



Local Government, Planning and Land Act 1980

1980 CHAPTER 65

PART XVII

CARAVAN SITES

173 **Duty of local authorities to provide caravan sites for gipsies**

There are hereby repealed—

- (a) in subsection (2) of section 6 of the Act of 1968 (limitation of duty to provide adequate accommodation for gipsies and provision for exemption), the words from " and the Minister " to the end ; and
- (b) section 190(2) of the Local Government Act 1972 (certain exemptions from the duty mentioned in paragraph (a) above to be continued in force).

174 **Removal of unlawfully parked caravans and their occupants**

For section 11 of the Act of 1968 (removal of unlawful encampments), there is substituted the following section: —

“11 Orders for removal of unlawfully parked caravans and then-occupants.

- (1) In any area to which section 10 of this Act applies, a magistrates' court may, on a complaint made by a local authority, and if satisfied that a caravan is stationed on land within that Authority's area in contravention of that section, make an order requiring any caravan (whether or not identified in the order) which is so stationed on the land to be removed together with any person residing in it.
- (2) An order under this section may authorise the local authority to take such steps as are reasonably necessary to ensure that the order is complied with and in particular, may authorise the authority, by its officers and servants—

Status: This is the original version (as it was originally enacted).

- (a) to enter upon the land specified in the order; and
 - (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.
- (3) The local authority shall not enter upon any occupied land unless they have given to the owner and occupier at least 24 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 intentionally obstructs any person acting in the exercise of any power conferred on him by an order under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.
- (5) A constable in uniform may arrest without warrant anyone whom he reasonably suspects to be guilty of an offence under this section.
- (6) Where a complaint is made under this section, a summons issued by the court requiring the person or persons to whom it is directed to appear before the court to answer to the complaint may be directed—
- (a) to the occupant of a particular caravan stationed on the land in question ; or
 - (b) to all occupants of caravans stationed there, without naming him or them.
- (7) Where it is impracticable to serve such a summons on a person named in it, it shall be treated as duly served on him if a copy of it is fixed in a prominent place to the caravan concerned; and where such a summons is directed to the unnamed occupants of caravans, it shall be treated as duly served on those occupants if a copy of it is fixed in a prominent place to every caravan stationed on the land in question at the time when service is thus effected.
- (8) The local authority shall take such steps as may be reasonably practicable to secure that a copy of any such summons is displayed on the land in question (otherwise than by being fixed to a caravan) in a manner designed to ensure that it is likely to be seen by any person camping on the land.
- (9) Notice of any such summons shall be given by the local authority to the owner of the land in question and to any occupier of that land unless, after reasonable inquiries, the authority is unable to ascertain the name and address of the owner or occupier; and the owner of any such land and any occupier of any such land shall be entitled to appear and to be heard in the proceedings.
- (10) Section 55(2) of the Magistrates' Courts Act 1980 (warrant for arrest of defendant failing to appear) does not apply to proceedings on a complaint made under this section.”.

175 Designation of areas for purpose of making unauthorised camping unlawful

- (1) For section 12 of the Act of 1968 (designation of areas of counties and London boroughs as areas to which provisions of section 10 of that Act prohibiting unauthorised camping apply) there is substituted the following section: —

“12 Designation of areas.

- (1) Subject to subsection (3) below, the Minister may by order made on the application of a county council or London borough council designate the area of that council as an area to which section 10 of this Act applies.
 - (2) Subject to subsection (3) below, the Minister may by order made on the joint application of a county council and one or more councils of districts within that county designate the area of the district or, as the case may be, the combined areas of the districts, as an area to which section 10 of this Act applies.
 - (3) The Minister shall not make an order under subsection (1) or (2) above in respect of any area unless it appears to him either that adequate provision is made in the area 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.
 - (4) An order under this section may be revoked by an order made by the Minister, either on the application of the authority or authorities which made the original application or without such an application.
 - (5) 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.
 - (6) Where an order under this section is made in respect of any area it shall be the duty of the county council for that area or, as the case may be, the London borough council concerned to take such steps as are reasonably practicable to inform gipsies within the area of the making and effect of the order.”.
- (2) Where by virtue of the Local Government Act 1972 (which, among other things, reorganised local authority areas) a designation made before 1st April 1974 under section 12 of the 1968 Act as originally enacted (and not revoked) relates to part only of the area of a county, any order which is made on the application of the council of that county under subsection (1) or (2) of the section substituted for section 12 of the 1968 Act by subsection (1) above shall be made to extend only to an area which does not include the area designated before 1st April 1974.

176 Site licences: exemption for sites provided for gipsies by county councils or regional councils

In Schedule 1 to the Act of 1960 (cases where site licence is not required), the following is inserted after paragraph 11: —

“Gipsy sites occupied by county councils or regional councils

- 11A A site licence shall not be required for the use of land occupied by a county council, or in Scotland by a regional council, as a caravan site providing accommodation for gipsies.”.

177 Interpretation of Part XVII

In this Part of this Act—

" the Act of 1960 " means the Caravan Sites and Control of Development Act 1960;

" the Act of 1968 " means the Caravan Sites Act 1968 ;

" caravan " has the same meaning as in the Act of 1960; and

" gipsy " has the same meaning as in the Act of 1968.

178 Commencement and extent of Part XVII

- (1) Section 174 of this Act shall commence at the expiry of the period of three months beginning with the date on which this Act is passed.
- (2) In section 173 above, the repeal effected by paragraph (b) shall not take effect until the expiry of the period of 12 months beginning with the date on which this Act is passed.
- (3) Subject to subsections (1) and (2) above, this Part of this Act shall commence at the expiry of the period of one month beginning with the date on which this Act is passed.
- (4) Sections 173,174 and 175 above do not extend to Scotland.