



# Caravans Act (Northern Ireland) 1963

## 1963 CHAPTER 17

An Act to make provision for the licensing and control of caravan sites; to authorise local authorities to provide and operate caravan sites, and for purposes connected with those matters. [9th July 1963]

### LICENSING OF CARAVAN SITES

#### **1 Prohibition of use of land as caravan site without site licence.**

- (1) Subject to the provisions of this Act, an occupier of any land shall not 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 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 sub-section (1) he shall be guilty of an offence and liable on summary conviction<sup>F1</sup> . . . to a fine not exceeding<sup>F1</sup> level 4 on the standard scale].
- (3) In this Act “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 except for the rights of any other person under any licence (not amounting to a contract of tenancy) granted in respect of the land, but where land of 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, “occupier” means in relation to that land the person who would be entitled to possession of the land except for the rights of any person under that tenancy.
- (4) In this Act “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.

*Status: Point in time view as at 01/01/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Caravans Act (Northern Ireland) 1963. (See end of Document for details)*

**F1** 1984 NI 3

## **2 Exemptions from licensing requirements.**

A site licence shall not be required for the use of land as a caravan site in the circumstances specified in the Schedule, and the Schedule shall have effect accordingly.

## **3 Issue of site licences by district councils.**

- (1) An application for the issue of a site licence in respect of any land may be made by the occupier thereof to the [<sup>F2</sup> district council] in whose [<sup>F2</sup> district] 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 within such period as the [<sup>F2</sup> district council] may determine, give to the [<sup>F2</sup> district council] such [<sup>F3</sup> other information as they may reasonably require].
- (3) A [<sup>F2</sup> district council] 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 [<sup>F4</sup> granted under the Planning Order].
- (4) If at the date when the applicant duly gives the [<sup>F3</sup> information required by virtue of] sub-section (2) he is entitled to the benefit of such a permission as aforesaid, the [<sup>F2</sup> district council] shall, on the payment by the applicant of a fee of ten pounds, issue a site licence in respect of the land within two months of that date or, if the applicant and the [<sup>F2</sup> district council] agree in writing that the [<sup>F2</sup> district council] shall be afforded a longer period within which to grant a site licence, within the period so agreed.
- (5) If the applicant becomes entitled to the benefit of such a permission as aforesaid at some time after duly giving the [<sup>F3</sup> information required by virtue of] sub-section (2) the [<sup>F2</sup> district council] shall, on the payment by the applicant of a fee of ten pounds, 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 [<sup>F2</sup> district council] agree in writing that the [<sup>F2</sup> district council] shall be afforded a longer period within which to grant a site licence, within the period so agreed.
- (6) Notwithstanding anything in sub-sections (1) to (5), a [<sup>F2</sup> district council] 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 this Act less than three years before that time.

**F2** SRO (NI) 1973/285

**F3** 1985 NI 15

**F4** 1991 NI 11

## **4 Duration of site licences.**

- (1) Where permission for the use of any land as a caravan site has been granted [<sup>F5</sup> under the Planning Order 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

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shall expire, and shall be stated to expire, at the end of that period; but, subject thereto, a site licence shall not be issued for a limited period.

- (2) If, after a site licence is issued, the terms of the said permission are<sup>F5</sup> varied by the planning appeals commission on an appeal under Article 32 of the Planning Order, the district] council] who issued the licence shall make in the site licence any alteration required to secure that its terms comply with sub-section (1).

F5 1991 NI 11

## 5 Power of district council to attach conditions to site licences.

- (1) A site licence issued by a [<sup>F6</sup> district council] in respect of any land may be so issued subject to such conditions as the [<sup>F6</sup> council] 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, whether by reference to any date or dates or by limiting the period or periods for which caravans may be so stationed in successive periods of one year or by a combination of both those methods;
  - (b) for restricting the total number of caravans which are stationed on the land for the purposes of human habitation at any one time;
  - (c) for controlling (whether by reference to their size, the state of their repair or, subject to sub-section (2), any other feature) the types of caravan on the land;
  - (d) for regulating the positions in which caravans are stationed on the land for the purposes of human habitation and for prohibiting, restricting, or otherwise regulating, the placing or erection on the land, at any time when caravans are so stationed, of structures and vehicles of any description whatsoever and of tents;
  - (e) for preserving or enhancing the amenity of the land, including the planting and replanting thereof with trees and bushes;
  - (f) 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;
  - (g) 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) A condition shall not 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 condition may be attached, under sub-section (1) to a site licence issued in respect of any land, corresponding to any condition (in whatever words expressed) for the time being in force<sup>F7</sup> subject to which planning permission has been granted under the Planning Order for the use of that land as a caravan site.]
- (4) 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

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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 position.

- (5) 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 [<sup>F6</sup> district council] 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 [<sup>F6</sup> council] within a stated period.
- (6) 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.
- (7) The Ministry may from time to time specify for the purposes of this section model conditions regulating the layout of, and the provision of facilities, services and equipment for, caravan sites or particular types of caravan site; and in deciding what, if any, conditions to attach to a site licence, a [<sup>F6</sup> district council] shall have regard to any model conditions so specified.

**F6** SRO (NI) 1973/285

**F7** 1991 NI 11

## **6 Failure by district council to issue site licence.**

Where a [<sup>F8</sup> district council], being required under section 3 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, an offence is not committed under section 1 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.

**F8** SRO (NI) 1973/285

## **7 Appeal to court of summary jurisdiction or Ministry against conditions attached to site licence.**

- (1) Any person aggrieved by any condition (other than any such condition as is referred to in section 5(1)( a) or (3) or the condition referred to in section 5(4)) 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, serve on the [<sup>F9</sup> district council] who issued the licence a notice of appeal to the court of summary jurisdiction acting for the petty sessions district in which the land is situated; and the court, if satisfied (having regard amongst other things to any model conditions which may have been specified by the Ministry under section 5(7)) that the condition is unduly burdensome, may vary or cancel the condition.

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- (2) Any person aggrieved by any such condition as is referred to in section 5(1)(a) 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 against that condition to the Ministry; and the Ministry if satisfied that the condition is unduly burdensome, may vary or cancel that condition.
- (3) Before determining an appeal under sub-section (2), the Ministry shall, if the appellant so desires, afford to him an opportunity of appearing before and being heard by an independent person appointed by the Ministry for the purpose; and where the Ministry affords such an opportunity to the appellant the Ministry shall afford the like opportunity to the [F9 district council] who imposed the condition which is the subject of the appeal.
- (4) An independent person appointed under sub-section (3) shall report to the Ministry on any hearing held by him.
- (5) 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 sub-section (1) to serve a notice of appeal against the condition nor, thereafter, whilst an appeal against the condition is pending.

F9 SRO (NI) 1973/285

## **8 Power of district council to alter conditions attached to site licences.**

- (1) The conditions attached to a site licence may be altered at any time (whether by the variation or cancellation of existing conditions, or by the addition of new conditions, or by a combination of any such methods) by the [F10 district council], but before exercising their powers under this sub-section the [F10 district council] shall afford to the holder of the licence an opportunity of making representations.
- (2) Subject to sub-section (3), where the holder of a site licence is aggrieved by any alteration of the conditions attached thereto or by the refusal of the [F10 district council] of an application by him for the alteration of any conditions attached to a site licence, he may, within twenty-eight days of the date on which written notification of the alteration or refusal is given to him, serve on the [F10 district council] a notice of appeal to the court of summary jurisdiction acting for the petty sessions district in which the land to which the site licence relates is situated; and the court may, if it allows the appeal, give to the [F10 district council] such directions as may be necessary to give effect to its decision.
- (3) Sub-section (2) shall not apply in relation to any such condition as is referred to in section 5(1)(a), but where the holder of a site licence is aggrieved by any alteration of any such condition attached to a site licence or by the refusal of the [F10 district council] of an application by him for the alteration of that condition, he may within twenty-eight days of the date on which written notification of the alteration or refusal is given to him appeal against the alteration or refusal to the Ministry; and the Ministry may, if it allows the appeal, give to the [F10 district council] such directions as may be necessary to give effect to its decision.

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- (4) Before determining an appeal under sub-section (3), the Ministry shall, if the appellant so desires, afford to him an opportunity of appearing before and being heard by an independent person appointed by the Ministry for the purpose; and where the Ministry affords such an opportunity to the appellant the Ministry shall afford the like opportunity to the [F10 district council] who imposed the condition which is the subject of the appeal.
- (5) An independent person appointed under sub-section (4) shall report to the Ministry on any hearing held by him.
- (6) Where the holder of a site licence applies to a [F10 district council] for the alteration of any condition attached thereto, the application shall be deemed to be refused at the expiration of the period of two months from the date on which the [F10 council] receive the application unless within that period the [F10 council] notify the holder of the determination of the application.
- (7) Where a [F10 district council] alter the conditions attached to a site licence in pursuance of an application made in that behalf by the holder of a site licence, that holder shall pay a fee of one pound to the [F10 council].
- (8) The alteration by a [F10 district council] of the conditions attached to any site licence shall not have effect until written notification thereof has been served on the holder of the licence, and in so far as any such alteration imposes a requirement on the holder of the licence to carry out on the land to which the licence relates any works which he would not otherwise be required to carry out, the alteration shall not have effect during the period within which the said holder is entitled by virtue of sub-section (2) to serve a notice of appeal against the alteration nor, thereafter, whilst an appeal against the alteration is pending.
- (9) In exercising the powers conferred by sub-section (1) and sub-section (2) respectively, a [F10 district council] and a court of summary jurisdiction shall have regard amongst other things to any model conditions which may have been specified by the Ministry under section 5(7).
- (10) A court of summary jurisdiction shall not have power under this section to give to a [F10 district council] any direction requiring any alteration in any condition attached to a site licence issued in respect of any land which corresponds to any condition (in whatever words expressed) for the time being in force[F11 subject to which planning permission has been granted under the Planning Order for the use of that land as a caravan site.]

**F10** SRO (NI) 1973/285

**F11** 1991 NI 11

## 9 Provisions as to breaches of condition.

- (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<sup>F12</sup> . . . to a fine not exceeding[F12 level 4 on the standard scale].
- (2) Where a person convicted under this section for failing to comply with a condition attached to a site licence has on two or more previous occasions been convicted thereunder for failing to comply with a condition attached to that licence, the court

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before which he is convicted may, if an application in that behalf is made at the hearing by the [<sup>F13</sup> district council] in whose [<sup>F13</sup> district] 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 a period of seven days beginning with the day on which he is convicted; and if an appeal is brought before the date so specified the order shall be of no effect pending the final determination or withdrawal of the appeal.

- (3) A person convicted under this section or the [<sup>F13</sup> district council] who issued the site licence to him may apply to the court of summary jurisdiction which has made 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 court may, if satisfied that adequate notice of the application has been given to the [<sup>F13</sup> district council] or, as the case may be, the person convicted, make an order extending that period.
- (4) 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 [<sup>F13</sup> district council] in whose [<sup>F13</sup> district] the land is situated any works required by the condition to be so completed, the [<sup>F13</sup> district council] may carry out those works, and may recover as a civil debt in any court of competent jurisdiction from that person any expenses reasonably incurred by them in that behalf.

**F12** 1984 NI 3

**F13** SRO (NI) 1973/285

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

- (1) Subject to sub-section (3), when the holder of a site licence in respect of any land ceases to be the occupier of the land, he may, on giving notice of the transfer to the [<sup>F14</sup> district council] in whose [<sup>F14</sup> district] the land is situated and on payment of a fee of [<sup>F15</sup> 50p] to the [<sup>F14</sup> council], transfer the licence to the person who then becomes the occupier of the land.
- (2) Where a [<sup>F14</sup> district council] receive notice of a transfer of a site licence together with the fee of [<sup>F15</sup> 50p], 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 Act, to be treated as having become the holder of the licence.
- (3) Notwithstanding anything contained in sub-section (2), a [<sup>F14</sup> district council] shall not at any time endorse on a site licence the name of any person who has held a site licence which has been revoked under this Act less than three years before that time.
- (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 Act he shall, for the purposes 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 [<sup>F14</sup> district council] in whose [<sup>F14</sup> district] 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.

**F14** SRO (NI) 1973/285

**F15** 1969 c.19

*Status: Point in time view as at 01/01/2006.*

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## 11 Duty of licence holder to surrender licence for alteration.

- (1) A [<sup>F16</sup> district council] 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 this Act.
- (2) If the holder of a site licence, within a period of seven days from the date on which any requirement made under sub-section (1) is served on him, 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 [<sup>F17</sup> level 1 on the standard scale].

**F16** SRO (NI) 1973/285

**F17** 1984 NI 3

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

- (1) It shall be a condition of any such licence or tenancy as is mentioned in section 1(3) that if any person in exercise of rights under the licence or tenancy does anything which would constitute an offence under that section if that person were the occupier of the land, the person who is the occupier 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 sub-section.
- (2) The occupier of any land subject to a licence or subject to any such tenancy as is mentioned in section 1(3) 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.

### Modifications etc. (not altering text)

**C1** S. 12(1) modified (17.9.2011) by *Caravans Act (Northern Ireland) 2011 (c. 12)*, ss. 14(2), 18 (with ss. 11, 12, 13)

*Ss.13#20 rep. by 1972 NI 17*

## PROVISION OF CARAVAN SITES BY [<sup>F18</sup> DISTRICT COUNCILS]

**F18** SRO (NI) 1973/285

## 21 Power of district council to provide sites for caravans.

- (1) A [<sup>F19</sup> district council] shall, with the consent of the Ministry, have power within their [<sup>F19</sup> district] to provide sites where caravans may be brought, and to manage the sites or lease them to some other person.



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- (2) Subject to the provisions of this section, a [<sup>F19</sup> district council] may make such provision as appears to them desirable in connection with such sites, and in particular may—
- (a) with the consent of the Ministry, acquire land which is in use as a caravan site, or which has been laid out as a caravan site; or
  - (b) 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 or in exercising the like powers under any other enactment the [<sup>F19</sup> district council] shall have regard to any model conditions which may have been specified by the Ministry under section 5(7).
- (3) The [<sup>F19</sup> district council] shall make in respect of the use of sites provided or 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 [<sup>F19</sup> district council] may make available the services and facilities provided under this section for those who do not normally reside in the [<sup>F19</sup> district] of the [<sup>F19</sup> district council] as freely as for those who do.
- (5) Where a [<sup>F19</sup> district council] desire to acquire otherwise than by agreement any land because it appears to them that a caravan site, or an additional site is needed in their [<sup>F19</sup> district], 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 [<sup>F19</sup> district council], they may apply to the Ministry for an order vesting the land in them and the Ministry shall have power to make such an order and section 22(1) and (2) of and Schedule 2 to the Local Government Act (Northern Ireland) 1934 shall apply for the purposes of this sub-section as if—
- (a) the purposes for which a [<sup>F19</sup> district council] may acquire land thereunder included the purposes of this sub-section; and
  - <sup>F19</sup>(b) “local authority” meant a district council].
- (6) A [<sup>F19</sup> district council] have not power under this section to provide caravans.

*Subs.(7) rep. by SRO (NI) 1973/285*

**F19** SRO (NI) 1973/285

## MISCELLANEOUS AND SUPPLEMENTAL

### 22 Registers of site licences.

- (1) Every [<sup>F20</sup> district council] shall keep a register of site licences issued in respect of land situated in their [<sup>F20</sup> district], and every such register shall be open for inspection by the public at all reasonable times.
- (2) Where under sub-section (2) or sub-section (4) of section 10 a [<sup>F20</sup> district council] endorse on a site licence the name of any person in the circumstances described in those sub-sections, they shall record his name, and the date entered in the licence, in the register of site licences.

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**F20** SRO (NI) 1973/285

### 23 Power of entry.

(1) Subject to the provisions of this section, [<sup>F21</sup> a district council shall 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 [<sup>F21</sup> district council] 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 Act;
- (c) for the purpose of ascertaining whether or not circumstances exist which would authorise the [<sup>F21</sup> district council] to take any action, or execute any work, under this Act;
- (d) for the purpose of taking any action, or executing any work, authorised by this Act to be taken or executed by the [<sup>F21</sup> district council];

so, however, that admission to any land shall not be demanded as of right under this section 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 sub-section (1);

the justice may by warrant under his hand authorise the [<sup>F21</sup> district council] ...<sup>F22</sup> to enter the land, if need be by force, but such a warrant shall not be issued unless the justice is satisfied 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) [<sup>F21</sup> A district council] entering any land by virtue of this section, or of a warrant issued thereunder, may take with [<sup>F21</sup> them] 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 [<sup>F21</sup> district council] 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 ten pounds.

[<sup>F23</sup> (6) A district council may arrange for the discharge of any of their functions under this section by any of their officers and arrangements made under this sub-section shall include provision for any officer of the district council, seeking to exercise any power of entry on any land in pursuance of the arrangements, to exhibit the authority if required to do so.]

**F21** SRO (NI) 1973/285

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**F22** SRO (NI) 1973/285

**F23** SRO (NI) 1973/285

## 24 Crown land.

The provisions of this Act relating to site licences shall apply in relation to land the occupier of which is not the Crown notwithstanding that an estate or interest in the land belongs to the Crown.

## 25 Interpretation.

(1) In this Act—

*Definition rep. by 1991 NI 11*

“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 for the time being in use as such; or

(b) any tent;

“caravan site” has the meaning assigned to it by section 1(4);

“existing site” has the meaning assigned to it by section 13;

*Definitions rep. by 1972 NI 17; SRO (NI) 1973/285*

“the Ministry” means the Ministry of Health and Local Government<sup>F24</sup>;

“occupier” has the meaning assigned to it by section 1(3);

[<sup>F25</sup>“the Planning Order” means the Planning (Northern Ireland) Order 1991;]

*Definition rep. by 1991 NI 11*

“site licence” has the meaning assigned to it by section 1(1).

(2) For the purposes of this Act, a person shall, except in a case to which section 10(4) applies, be treated as the holder of a site licence if, and only if, a [<sup>F26</sup> district council] have entered or endorsed his name in or on a site licence as the holder of that licence.

(3) Any reference in 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.

(4) For the purposes of any provision of this Act relating to the expiration of permission [<sup>F25</sup> granted under the Planning Order 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.

*Subs.(5) rep. by 1972 NI 17*

**F24** Functions transf.SRO (NI) 1964/205; 1972/111; 1973/504; 1976 NI 6 art.3

**F25** 1991 NI 11

**F26** SRO (NI) 1973/285

*Status: Point in time view as at 01/01/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Caravans Act (Northern Ireland) 1963. (See end of Document for details)*

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**26 Short title.**

(1) This Act may be cited as the Caravans Act (Northern Ireland) 1963.

*Subs.(2) rep. by SLR 1973*

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*Status: Point in time view as at 01/01/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Caravans Act (Northern Ireland) 1963. (See end of Document for details)*

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## SCHEDULE

Section 2.

### CIRCUMSTANCES IN WHICH 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 paragraph 13, 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 paragraph 13, a site licence shall not be required for the use as a caravan site of land which comprises, together with any adjoining land which is in the same occupation and has not been built on, not less than five acres—
- (a) if in the period of twelve months ending with the day on which the land is used as a caravan site the number of days on which a caravan was stationed anywhere on that land or on the said adjoining land for the purposes of human habitation did not exceed twenty-eight; and
  - (b) if in the said period of twelve months not more than three caravans were so stationed at any one time.
- (2) The Ministry may by order 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 sub-paragraph (1) to five acres there shall be substituted a reference to such 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) 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 Ministry shall publish notice of the order in a local newspaper circulating in the

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locality affected by the order and in such other ways as appear to it 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 paragraph 13, 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 (in this Schedule 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 paragraph 13, 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 exempted organisation shall send particulars to the Ministry of all certificates issued by the organisation under this paragraph.
- (4) A certificate issued by an exempted organisation under this paragraph—
- (a) 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; and
  - (b) may be withdrawn by the organisation at any time if the occupier of the land to which it relates fails to comply with any conditions specified in the certificate.

#### MEETINGS ORGANISED BY EXEMPTED ORGANISATIONS

- 6 Subject to paragraph 13, 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 paragraph 13, 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 paragraph 13, 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

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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 paragraph 13, 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<sup>[F27]</sup> under the Planning Order has], if required, been granted) if that use is for the accommodation of a person or persons employed in the course of those operations or the person or persons who own any estate in the land on which those operations are being carried out.

**F27** 1991 NI 11

#### TRAVELLING SHOWMEN

- 10 (1) Subject to paragraph 13, 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 Ministry may grant a certificate to any organisation recognised by the Ministry as confining its membership to bona fide travelling showmen; and a certificate so granted may be withdrawn by the Ministry at any time.

#### SITES OCCUPIED BY LICENSING AUTHORITY

- 11 (1) A site licence shall not be required for the use as a caravan site of land occupied by a <sup>[F28]</sup> district council].

*Sub-para.(2) rep. by SRO (NI) 1973/285*

**F28** SRO (NI) 1973/285

#### CERTIFICATION OF EXEMPTED ORGANISATIONS

- 12 (1) For the purposes of such of the following provisions as the Ministry may specify in the certificate, that is to say, paragraphs 4, 5 and 6 the Ministry may grant a certificate of exemption to any organisation as to which the Ministry is satisfied that its objects include the encouragement or promotion of recreational activities.

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- (2) A certificate granted under this paragraph may be withdrawn by the Ministry at any time.
- (3) An organisation to which a certificate of exemption is granted under this paragraph shall pay to the Ministry such fee, if any, as the Ministry may prescribe by regulations made with the approval of the Ministry of Finance.
- (4) Where the Ministry withdraws a certificate granted under this paragraph, it shall out of moneys provided by Parliament refund to the organisation to which the certificate was granted such part of any fee paid by the organisation in respect of the certificate as may be prescribed by regulations made by the Ministry with the approval of the Ministry of Finance.
- (5) Regulations made by the Ministry under this paragraph shall be subject to negative resolution.

#### POWER TO WITHDRAW CERTAIN EXEMPTIONS

- 13 (1) The Ministry may on the application of a [<sup>F29</sup> district council] by order provide that, in relation to such land situated in the [<sup>F29</sup> district] of the [<sup>F29</sup> council] 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 [<sup>F29</sup> district council] on whose application it was made, be varied or revoked by a subsequent order made thereunder;
 and, unless the sole effect of an order is to revoke in whole or part a previous order, the [<sup>F29</sup> district council] 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 Belfast Gazette and in a local newspaper circulating in the locality in which the land to which the order relates is situated.

<b>F29</b> SRO (NI) 1973/285
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- 14 Orders made by the Ministry under paragraphs 3 and 13 shall be subject to negative resolution.



**Status:**

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**Changes to legislation:**

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