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Housing (Scotland) Act 2014

2014 asp 14

PART 5

MOBILE HOME SITES WITH PERMANENT RESIDENTS

Miscellaneous

VALID FROM 01/05/2017

81 Offences by bodies corporate etc. under Part 1A of the 1960 Act

After section 32Z4 of the 1960 Act (inserted by section 80), insert—

“Miscellaneous

32Z5 Offences by bodies corporate etc.

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

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- (ii) where the affairs of the body are managed by its members, the members,
- (b) in relation to a Scottish partnership, a partner,
- (c) in relation to an unincorporated association other than a Scottish partnership, a person who is concerned in the management or control of the association.”.

82 Part 1A of the 1960 Act: miscellaneous provision

After section 32Z5 of the 1960 Act (inserted by section 81), insert—

“32Z6 Interpretation of Part 1A

(1) In this Part—

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

- (a) the occupier,
- (b) a person employed by the occupier but who does not occupy the caravan under an agreement to which section 1(1) of the Mobile Homes Act 1983 (c.34) applies,

“improvement notice” has the meaning given by section 32U(2),
“licence holder” means the person holding the Part 1A site licence,
“Part 1A site licence” has the meaning given by section 32A(1)(c),
“penalty notice” has the meaning given by section 32X(2),
“planning permission” means planning permission under Part 3 of the Town and Country Planning (Scotland) Act 1997 (c.8),
“relevant permanent site” means land in respect of which a site licence is required under Part 1, other than land for which the relevant planning permission or the site licence—

- (a) is expressed to be granted for holiday use only,
- (b) is otherwise so expressed or subject to conditions that there are times of the year when no caravan may be stationed on the land for human habitation, or
- (c) would meet the conditions in paragraph (a) or (b) if any excepted permission is disregarded,

“relevant permanent site application” means, irrespective of the conditions in the relevant planning permission, an application for the issue or renewal of a Part 1A site licence authorising the use of land as a caravan site, other than an application for a licence—

- (a) to be expressed to be granted for holiday use only,
- (b) to be otherwise so expressed or subject to conditions that there will be times of the year when no caravan may be stationed on the land for human habitation, or

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- (c) which would meet the conditions in paragraph (a) or (b) if any part of the application for excepted permission were disregarded.
- (2) Any reference in this Part to the sheriff is to the sheriff having jurisdiction in the place where the relevant permanent site is situated.
- (3) Otherwise, words and expressions (as modified by section 32) have the same meaning in this Part as in Part 1.

32Z7 Guidance

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

Commencement Information

II S. 82 in force at 20.11.2014 by S.S.I. 2014/264, art. 2, Sch.

VALID FROM 01/05/2017

83 Transitional provision for existing site licences

- (1) This section applies to a site licence issued under the 1960 Act which—
- (a) was issued before the day on which section 66 comes into force in respect of land which is a relevant permanent site,
 - (b) is in force on that day.
- (2) The site licence continues in force until the earliest of—
- (a) the end of the period of 2 years beginning with the day on which section 66 comes into force,
 - (b) the day on which the licence is revoked under, or expires in accordance with, the provisions of the 1960 Act, or
 - (c) the day on which a Part 1A site licence is issued in relation to the site.
- (3) During the period for which a site licence continues in force under this section, the provisions of Part 1A of the 1960 Act do not apply to the site licence or in respect of the land which is a relevant permanent site.
- (4) In this section, “Part 1A site licence” and “relevant permanent site” have the same meanings as in section 32Z6 of the 1960 Act (as inserted by section 82).

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84 Agreements to which the Mobile Homes Act 1983 applies

- In Schedule 1 to the Mobile Homes Act 1983 (c.34)—
- (a) after paragraph 1, insert—

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“1A

- (1) The right to station the mobile home under in paragraph 1 is not affected by—
 - (a) the expiry of a Part 1A site licence in accordance with section 32J(1)(b)(ii) of the 1960 Act,
 - (b) the refusal to issue or renew a Part 1A site licence under section 32D of the 1960 Act,
 - (c) the revocation of a Part 1A site licence under section 32L of the 1960 Act, or
 - (d) the expiry of a site licence in accordance with section 83(2) of the Housing (Scotland) Act 2014 (asp 14).
- (2) Sub-paragraph (1) applies in relation to agreements that were made at any time before the day on which that sub-paragraph comes into force (as well as in relation to agreements made on or after that day).
- (3) In this paragraph—

“the 1960 Act” means the Caravan Sites and Control of Development Act 1960 (c.62), and
 “Part 1A site licence” has the same meaning as in section 32Z6 of the 1960 Act.”, and
- (b) in paragraph 23, after sub-paragraph (1)(a) insert—
 - “(aa) no regard may be had to any costs paid, or to be paid, by the owner in connection with expenses recovered by a local authority under—
 - (i) section 32Z2(2) of the Caravan Sites and Control of Development Act 1960,
 - (ii) subsection (1)(a) or (c) of section 32Z3 of that Act, or
 - (iii) section 32Z4 of that Act,
 - (ab) no regard may be had to any costs paid, or to be paid, by the owner in connection with the owner being convicted of an offence under Part 1A of the Caravan Sites and Control of Development Act 1960.”.

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