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Caravan Sites Act 1968

CHAPTER 52

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ELIZABETH II



1968 CHAPTER 52

An Act to restrict the eviction from caravan sites of occupiers of caravans and make other provision for the benefit of such occupiers; to secure the establishment of such sites by local authorities for the use of gipsies and other persons of nomadic habit, and control in certain areas the unauthorised occupation of land by such persons; to amend the definition of "caravan" in Part I of the Caravan Sites and Control of Development Act 1960; and for purposes connected with the matters aforesaid. [26th July 1968]

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

PROVISIONS FOR PROTECTION OF RESIDENTIAL OCCUPIERS

1.—(1) This Part of this Act applies in relation to any licence or contract (whether made before or after the passing of this Act) under which a person is entitled to station a caravan on a protected site (as defined by subsection (2) below) and occupy it as his residence, or to occupy as his residence a caravan stationed on any such site; and any such licence or contract is in this Part referred to as a residential contract, and the person so entitled as the occupier. Application of Part I.

(2) For the purposes of this Part of this Act a protected site is any land in respect of which a site licence is required under Part I of the Caravan Sites and Control of Development Act 1960 c. 62. 1960 or would be so required if paragraph 11 of Schedule 1 to

PART I

that Act (exemption of land occupied by local authorities) were omitted, not being land in respect of which the relevant planning permission or site licence—

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

(3) References in this Part of this Act to the owner of a protected site are references to the person who is or would apart from any residential contract be entitled to possession of the land.

Minimum length of notice.

2. In any case where a residential contract is determinable by notice given by either party to the other, a notice so given shall be of no effect unless it is given not less than four weeks before the date on which it is to take effect.

Protection of occupiers against eviction and harassment.

3.—(1) Subject to the provisions of this section, a person shall be guilty of an offence under this section—

- (a) if, during the subsistence of a residential contract, he unlawfully deprives the occupier of his occupation on the protected site of any caravan which the occupier is entitled by the contract to station and occupy, or to occupy, as his residence thereon ;
- (b) if, after the expiration or determination of a residential contract, he enforces, otherwise than by proceedings in the court, any right to exclude the occupier from the protected site or from any such caravan, or to remove or exclude any such caravan from the site ;
- (c) if, whether during the subsistence or after the expiration or determination of a residential contract, with intent to cause the occupier—
 - (i) to abandon the occupation of the caravan or remove it from the site, or
 - (ii) to refrain from exercising any right or pursuing any remedy in respect thereof,

he does acts calculated to interfere with the peace or comfort of the occupier or persons residing with him, or persistently withdraws or withholds services or facilities reasonably required for the occupation of the caravan as a residence on the site.

(2) References in this section to the occupier include references to the person who was the occupier under a residential contract which has expired or been determined and, in the case of the

death of the occupier (whether during the subsistence or after the expiration or determination of the contract), to any person then residing with the occupier being—

- (a) the widow or widower of the occupier ; or
- (b) in default of a widow or widower so residing, any member of the occupier's family.

(3) A person guilty of an offence under this section shall, without prejudice to any liability or remedy to which he may be subject in civil proceedings, be liable on summary conviction—

- (a) in the case of a first offence, to a fine not exceeding £100 ;
- (b) in the case of a second or subsequent offence, to a fine not exceeding £500 or to imprisonment for a term not exceeding six months, or to both.

(4) In proceedings for an offence under paragraph (a) or (b) of subsection (1) of this section it shall be a defence to prove that the accused believed, and had reasonable cause to believe, that the occupier of the caravan had ceased to reside on the site.

(5) Nothing in this section applies to the exercise by any person of a right to take possession of a caravan of which he is the owner, other than a right conferred by or arising on the expiration or determination of a residential contract, or to anything done pursuant to the order of any court.

4.—(1) If in proceedings by the owner of a protected site the court makes an order for enforcing in relation thereto any such right as is mentioned in paragraph (b) of subsection (1) of section 3 of this Act, the court may (without prejudice to any power apart from this section to postpone the operation or suspend the execution of an order, and subject to the following provisions of this section) suspend the enforcement of the order for such period not exceeding twelve months from the date of the order as the court thinks reasonable.

Provision for suspension of eviction orders.

(2) Where the court by virtue of this section suspends the enforcement of an order, it may impose such terms and conditions, including conditions as to the payment of rent or other periodical payments or of arrears of such rent or payments, as the court thinks reasonable.

(3) The court may from time to time, on the application of either party, extend, reduce or terminate the period of suspension ordered by virtue of this section, or vary any terms or conditions imposed thereunder, but shall not extend the period of suspension for more than twelve months at a time.

PART I

(4) In considering whether or how to exercise its powers under this section, the court shall have regard to all the circumstances, and in particular to the questions—

- (a) whether the occupier of the caravan has failed, whether before or after the expiration or determination of the relevant residential contract, to observe any terms or conditions of that contract, any conditions of the site licence, or any reasonable rules made by the owner for the management and conduct of the site or the maintenance of caravans thereon ;
- (b) whether the occupier has unreasonably refused an offer by the owner to renew the residential contract or make another such contract for a reasonable period and on reasonable terms ;
- (c) whether the occupier has failed to make reasonable efforts to obtain elsewhere other suitable accommodation for his caravan (or, as the case may be, another suitable caravan and accommodation for it).

(5) Where the court makes such an order as is mentioned in subsection (1) of this section but suspends the enforcement of that order by virtue of this section, the court shall make no order for costs unless it appears to the court, having regard to the conduct of the owner or of the occupier, that there are special reasons for making such an order.

(6) The court shall not suspend the enforcement of an order by virtue of this section in the following cases, namely—

- (a) where the proceedings are taken by a local authority within the meaning of section 24 of the Caravan Sites and Control of Development Act 1960 ;
- (b) where no site licence under Part I of that Act is in force in respect of the site ;

and where a site licence in respect of the site is expressed to expire at the end of a specified period, the period for which enforcement may be suspended by virtue of this section shall not extend beyond the expiration of the licence.

Supplemen-
tary.

5.—(1) In this Part of this Act “the court” means the county court ; and any powers of a county court in such proceedings as are mentioned in subsection (1) of section 4 of this Act may be exercised with the leave of the judge by any registrar of the court, except in so far as rules of court otherwise provide.

(2) The power of the court under section 4 of this Act to suspend the enforcement of an order shall extend to any order made but not executed before the commencement of this Part of this Act.

1960 c. 62.

(3) Nothing in this Part of this Act shall affect the operation of section 13 of the Compulsory Purchase Act 1965. PART I
1965 c. 56

(4) Subsection (1) of section 12 of the Caravan Sites and Control of Development Act 1960 (power of site occupier to take possession and terminate a licence or tenancy in case of contra-vention of section 1 of that Act) shall have effect subject to the foregoing provisions of this Part of this Act. 1960 c. 62.

(5) Part III of the Rent Act 1965 (protection against harassment and eviction without due process of law) shall not apply to any premises being a caravan stationed on a protected site. 1965 c. 75.

PART II

GIPSY ENCAMPMENTS

Provision of sites by local authorities

6.—(1) Subject to the provisions of this and the next following section, it shall be the duty of every local authority being the council of a county, county borough 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. Duty of local
authorities to
provide sites
for gipsies.

(2) The council of a county borough 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, and the Minister may give directions exempting from the duty imposed by that subsection—

(a) any county borough or London borough in the case of which he is satisfied, after such inquiries as appear to him to be appropriate, that suitable land within the borough is not available ;

(b) any county borough in the case of which he is so satisfied that the number of gipsies resorting to the borough in the period of five years ending on 1st May 1968 was not such as to warrant the provision by the council of accommodation for them.

(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.

PART II
Functions of
district
councils.

7.—(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 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) Section 320 of the Public Health Act 1936 (relinquishment to county councils of functions of county district councils) shall apply to the functions of councils of county districts under this section.

8.—(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;

and any application for planning permission made pursuant to such directions shall be deemed to be referred to the Minister under section 22 of the Town and Country Planning Act 1962.

1960 c. 62.

1936 c. 49.

Location of
sites in
counties.

1962 c. 38.

9.—(1) Every local authority to which subsection (1) of section 6 of this Act applies shall, as soon as may be after the commencement of this Part of this Act, give notice to the Minister describing the number and location of sites proposed to be provided by them pursuant to that section and the numbers of caravans for which accommodation thereon is designed; and where any site has been so provided they shall give notice to that effect to the Minister.

PART II
Powers of
Minister.

(2) The Minister may, if at any time it appears to him to be necessary so to do, give directions to any such local authority requiring them to provide, pursuant to the said section 6, 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 Minister, by mandamus.

(3) If it appears to the Minister, upon representations made by the council of a county, that the council of any county district within the county have failed to carry out adequately their functions under this Part of this Act in relation to any site provided pursuant thereto, the Minister may by order—

- (a) transfer to the council of the county the functions of the council of the district in relation to that site; and
- (b) authorise the council of the county to make such other arrangements for the equipment and management of the site as appear to him to be appropriate.

(4) The Minister may cause a local inquiry to be held for the purposes of the exercise of any of his functions under this Part of this Act; and subsections (2) to (5) of section 290 of the Local Government Act 1933 (evidence at and costs of local inquiries) shall have effect with respect to any inquiry held by virtue of this section as if the Minister were a department for the purposes of that section.

1933 c. 51.

Control of unauthorised encampments

10.—(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—

Prohibition of
unauthorised
camping in
designated
areas.

- (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.

PART II

(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 £5 for every day on which the offence is so continued.

Removal of
unlawful
encampments.

11.—(1) In any area to which section 10 of this Act applies, a magistrates' court may, on the complaint of any local authority, by order authorise that authority to take such steps as may be specified in the order for the removal from land in that area of caravans proved to the satisfaction of the court to be stationed thereon in contravention of the said section 10, and of persons residing therein.

(2) Notice of any summons issued pursuant to a complaint under this section shall be given by the local authority to the owner and occupier (if any) of the land on which the caravans are alleged to be stationed unless, after reasonable inquiries, the authority are unable to ascertain his name and address; and the owner and occupier of any such land shall be entitled to appear and be heard in the proceedings.

(3) An order under this section may authorise the local authority, by their officers and servants—

- (a) to enter upon any land specified in the order for the purpose of carrying out the order;
- (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:

Provided that the local authority shall not so enter upon any occupied land unless they have given to the owner and occupier at least twenty-four 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 wilfully obstructs any person in the execution of an order under this section shall be liable on summary conviction to a fine not exceeding £20 or, if he has previously been convicted of an offence under this subsection, not exceeding £50; and a constable may arrest without warrant any person found committing an offence under this subsection.

12.—(1) The Minister may by order made on the application of any local authority being the council of a county, a county borough or a London borough, designate the area of that authority as an area to which section 10 of this Act applies. PART II
Designation
of areas.

(2) The Minister shall not make such an order in respect of any area unless it appears to him either that adequate provision is made therein 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.

(3) An order under this section may be revoked by an order made by the Minister, either on the application of the local authority or without such an application.

(4) 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.

(5) Where an order under this section is made in respect of any area it shall be the duty of the local authority for that area to take such steps as are reasonably practicable to inform gipsies within the area of the making and effects of the order.

PART III

MISCELLANEOUS

13.—(1) A structure designed or adapted for human habitation which— Twin-unit
caravans.

(a) is composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices; and

(b) is, when assembled, physically capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer),

shall not be treated as not being (or as not having been) a caravan within the meaning of Part I of the Caravan Sites and Control of Development Act 1960 by reason only that it cannot lawfully be so moved on a highway when assembled. 1960 c. 62.

(2) For the purposes of Part I of the Caravan Sites and Control of Development Act 1960, the expression "caravan" shall not include a structure designed or adapted for human habitation which falls within paragraphs (a) and (b) of the foregoing

PART III subsection if its dimensions when assembled exceed any of the following limits, namely—

- (a) length (exclusive of any drawbar): 60 feet (18·288 metres);
- (b) width: 20 feet (6·096 metres);
- (c) overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level): 10 feet (3·048 metres).

(3) The Minister may by order made by statutory instrument after consultation with such persons or bodies as appear to him to be concerned substitute for any figure mentioned in subsection (2) of this section such other figure as may be specified in the order.

(4) Any statutory instrument made by virtue of subsection (3) of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Offences.

14.—(1) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who is purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Proceedings for an offence under this Act may be instituted by any local authority.

Financial provision.

15. There shall be defrayed out of moneys provided by Parliament any increase which may arise in consequence of this Act in the sums payable out of moneys so provided in respect of rate support grant under the Local Government Act 1966.

1966 c. 42.

Interpretation.

16. In this Act the following expressions have the following meanings that is to say—

1960 c. 62.

“caravan” has the same meaning as in Part I of the Caravan Sites and Control of Development Act 1960, as amended by this Act;

“gipsies” means persons of nomadic habit of life, whatever their race or origin, but does not include members of an organised group of travelling showmen, or of persons engaged in travelling circuses, travelling together as such;

“local authority” has the same meaning as in section 24 of the Caravan Sites and Control of Development Act 1960; PART III
1960 c. 62.

“the Minister” means, in England other than Monmouthshire, the Minister of Housing and Local Government, and in Wales and Monmouthshire the Secretary of State;

“planning permission” means permission under Part III of the Town and Country Planning Act 1962. 1962 c. 38.

17.—(1) This Act may be cited as the Caravan Sites Act 1968. Short title,
commencement
and extent.

(2) This Act, except Part II, shall come into force at the expiration of the period of one month beginning with the day on which it is passed, and Part II shall come into force on such date as the Minister may by order made by statutory instrument appoint.

(3) This Act does not extend to Scotland or Northern Ireland.

K3271 Gp 417 Ps 4351254.Dd 0905452.C10.10/84

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ISBN 0 10 545268 8