



# Caravans Act (Northern Ireland) 1963

## 1963 CHAPTER 17

### 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.

**F1** 1984 NI 3

*Status: Point in time view as at 01/01/2006.*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

## 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 [F2 district council] in whose [F2 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 [F2 district council] may determine, give to the [F2 district council] such[F3 other information as they may reasonably require].
- (3) A [F2 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[F4 granted under the Planning Order].
- (4) If at the date when the applicant duly gives the[F3 information required by virtue of] sub-section (2) he is entitled to the benefit of such a permission as aforesaid, the [F2 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 [F2 district council] agree in writing that the [F2 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[F3 information required by virtue of] sub-section (2) the [F2 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 [F2 district council] agree in writing that the [F2 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 [F2 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[F5 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 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.

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- (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 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

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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.
- (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

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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.
- (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

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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 before which he is convicted may, if an application in that behalf is made at the hearing by the [F13 district council] in whose [F13 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

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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 [F13 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 [F13 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 [F13 district council] in whose [F13 district] the land is situated any works required by the condition to be so completed, the [F13 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 [F14 district council] in whose [F14 district] the land is situated and on payment of a fee of [F15 50p] to the [F14 council], transfer the licence to the person who then becomes the occupier of the land.
- (2) Where a [F14 district council] receive notice of a transfer of a site licence together with the fee of [F15 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 [F14 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 [F14 district council] in whose [F14 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

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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*



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