



# Caravan Sites Act 1968

## 1968 CHAPTER 52

### PART II

#### GIPSY ENCAMPMENTS

##### *Provision of sites by local authorities*

#### **6 Duty of local authorities to provide sites for gipsies.**

- (1) Subject to the provisions of this and the next following section, it shall be the duty of every local authority being [<sup>F1</sup>the council of a county, metropolitan district or London borough] to exercise their powers under section 24 of the Caravan Sites and Control of Development Act 1960 (provision of caravan sites) so far as may be necessary to provide adequate accommodation for gipsies residing in or resorting to their area.
- (2) The council of a [<sup>F2</sup>metropolitan district] or London borough shall not in any case be required under subsection (1) of this section to provide accommodation for more than fifteen caravans at a time, [<sup>F3</sup>[<sup>F2</sup>the district] or, as the case may be, in the London borough] . . . <sup>F4</sup>
- (3) Any local authority may defray or contribute towards expenditure incurred or to be incurred under this Part of this Act by any other authority.
- (4) The powers of a local authority under the said section 24 shall include power to provide, in or in connection with sites for the accommodation of gipsies, working space and facilities for the carrying on of such activities as are normally carried on by them; but subsection (1) of this section shall not apply to the powers conferred by this subsection.

#### **Textual Amendments**

- F1** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), [Sch. 8 para. 11\(1\)\(a\)](#)
- F2** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), [Sch. 8 para. 11\(1\)\(b\)](#)
- F3** Words inserted by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), [s. 190\(1\)](#)

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**F4** Words repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF: 81:1, 2\)](#), [Sch. 34 Pt. XVI](#)

**7 Functions of district councils.**

- (1) The duty imposed by section 6(1) of this Act on the council of a county shall extend only to determining what sites are to be provided and acquiring or appropriating the necessary land; and it shall be the duty of the council of the district in which any such site is located to exercise all other powers under section 24 of the <sup>M1</sup>Caravan Sites and Control of Development Act 1960 in relation to the site.
- (2) The charges to be made by the council of a county district pursuant to subsection (3) of the said section 24 in respect of any such site shall be such as may be determined by the council of the county; and the council of the county shall pay to the council of the district sums equal to their expenditure reasonably incurred under this section (including the proper proportion of the remuneration and expenses of their officers and other administrative expenditure) so far as it exceeds their receipts thereunder.
- (3) The council of any county district may, with the approval of the council of the county concerned, agree with the council of any other such district for the discharge by one of those councils, as agent for the other, of such of the functions under this section of the latter council as may be specified in the agreement.
- (4) ..... <sup>F5</sup>

**Textual Amendments**  
**F5** s. 7(4) repealed by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), [Sch. 30](#)

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**Marginal Citations**  
**M1** 1960 c. 62.

**8 Location of sites in counties.**

- (1) Before adopting a proposal to acquire or appropriate land for a site pursuant to this Part of this Act, the council of a county shall consult the council of the county district in which the land is situated and such other authorities and persons as they consider appropriate.
- (2) If objection is made to any such proposal by the council of a county district in or adjacent to which the land is situated and is not disposed of in consultation with the council of the county, the council of the county district may give notice of the objection to the Minister.
- (3) After considering any such objection the Minister may, as appears to him proper, give directions to the council of the county—
  - (a) to abandon the proposal;
  - (b) to proceed with the proposal; or
  - (c) to make an application for planning permission in respect of the proposed use of the land;

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and any application for planning permission made pursuant to such directions shall be deemed to be referred to the Minister under [<sup>F6</sup>section 77 of the Town and Country Planning Act 1990].

#### Textual Amendments

- F6** Words substituted by virtue of [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1,2\)](#) s. 4 Sch. 2 para. 21(1)

### [<sup>F7</sup>9] **Power of Secretary of State to direct local authorities to provide sites.**

—The Secretary of State may, if at any time it appears to him to be necessary so to do, give directions to any local authority to which subsection (1) of section 6 of this Act applies requiring them to provide, pursuant to that section, such sites or additional sites, for the accommodation of such numbers of caravans, as may be specified in the directions; and any such directions shall be enforceable, on the application of the Secretary of State, by mandamus.]

#### Textual Amendments

- F7** [S. 9](#) substituted by [Local Government, Planning and Land Act 1980 \(c. 65, SIF: 81:1, 2\)](#), s. 1(3), [Sch. 3 para. 13](#)

### *Control of unauthorised encampments*

## **10 Prohibition of unauthorised camping in designated areas.**

- (1) In any area designated under the following provisions of this Act as an area to which this section applies it shall be an offence for any person being a gipsy to station a caravan for the purpose of residing for any period—
  - (a) on any land situated within the boundaries of a highway, or
  - (b) on any other unoccupied land; or
  - (c) on any occupied land without the consent of the occupier.
- (2) In proceedings against any person for an offence under this section it shall be a defence to prove that the caravan was stationed on the land in consequence of illness, mechanical breakdown or other immediate emergency and that he removed it (or intended to remove it) as soon as reasonably practicable.
- (3) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding £20; and if the offence of which he is convicted is continued after the conviction he shall be guilty of a further offence and shall be liable in respect thereof to a fine not exceeding [<sup>F8</sup>level 1 on the standard scale] for every day on which the offence is so continued.

#### Textual Amendments

- F8** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#)

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**[<sup>F9</sup>11 Orders for removal of unlawfully parked caravans and their occupants.**

- (1) In any area to which section 10 of this Act applies, a magistrates' court may, on a complaint made by a local authority, and if satisfied that a caravan is stationed on land within that Authority's area in contravention of that section, make an order requiring any caravan (whether or not identified in the order) which is so stationed on the land to be removed together with any person residing in it.
- (2) An order under this section may authorise the local authority to take such steps as are reasonably necessary to ensure that the order is complied with and in particular, may authorise the authority, by its officers and servants—
  - (a) to enter upon any land specified in the order; and
  - (b) to take, in relation to any caravan to be removed pursuant to the order, such steps for securing entry and rendering it suitable for removal as may be so specified.
- (3) The local authority shall not enter upon any occupied land unless they have given to the owner and occupier at least 24 hours notice of their intention to do so, or unless after reasonable inquiries they are unable to ascertain their names and addresses.
- (4) A person who intentionally obstructs any person acting in the exercise of any power conferred on him by an order under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding [<sup>F10</sup>level 3 on the standard scale].
- (5) ..... <sup>F11</sup>
- (6) Where a complaint is made under this section, a summons issued by the court requiring the person or persons to whom it is directed to appear before the court to answer to the complaint may be directed—
  - (a) to the occupant of a particular caravan stationed on the land in question; or
  - (b) to all occupants of caravans stationed there, without naming him or them.
- (7) Where it is impracticable to serve such a summons on a person named in it, it shall be treated as duly served on him if a copy of it is fixed in a prominent place to the caravan concerned; and where such a summons is directed to the unnamed occupants of caravans, it shall be treated as duly served on those occupants if a copy of it is fixed in a prominent place to every caravan stationed on the land in question at the time when service is thus effected.
- (8) The local authority shall take such steps as may be reasonably practicable to secure that a copy of any such summons is displayed on the land in question (otherwise than by being fixed to a caravan) in a manner designed to ensure that it is likely to be seen by any person camping on the land.
- (9) Notice of any such summons shall be given by the local authority to the owner of the land in question and to any occupier of that land unless, after reasonable inquiries, the authority is unable to ascertain the name and address of the owner or occupier; and the owner of any such land and any occupier of any such land shall be entitled to appear and to be heard in the proceedings.
- (10) Section 55(2) of the Magistrates' Courts Act 1980 (warrant for arrest of defendant failing to appear) does not apply to proceedings on a complaint made under this section.]

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#### Textual Amendments

- F9** S. 11 substituted by [Local Government, Planning and Land Act 1980 \(c. 65, SIF: 81:1, 2\)](#), s. 174
- F10** Words substituted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 46
- F11** S. 11(5) repealed by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s. 121(1), [Sch. 7 Pt. I](#)

#### [<sup>F12</sup>12 Designation of areas.

- (1) Subject to subsection (3) below, the Minister may by order made on the application of [<sup>F13</sup>the council of a county, metropolitan district or London borough] designate the area of that council as an area to which section 10 of this Act applies.
- (2) Subject to subsection (3) below, the Minister may by order made on the joint application of a county council and one or more councils or districts within that county designate the area of the district or, as the case may be, the combined areas of the districts, as an area to which section 10 of this Act applies.
- [ Subject to subsection (3) below, the Minister may by order made on the joint  
<sup>F14</sup>(2A) application of two or more metropolitan district councils designate the area of those councils as an area to which section 10 of this Act applies.]
- (3) The Minister shall not make an order under [<sup>F15</sup>subsection (1), (2) or (2A)] above in respect of any area unless it appears to him either that adequate provision is made in the area for the accommodation of gipsies residing in or resorting to the area, or that in all the circumstances it is not necessary or expedient to make any such provision.
- (4) An order under this section may be revoked by an order made by the Minister, either on the application of the authority or authorities which made the original application or without such an application.
- (5) The power of the Minister to make orders under this section shall be exercisable by statutory instrument; and any statutory instrument made by virtue of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) Where an order under this section is made in respect of any area it shall be the duty of the county council for that area or, as the case may be, [<sup>F16</sup>the metropolitan district council or councils or the London borough council] concerned to take such steps as are reasonably practicable to inform gipsies within the area of the making and effect of the order.]

#### Subordinate Legislation Made

- P1** S. 12: for previous exercises of this power see Index to Government Orders.
- P2** S. 12: s. 12(2) power exercised by [S.I. 1991/1125](#).  
S. 12: s. 12(2) power exercised by [S.I. 1991/1326](#).

#### Textual Amendments

- F12** S. 12 substituted by [Local Government, Planning and Land Act 1980 \(c. 65, SIF: 81:1\)](#), s. 175(1)
- F13** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), [Sch. 8 para. 11\(2\)\(a\)](#)
- F14** S. 12(2A) inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), [Sch. 8 para. 11\(2\)\(b\)](#)
- F15** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), [Sch. 8 para. 11\(2\)\(c\)](#)
- F16** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), [Sch. 8 para. 11\(2\)\(d\)](#)

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

- C1** S. 12(1) modified by Local Government, Planning and Land Act 1980 (c. 65, SIF: 81:1), **s. 175(2)** and restricted by Local Government Act 1985 (c. 51, SIF 81:1), **Sch. 8 para. 11(4)**
- C2** S. 12(2) modified by Local Government, Planning and Land Act 1980 (c. 65, SIF: 81:1), **s. 175(2)**
- C3** S. 12(2A) restricted by Local Government Act 1985 (c. 51, SIF 81:1), **Sch. 8 para. 11(4)**
- C4** S. 12(4)–(6) modified by Local Government Act 1985 (c. 51, SIF: 81:1), **Sch. 8 para. 11(3)**

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