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*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>[F1]</sup> under <sup>[F2]</sup>the Planning Act] 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.

**F1** 1991 NI 11

**F2** Words in Sch. para. 9 substituted (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in operation) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 6 para. 7](#) (with s. 211); [S.R. 2015/49, arts. 2, 3, Sch. 1](#) (with [Sch. 2](#) (as amended (16.3.2016) by S.R. 2016/159, art. 2))

#### 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>[F3]</sup>district council].
- Sub-para.(2) rep. by SRO (NI) 1973/285*

**F3** 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

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of exemption to any organisation as to which the Ministry is satisfied that its objects include the encouragement or promotion of recreational activities.

- (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>F4</sup> district council] by order provide that, in relation to such land situated in the [<sup>F4</sup> district] of the [<sup>F4</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>F4</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>F4</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>F4</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.

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