



Caravans Act (Northern Ireland) 1963

1963 CHAPTER 17

LICENSING OF CARAVAN SITES

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 [^{F1} district council], but before exercising their powers under this sub-section the [^{F1} 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 [^{F1} 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 [^{F1} district council] a notice of appeal to [^{F2}a court of summary jurisdiction] ; and the court may, if it allows the appeal, give to the [^{F1} 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 [^{F1} 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 [^{F1} 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 opportunity to the [^{F1} district council] who imposed the condition which is the subject of the appeal.

Changes to legislation: There are currently no known outstanding effects for the Caravans Act (Northern Ireland) 1963, Section 8. (See end of Document for details)

- (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 [^{F1} 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 [^{F1} council] receive the application unless within that period the [^{F1} council] notify the holder of the determination of the application.
- (7) Where a [^{F1} 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 [^{F1} council].
- (8) The alteration by a [^{F1} 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 [^{F1} 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 [^{F1} 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^{F3} subject to which planning permission has been granted under [^{F4}the Planning Act] for the use of that land as a caravan site.]

F1 SRO (NI) 1973/285

F2 Words in s. 8(2) substituted (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\), s. 106\(2\), Sch. 1 para. 55\(2\)](#) (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k) (with art. 3)

F3 1991 NI 11

F4 Words in s. 8(10) 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. 4](#) (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))

Changes to legislation:

There are currently no known outstanding effects for the Caravans Act (Northern Ireland) 1963, Section 8.