in the course of the proceedings in the form of a special case for the decision of the High Court, and a decision of the High Court on a case stated by virtue of this subsection shall be deemed to be a judgment of the court within the meaning of section twenty-seven of the Supreme Court of Judicature (Consolidation) Act, 1925 (which relates to the jurisdiction of the Court of Appeal to hear and determine appeals from any judgment of the High Court).

(3) In relation to any proceedings in the High Court or the Court of Appeal brought by virtue of this section the power to make rules of court shall include power to make rules—

(*a*) prescribing the powers of the High Court or the Court of Appeal with respect to the remitting of the matter with the opinion or direction of the court for re-hearing and determination by the Minister, and

(*b*) providing for the Minister, either generally or in such circumstances as may be prescribed by the rules, to be treated as a party to any such proceedings and to be entitled to appear and to be heard accordingly.

(4) Rules of court relating to such proceedings as aforesaid may provide for excluding so much of subsection (1) of section sixty-three of the Supreme Court of Judicature (Consolidation)

Act, 1925, as requires appeals to the High Court to be heard and determined by a Divisional Court, but no appeal to the Court of Appeal shall be brought by virtue of this section except with the leave of the High Court or the Court of Appeal. PART II

Service of enforcement notices.

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

(2) At the end of subsection (1) of section twenty-three of the Act of 1947 (which directs that an enforcement notice shall be served on the owner and occupier of the land) there shall be added the words "and may also, if they think fit, serve the notice on any other person having an interest in the land, being an interest which is in their opinion materially affected by the notice".

Liability of owner of land for failure to comply with requirements of an enforcement notice other than the discontinuance of a use of land.

36.—(1) Subject to the provisions of this section, where an enforcement notice has been served under Part III of the Act of 1947 on the person who was, when the notice was served on him, the owner of the land to which the enforcement notice relates and within the period specified in the enforcement notice, or within such extended period as the local planning authority may allow, any steps required by the enforcement notice to be taken (other than the discontinuance of any use of land) have not been taken, that person shall be liable on summary conviction to a fine not exceeding one hundred pounds.

(2) If a person against whom proceedings are brought under this section has at some time before the end of the said period specified in the enforcement notice for compliance with the notice (or of such extended period as the local planning authority may allow for compliance with the notice) ceased to be the owner of the land, he shall, upon information duly laid by him and on giving to the prosecution not less than three clear days' notice of his intention, be entitled to have the person who then became the owner of the land brought before the court in the proceedings.

(3) If, after it has been proved that any steps required by the enforcement notice have not been taken as aforesaid, the original defendant proves that the failure to take the steps was attributable in whole or in part to the default of the said other person, that other person may be convicted of the offence and, if the original defendant further proves that he took all reasonable steps to secure compliance with the enforcement notice, he shall be acquitted of the offence.

PART II

(4) If after a person is convicted under this section he does not as soon as practicable do everything in his power to secure compliance with the enforcement notice he shall be guilty of a further offence and shall be liable on summary conviction to a fine not exceeding twenty pounds for each day following his first conviction on which any of the requirements of the enforcement notice (other than the discontinuance of any use of land) remain unfulfilled.

(5) In this section the expression "owner", in relation to any land, means a person, other than a mortgagee not in possession, who, whether in his own right or as trustee for any other person, is entitled to receive the rack rent of the land or, where the land is not let at a rack rent, would be so entitled if it were so let.

Provisions enabling an owner to comply with an enforcement notice.

37. The adaptations and modifications subject to which regulations under paragraph (*b*) of subsection (5) of section twenty-four of the Act of 1947 may apply section two hundred and eighty-nine of the Public Health Act, 1936 (which confers power to apply to a magistrates' court for an order requiring the occupier of any premises to permit works to be executed by the owner of the premises), to enforcement notices may include adaptations and modifications made for the purpose of affording to the owner of land to which an enforcement notice relates the right, as against all other persons interested in the land, to comply with the requirements of the enforcement notice.

Discontinuance of enforcement notice on grant of planning permission.

38.—(1) If after an enforcement notice has been served under section twenty-three of the Act of 1947 permission for the retention on the land of any buildings or works, or for the continuance of any use of the land, to which the enforcement notice relates is granted under Part III of the Act of 1947 the enforcement notice shall, so far as it requires steps to be taken for the demolition or alteration of those buildings or works or, as the case may be, for the discontinuance of the use, cease to have effect; and if the permission was granted so as to permit the retention of buildings or works or the continuance of any use of land without complying with some condition subject to which a previous permission under the said Part III was granted, the enforcement notice shall cease to have effect so far as it requires steps to be taken for compliance with that condition.

(2) The provisions of the foregoing subsection shall be without prejudice to the liability of any person for an offence in respect of a failure to comply with the enforcement notice before the relevant provision of the enforcement notice ceased to have effect.

(3) In subsection (3) of section twenty-four of the Act of 1947 the words "without the grant of permission in that behalf under this Part of this Act" shall cease to have effect.

PART I

(4) Subsection (1) of this section shall apply to an enforcement notice whether served before or after the commencement of this Act, but not in relation to any permission granted under Part III of the Act of 1947 before the commencement of this Act.

Increase of penalty for using land in contravention of planning control.

39.—(1) In subsection (3) of section twenty-four of the Act of 1947 (which imposes liability to a penalty not exceeding fifty pounds for failure to comply with an enforcement notice by continuing the use of land and in certain other circumstances) for the words " fifty pounds " there shall be substituted the words " one hundred pounds ".

(2) In subsection (4) of section twenty-six of the said Act (which imposes liability to a penalty not exceeding fifty pounds for failure to comply with an order under that section) for the words " fifty pounds " there shall be substituted the words " one hundred pounds ".

(3) This section shall not apply to an offence committed before the commencement of this Act.

Repeated operation of enforcement notices.

40.—(1) Compliance with an enforcement notice, whether as respects—

(*a*) the demolition or alteration of any buildings or works, or

(*b*) the discontinuance of any use of land,

or as respects any other requirements in the enforcement notice, shall not discharge the enforcement notice.

(2) Without prejudice to subsection (1) of this section, any requirement in an enforcement notice for the discontinuance of any use of land shall operate as a requirement for the permanent discontinuance of the use to the extent that the use is in contravention of Part III of the Act of 1947, and accordingly the resumption of the use at any time after its discontinuance in compliance with the enforcement notice shall to that extent be in contravention of the enforcement notice.

(3) Without prejudice to subsection (1) of this section, if any development is carried out on land by way of reinstating or restoring buildings or works which have been demolished or altered in compliance with an enforcement notice, the enforcement notice shall, notwithstanding that its terms are not apt for the purpose, be deemed to apply in relation to the buildings or works as reinstated or restored as it applied in relation to the buildings or works before they were demolished or altered, and, subject to the provisions of this section, subsections (1) and (2) of section twenty-four of the Act of 1947 (which authorise the local planning authority themselves to take the steps required by an enforcement notice in certain cases) shall apply accordingly.

(4) If at any time after an enforcement notice takes effect any development is carried out on land by way of reinstating or restoring buildings or works which have been demolished or

PART II

altered in compliance with the enforcement notice, the local planning authority shall, not less than twenty-eight days before, under subsection (1) of section twenty-four of the Act of 1947, taking any steps required by the enforcement notice for the demolition or alteration of the buildings or works in consequence of the reinstatement or restoration, serve on the owner and occupier of the land a notice of their intention to take those steps.

(5) A person who, without the grant of permission in that behalf under Part III of the Act of 1947, carries out any development on land by way of reinstating or restoring buildings or works which have been demolished or altered in compliance with an enforcement notice shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds; and no person shall be liable under section thirty-six of this Act for failure to take any steps required to be taken by an enforcement notice by way of demolition or alteration of what has been so reinstated or restored.

(6) This section shall apply in relation to an enforcement notice served before the commencement of this Act as well as in relation to one served after the commencement of this Act.

Explanation of provisions of 1947 Act relating to planning permission.

41.—(1) It is hereby declared that where permission has been granted under section eighteen of the Act of 1947 for the retention on land of any buildings or works, or for the continuance of any use of land, subject to any condition or limitation, the references in subsections (1) and (2) of section twenty-three of that Act to any conditions or limitations subject to which permission was granted in respect of any development include references to any such condition or limitation.

(2) It is hereby declared that the power conferred by subsection (1) of the said section eighteen is exercisable not only where development has been carried out without permission or where a previous permission has been granted for a limited period only, but also so as to permit the retention of buildings or works or the continuance of any use of land without complying with some condition subject to which a previous permission under Part III of the Act of 1947 was granted.

(3) It is hereby declared that where—

(*a*) permission is granted under Part III of the Act of 1947 for development consisting of or including the carrying out of building or other operations subject to a condition that the operations shall be commenced not later than a time specified in the condition, and

(*b*) any building or other operations are commenced after the time so specified,

the commencement and carrying out of those operations do not constitute development for which that permission was granted.

PART II
Amendments as to orders under s. 26 of Act of 1947

42.—(1) Where a local planning authority submit an order to the Minister for his confirmation under section twenty-six of the Act of 1947 (under which orders may be made restricting the use of land or requiring the alteration or removal of buildings or works) the power of the Minister to confirm the order subject to modifications shall include power to include in the order any grant of permission for development of the land which might have been included in the order submitted to him, as well as power to modify any provision for the grant of such permission which was so included.

(2) In relation to the power to grant permission to develop land by an order under the said section twenty-six, section eighteen of the Act of 1947 shall apply as if for the reference in subsection (1) of that section to the date of the application for permission there were substituted a reference to the date of submission of the order to the Minister.

Additional powers of entry for purposes of control of development.

43.—(1) In section one hundred and three of the Act of 1947 (which confers powers of entry for the purposes of that Act) after subsection (1) there shall be added the following subsection:—

"(1A) Any person duly authorised in writing by the Minister or by a local planning authority may, at any reasonable time, enter upon any land as respects which a notice or order has been served or made under Part III of this Act, or under any order or regulations made under Part III of this Act, for the purpose of ascertaining whether the notice or order has been complied with".

(2) This section shall apply in relation to a notice or order served or made before the commencement of this Act as well as in relation to one served or made after the commencement of this Act.

Enforcement notices under s. 75 of Act of 1947.

44. In relation to an enforcement notice served by virtue of section seventy-five of the Act of 1947 (which relates to development contravening planning control carried out before the coming into force of that Act and during the war period) subsection (1) of section thirty-three of this Act shall have effect as if for paragraphs (*b*) and (*c*) of that subsection there were substituted the following paragraph:—

"(*b*) that the works or use to which the enforcement notice relates are not works or a use to which section seventy-five of the Act of 1947 applies".

Notices under sections 30 and 33 of Act of 1947.

45.—(1) The Third Schedule to this Act shall have effect as regards notices under subsection (8) of section thirty and notices under section thirty-three of the Act of 1947 (which relate to buildings of special interest, and to the proper maintenance of waste land) and, subject to the provisions of that Schedule, sections twenty-three and twenty-four of the Act of 1947 shall not apply to such notices.

PART II

(2) Subsection (1) of this section shall not apply in relation to a notice served before the commencement of this Act.

Construction of Part II.

46.—(1) This Part of this Act shall be construed as one with Part III of the Act of 1947.

(2) Without prejudice to the provisions of subsection (1) of this section, section eighty-seven of the Act of 1947, and in particular paragraph (*b*) of subsection (2) of that section (which provides that any restrictions and powers imposed and conferred by Part III of the Act of 1947 shall apply to Crown land to the extent of any interest therein for the time being held otherwise than by or on behalf of the Crown), shall apply in relation to this Part of this Act as it applies in relation to Part III of the Act of 1947.

Interpretation, transitional provisions and extent.

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

"decision" includes any direction or order and references to the giving of a decision shall be construed accordingly;

"enforcement notice" means a notice served under section twenty-three of the Act of 1947 by a local planning authority or, in accordance with section one hundred of that Act, by the Minister and, in relation to an enforcement notice served by the Minister, references in section thirty-six and section forty of this Act to the local planning authority shall be taken as references to the Minister.

(2) Save as otherwise expressly provided, this Part of this Act shall not apply in relation to an enforcement notice served before the commencement of this Act on the owner and occupier of the land.

(3) This Part of this Act shall not extend to Scotland.

PART III

GENERAL

Repeals.

48.—(1) Subject to the provisions of this section, the enactments specified in the Fourth Schedule to this Act shall be repealed to the extent specified in the third column of that Schedule.

(2) The repeals effected by this section in the Act of 1947 shall not apply in relation to any enforcement notice, or any notice under section thirty or section thirty-three of the said Act, served before the commencement of this Act, and shall not affect any orders or regulations in force immediately before the commencement of this Act under section twenty-nine or section thirty-one of the Act of 1947 (under which the provisions of that Act relating to enforcement notices may be applied for the purposes of those sections).

PART II
Financial provisions.

49. 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.

Short title, interpretation, extent and commencement.

50.—(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 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.

SCHEDULES

Section 2.

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

1ST SCH.

(*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,

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.

8. Subject to the provisions of paragraph 13 of this Schedule, a site licence shall not be required for the use of land as a caravan site for the accommodation during a particular season of a person or persons employed on land in the same occupation, being land used for the purposes of forestry (including afforestation).

Building and engineering sites

9. Subject to the provisions of paragraph 13 of this Schedule, a site licence shall not be required for the use as a caravan site of land which forms part of, or adjoins, land on which building or engineering operations are being carried out (being operations for the carrying out of which permission under Part III of the Act of 1947 has, if required, been granted) if that use is for the accommodation of a person or persons employed in connection with the said operations.

Travelling showmen

10.—(1) Subject to the provisions of paragraph 13 of this Schedule, a site licence shall not be required for the use of land as a caravan site by a travelling showman who is a member of an organisation of travelling showmen which holds for the time being a certificate granted under this paragraph and who is, at the time, travelling for the purposes of his business or who has taken up winter quarters on the land with his equipment for some period falling between the beginning of October in any year and the end of March in the following year.

(2) For the purposes of this paragraph the Minister may grant a certificate to any organisation recognised by him as confining its membership to bona fide travelling showmen; and a certificate so granted may be withdrawn by the Minister at any time.

Sites occupied by licensing authority

11. A site licence shall not be required for the use as a caravan site of land occupied by the local authority in whose area the land is situated.

Certification of exempted organisations

12.—(1) For the purposes of paragraphs 4, 5 and 6 of this Schedule the Minister may grant a certificate of exemption to any organisation as to which he is satisfied that its objects include the encouragement or promotion of recreational activities.

(2) A certificate granted under this paragraph may be withdrawn by the Minister at any time.

1ST SCH.

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.

Section 23.

SECOND SCHEDULE

FURTHER PROVISIONS AS TO ORDERS RELATING TO COMMONS

Duty to consult conservators

1. Before making an order under section twenty-three of this Act with respect to land which is or forms part of a common of which conservators have been appointed under any local Act, or under any order made under an Act of Parliament, the rural district council shall consult with the conservators.

Procedure for making orders imposing prohibitions

2. Before making any order under the said section twenty-three, other than an order the sole effect of which is to revoke or vary a previous order under that section, the rural district council shall publish in one or more local newspapers circulating in the locality in which the land is situated a notice—

(*a*) stating the general effect of the order;

(*b*) specifying a place in the said locality where a copy of the draft order may be inspected by any person free of charge at all reasonable hours during a period of twenty-eight days from the date of the first publication of the notice; and

(*c*) stating that, within the said period, any person may by notice to the council object to the making of the order.

3.—(1) Not later than the date on which the said notice is first published the rural district council shall serve a copy thereof on every person entitled as lord of the manor or otherwise to the soil of the land:

Provided that where the persons entitled to the soil of the land are numerous, or cannot after diligent inquiry be ascertained, the Minister may dispense with the service of notices under this sub-paragraph.

(2) A notice under the foregoing sub-paragraph may be served on any person by sending it in a registered letter addressed to him at his usual or last known address.

4.—(1) If before the expiration of a period of twenty-eight days beginning with the date of the first publication of a notice under paragraph 2 of this Schedule an objection to the making of the order to which the notice relates is duly made to the rural district council by any person entitled to the soil of the land, and the notice is not subsequently withdrawn, the rural district council shall not proceed with the making of the order.

(2) Subject as aforesaid, the council may, at any time within one year after the expiration of the said period, make an order in the terms of the draft order; but if any objection to the making of the order was duly made within the said period by a person who was not entitled to the soil of the land, and the objection has not been withdrawn at the date on which the order is made, the order shall not take effect until it is confirmed by the Minister.

(3) Where the council submit an order to the Minister for his confirmation, they shall send to the Minister a copy of every such objection as is referred to in the last foregoing sub-paragraph; and the Minister, after considering every such objection and causing if he thinks fit a local inquiry to be held, may confirm or refuse to confirm the order and, if he confirms it, may do so subject to such modifications (if any) as he may think desirable.

Notice to lord of manor of other orders

5. Where the sole effect of an order under section twenty-three of this Act is to revoke or vary a previous order under that section (so that paragraphs 2 to 4 of this Schedule do not apply with respect to the making of the order) the rural district council shall serve such notices, and take such other steps, as appear to them to be appropriate for informing the persons entitled to the soil of the land of the effect of the order.

Crown land

6.—(1) Where it is proposed to make an order of the kind described in paragraph 2 of this Schedule with respect to land in which there is a Crown or Duchy interest, and the nature of that interest is such that, but for this paragraph, the person to whom the interest belongs would be entitled under paragraph 3 of this Schedule to a copy of the notice referred to in that paragraph,—

(*a*) the said paragraph 3 shall have effect as if it required the copy to be served instead on the appropriate authority; and

(*b*) sub-paragraph (1) of paragraph 4 of this Schedule shall not apply in relation to the order, but the council shall not make the order unless and until they have obtained the consent in writing thereto of the appropriate authority.

(2) In this paragraph "Crown or Duchy interest" means an interest belonging to Her Majesty in right of the Crown or of the Duchy of Lancaster, or belonging to the Duchy of Cornwall, or belonging to a government department, or held in trust for Her

2ND SCH. Majesty for the purposes of a government department; and "the appropriate authority"—

(*a*) in relation to land belonging to Her Majesty in right of the Crown and forming part of the Crown Estate, means the Crown Estate Commissioners, and, in relation to any other land belonging to Her Majesty in right of the Crown, means the government department having the management of that land;

(*b*) in relation to land belonging to Her Majesty in right of the Duchy of Lancaster, means the Chancellor of the Duchy;

(*c*) in relation to land belonging to the Duchy of Cornwall, means such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints; and

(*d*) in relation to land belonging to a government department or held in trust for Her Majesty for the purposes of a government department, means that department;

and if any question arises as to what authority is the appropriate authority in relation to any land, that question shall be referred to the Treasury, whose decision shall be final.

Section 45.

THIRD SCHEDULE

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

PART I

NOTICES RELATING TO LISTED BUILDINGS

Preliminary

1. In this Part of this Schedule the expression "notice" means a notice under subsection (8) of section thirty of the Act of 1947.

2. Subject to the provisions of this Part of this Schedule, a notice shall take effect at the expiration of such period (not being less than twenty-eight days after the service thereof) as may be specified therein.

Right of appeal

3.—(1) A person on whom a notice is served, or any other person having an interest in the building to which the notice relates, may at any time within the period specified in the notice as the period at the expiration of which it is to take effect, appeal to the Minister against the notice on any of the following grounds, that is to say—

(*a*) that the works to which the notice relates were not, or were not wholly, works in contravention of subsection (6) of section thirty of the Act of 1947, or

(*b*) that the requirements of the notice exceed what is necessary for restoring the building to its condition before the works to which the notice relates were carried out, or

(*c*) that the period specified in the notice as the period within which any steps required by the notice are to be taken falls short of what should reasonably be allowed, or

(*d*) that any of the steps required by the notice to be taken would not serve the purpose of restoring the character of the building to what it was before the works to which the notice relates were carried out, and that, if and so far as

those works constituted the carrying out of development in contravention of Part III of the Act of 1947, permission ought to be granted for the retention of those works.

(2) On an appeal under this paragraph Part III of the Act of 1947 shall have effect as if an application for permission for the development, if any, involved in the works to which the notice relates had been duly made under the said Part III and referred to the Minister under section fifteen of that Act.

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

(3) If an appeal is brought under this paragraph the notice shall be of no effect pending the final determination or withdrawal of the appeal.

(4) An appeal under this paragraph shall be made to the Minister by a written notice which shall indicate the grounds on which the appeal is brought; and on an appeal under this paragraph the Minister shall, if either the appellant or the local planning authority so desire, afford to each of them an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose.

(5) On an appeal under this paragraph the Minister may correct any informality, defect or error in the notice if he is satisfied that the informality, defect or error is not a material one.

(6) On the determination of an appeal under this paragraph the Minister shall give directions for giving effect to his determination, including where appropriate directions for quashing the notice or for varying the terms of the notice in favour of the appellant.

(7) Subsection (5) of section two hundred and ninety of the Local Government Act, 1933, shall apply in relation to any proceedings before the Minister on an appeal under this paragraph as if those proceedings were an inquiry held by the Minister under the said section two hundred and ninety.

(8) The validity of a notice which has been served under subsection (8) of the said section thirty on the owner and occupier of the building shall not be questioned in any proceedings whatsoever on the grounds specified in paragraph (*a*) of sub-paragraph (1) of this paragraph except by way of an appeal under this paragraph.

4.—(1) Where the Minister gives any decision in proceedings on an appeal under this Part of this Schedule against a notice the appellant or the local planning authority or any person (other than the appellant) on whom the notice was served may appeal to the High Court against the decision on a point of law.

(2) The Minister may at any stage of the proceedings on an appeal under this Part of this Schedule against a notice, state any question of law arising in the course of the proceedings in the form of a special case for the decision of the High Court, and a decision of the High Court on a case stated by virtue of this sub-paragraph shall be deemed to be a judgment of the court within the meaning of section twenty-seven of the Supreme Court of Judicature (Consolidation) Act, 1925 (which relates to the jurisdiction of the Court of Appeal to hear and determine appeals from any judgment of the High Court).

3RD SCH.

(3) In relation to any proceedings in the High Court or the Court of Appeal brought by virtue of this paragraph the power to make rules of court shall include power to make rules—

(*a*) prescribing the powers of the High Court or the Court of Appeal with respect to the remitting of the matter with the opinion or direction of the court for re-hearing and determination by the Minister, and

(*b*) providing for the Minister, either generally or in such circumstances as may be prescribed by the rules, to be treated as a party to any such proceedings and to be entitled to appear and to be heard accordingly.

(4) Rules of court relating to such proceedings as aforesaid may provide for excluding so much of subsection (1) of section sixty-three of the Supreme Court of Judicature (Consolidation) Act, 1925, as requires appeals to the High Court to be heard and determined by a Divisional Court, but no appeal to the Court of Appeal shall be brought by virtue of this paragraph except with the leave of the High Court or the Court of Appeal.

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

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

6.—(1) If within the period specified in a notice, or within such extended period as the local planning authority may allow, any steps required by the notice to be taken have not been taken, the local planning authority may enter the building and the land held with the building and take those steps, and may recover as a simple contract debt in any court of competent jurisdiction from the person who is then the owner of the land any expenses reasonably incurred by them in that behalf.

(2) Any expenses incurred by the owner or occupier of any building for the purpose of complying with a notice, and any sums paid by the owner of any building under the foregoing sub-paragraph in respect of expenses of the local planning authority in taking steps required to be taken by a notice, shall be deemed to be incurred or paid for the use and at the request of the person who carried out the works to which the notice relates.

Supplemental regulations

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

PART II 3RD SCH.

NOTICES RELATING TO WASTE LAND, ETC.

Preliminary

8. In this Part of this Schedule the expression "notice" means a notice under section thirty-three of the Act of 1947.

9. Subject to the provisions of this Part of this Schedule, a notice shall take effect at the expiration of such period (not being less than twenty-eight days after the service thereof) as may be specified therein.

Right of appeal

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

(*a*) that the condition of the land to which the notice relates does not seriously injure the amenity of any part of the area of the local planning authority who served the notice, or of any adjoining area, or

(*b*) that the condition of the land to which the notice relates is attributable to, and such as results in the ordinary course of events from, the carrying on of operations or a use of land which is not in contravention of Part III of the Act of 1947, or

(*c*) that the land to which the notice relates does not constitute a garden, vacant site or other open land in the area of the local planning authority who served the notice, or

(*d*) that the requirements of the notice exceed what is necessary for preventing the condition of the land from seriously injuring the amenity of any part of the area of the said local planning authority, or of any adjoining area, or

(*e*) that the period specified in the notice as the period within which any steps required by the notice are to be taken falls short of what should reasonably be allowed.

(2) If an appeal is brought under this paragraph the notice shall be of no effect pending the final determination or withdrawal of the appeal.

(3) On an appeal under this paragraph the magistrates' court may correct any informality, defect or error in the notice if satisfied that the informality, defect or error is not a material one.

(4) On the determination of an appeal under this paragraph the magistrates' court shall give directions for giving effect to their determination, including where appropriate directions for quashing the notice or for varying the terms of the notice in favour of the appellant.

3RD SCH. (5) Subject to the provisions of paragraph 14 of this Schedule, the validity of a notice which has been served under the said section thirty-three on the owner and occupier of the land shall not be questioned in any proceedings whatsoever on any of the grounds specified in paragraph (*a*), (*b*) or (*c*) of sub-paragraph (1) of this paragraph except by way of an appeal under this paragraph.

11. An appeal against the decision of a magistrates' court under this Part of this Schedule may be brought to a court of quarter sessions by the appellant or the local planning authority.

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

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

13.—(1) If within the period specified in a notice, or within such extended period as the local planning authority may allow, any steps required by the notice to be taken have not been taken, the local planning authority may enter the land and take those steps, and may recover as a simple contract debt in any court of competent jurisdiction from the person who is then the owner of the land any expenses reasonably incurred by them in that behalf.

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

Criminal liability for failure to comply with notice

14.—(1) If, at any time after the expiration of the period within which the steps required by the notice are to be taken any of those steps have not been taken, and any person does anything which has the effect of continuing or aggravating the injury caused by the condition of the land to which the notice relates, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

(2) Sub-paragraph (5) of paragraph 10 of this Schedule shall not apply to proceedings brought under this paragraph against a person on whom the notice was not served, but who has held an interest in the land since before the notice was served on the owner and occupier of the land, if he did not appeal against the notice under this Part of this Schedule.

Supplemental regulations

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

FOURTH SCHEDULE

Section 48.

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
26 Geo. 5 and 1 Edw. 8. c. 49.	The Public Health Act, 1936.	In section two hundred and sixty-nine, paragraph (ii) of subsection (5).
10 & 11 Geo. 6. c. 51.	The Town and Country Planning Act, 1947.	In section seventeen, the proviso to subsection (2). In section twenty-three, in subsection (3), the words "Subject to the provisions of the next following subsection" and the provisos, and the whole of subsections (4) and (5). In section twenty-four, in subsection (1), the words from "and if that person" to the end of the subsection, and in subsection (3) the words "without the grant of permission in that behalf under this Part of this Act". In section thirty, in subsection (8), the words from "and in relation" to the end of the subsection. In section thirty-three, in subsection (1), the words "in the manner prescribed by regulations under this Act", and subsection (2). In section seventy-five, paragraph (*b*) of subsection (2), and subsection (5).

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Commons Act, 1899	62 & 63 Vict. c. 30.
Law of Property Act, 1925	15 & 16 Geo. 5. c. 20.
Supreme Court of Judicature (Consolidation) Act, 1925.	15 & 16 Geo. 5. c. 49.
Local Government Act, 1933	23 & 24 Geo. 5. c. 51.
Public Health Act, 1936	26 Geo. 5 & 1 Edw. 8. c. 49.
Statutory Instruments Act, 1946	9 & 10 Geo. 6. c. 36.
Acquisition of Land (Authorisation Procedure) Act, 1946.	9 & 10 Geo. 6. c. 49.
Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947.	10 & 11 Geo. 6. c. 42.
Local Government (Scotland) Act, 1947	10 & 11 Geo. 6. c. 43.
Town and Country Planning Act, 1947	10 & 11 Geo. 6. c. 51.
Town and Country Planning (Scotland) Act, 1947	10 & 11 Geo. 6. c. 53.
National Parks and Access to the Countryside Act, 1949.	12, 13 & 14 Geo. 6. c. 97.
Magistrates' Courts Act, 1952	15 & 16 Geo. 6 and 1 Eliz. 2. c. 55.
Town and Country Planning Act, 1959	7 & 8 Eliz. 2. c. 53.
Town and Country Planning (Scotland) Act, 1959	7 & 8 Eliz. 2. c. 70.

CHAPTER 63

Road Traffic and Roads Improvement Act, 1960

ARRANGEMENT OF SECTIONS

Enforcement and Administration of traffic Laws

Section

1. Punishment without prosecution of offences in connection with lights, reflectors, obstruction, &c.
2. Traffic wardens.

Parking Places on Highways where Charges are made

3. Procedure for making designation orders.
4. Designation orders made by Minister without application.
5. Designation orders outside London Traffic Area.
6. Amendments as to proceedings for contraventions of designation orders.
7. Limitation of right to challenge designation orders in legal proceedings.

London traffic Regulations, &c.

8. Traffic regulations for London Traffic Area.
9. Powers of Minister in respect of traffic signs, &c., in London Traffic Area.

Other Provisions as to parking Accommodation and traffic Regulation in London area and elsewhere

10. Financial provisions in connection with provision of temporary parking accommodation in London area.
11. Miscellaneous amendments as to local authorities' parking places and traffic schemes.
12. Amendment of s. 26 of the Road Traffic Act, 1960.
13. Additional powers of local authorities in connection with provision of off-street parking places.