



THE ASSOCIATION OF CARAVAN & CAMPING EXEMPTED ORGANISATIONS

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An Officers Guide to those paragraphs within the **CARAVAN SITES & CONTROL OF DEVELOPMENT ACT, 1960** that refer specifically to the Exemptions from the need for a site licence for Organisations holding Certificates of Exemption.

These notes explain the significance of relevant paragraphs that relate to sites and exemptions for touring caravans.

N.B. This Information Sheet is an interpretation by ACCEO of a complex piece of legislation. It should not be used other than for general guidance, neither ACCEO nor any of its Officers accepts liability for the accuracy of this interpretation. No Club or individual shall have any claim against ACCEO in respect of any loss or damage resulting from the advice given in the following notes.

PART 1 - CARAVAN SITES - Licensing of Caravan Sites.

The first paragraph in PART 1 of the Act states, -

"Subject to the provisions of this part of this Act, no occupier of land shall 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 Part of the Act authorising the use of the land as a caravan site) for the time being in force as respects the land so used."

This means land cannot be used for caravans without a licence.

The words 'Occupied' and 'Licence' appear throughout the Act it is important therefore to define those words within the meaning of the legislation:

Occupier

To understand the interpretation placed upon the word 'Occupied' we must look at PART 1 (3) which reads as follows: -

*In this Part of this Act the expression "**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 but for the rights of any other person under any licence granted in respect of the land.*

This means that for the purpose of the Act, the "**occupier**" must either, own the land or be a Tenant on the land holding a Lease or Tenancy Agreement.

Licence

In order to understand the word '**Licence**' we must refer to PART 1 Para 3 (1) which reads as follows: -

*An application for the issue of a **site licence** in respect of any land may be made by the **occupier** thereof to the local authority in whose area the land is situated*

So we are told that Site Licences are issued by a local authority and the Act explains the powers of local authorities to revoke or withdraw licences or impose penalties for contravention of the terms of the licence. In fact local authorities are the only bodies that may bring an action or prosecution, the central Government departments have no power to act in these matters.

THE EXEMPTIONS FROM THE NEED TO HOLD A SITE LICENCE FOR USE OF LAND AS A CARAVAN SITE.

The Schedules: -

FIRST SCHEDULE: - Cases where a Caravan Site Licence is not required:

The exemptions that are of particular relevance to rallying caravanners and Clubs are as follows: -

Use of holdings of five acres or more in certain circumstances

3. (1) *Subject to the provisions of paragraph 13 (see later explanation of this para') of this schedule 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 -*

(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.*



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This exemption known as "**The 28 day rule**" is well known to most land owners and is sometimes used by Rally Marshals to justify moving on to site one day before a 5 day rally opens in order to 'peg-out' and erect signs. The responsibility for counting the number of days it is used each year rests with the landowner. Formally constituted organisations may apply for a Certificate of Exemption from the need for a Site Licence and this is covered in Paragraph 12 of the first Schedule which reads as follows: -

12-(1) For the purposes of paragraphs 4, 5 and 6 of this Schedule the Minister may grant a certificate of exemption to any organisation as to which he is satisfied that its objects include the encouragement or promotion of recreational activities.

12-(2) A certificate granted under this paragraph may be withdrawn by the Minister at any time.

Paragraph 12 is self-explanatory. Paragraph 13 of Schedule 1 gives the Secretary of State power to withdraw the exemption from the need for a site licence for a specified site. If a serious complaint about the use of a site is brought to the attention of a Local Authority, the Authority can ask the Secretary of State to withdraw the exemption from that area of land.

Meetings organised by exempted organisations

Exempted Organisations have exemption rights in accordance with Para'6 of the First Schedule and the wording is so important that Club Rally Secretaries should make a point of being familiar with it. The Paragraph reads as follows: -

6. Subject to the provisions of paragraph 13 of this Schedule, 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 5 days.

The above wording is quite clear, but many questions are still received by ACCEO for further clarification. The most frequent questions are as follows: -

FAQs

Q. Can you define the period of 5 days?

A. It is generally accepted that this refers to 5 x 24 hour periods; in other words, a rally that opens at Noon on one day must close at Noon on the 6th day.

Q. Can we invite prospective members as guests or temporary members to see if they would like to join our Club?

A. A very definite **NO**, Full Membership must have been applied for and granted prior to the opening date of the rally. The Act is quite clear on this point, exempted status is a privilege granted to formally constituted clubs for the use of its (bona-fide) full members only.

Q. Can we organise a joint rally with another exempted club?

A. **NO.*** Meetings organised by one organisation for the benefit of the members of another organisation (or several organisations - joint rallies) do not meet the requirements of the exemption granted by Para'6.

* ACCEO Member Organisations may be able, under certain circumstances, to circumvent this ruling by use of the ACCEO Certificate of Exemption. Consult ACCEO Extended Rallies Officer on this point.

Q. We are a group of works clubs who have formed an Association to look after our interests. Our exemption certificate gives Para' 6 exemption rights to our Association. Can all of our member clubs rally at the same time on the certificate held in the name of our Association?

A. A certificate issued in the name of a "parent" organisation may only be used by the 'members' of that organisation. In this context, the word 'members' means individual people. Such a certificate may be used for any number of rallies to be held during the same 5 day period but everyone attending must hold individual or family membership of the organisation named on the certificate.

Sites occupied and supervised by exempted organisations

The Four major caravanning organisations - A.C.C.E.O., The Camping & Caravanning Club, The Caravan Club and the Motor Caravanners Club are holders of exemption certificates under **Para' 4** of the First Schedule to the Act. Recently, this exemption has been issued to other Organisations subject to certain conditions. This Paragraph reads as follows: -

4. Subject to the provisions of paragraph 13 of this Schedule, 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 of this schedule (hereinafter referred to as an exempted organisation) if the use is for the purposes of recreation and is under the supervision of the organisation.



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The significant differences with this exemption paragraph concern: -

- (a) The word '**Occupied**'. The definition of the word for the purpose of the Act is given in Part 1 as explained at the beginning of these notes.

In these circumstances, the exempted organisation must have the legal status to own or take a lease on land. A lease for less than three years can be oral and need not be reduced to writing but still remains an effective and valid estate in land. This interesting situation is confirmed by Section 54 (2) of The Law of Property Act 1925.

- (b) It will be seen that unlike Para' 6 there is no time limit. Para' 4 certificate holders have given an undertaking to limit their rallies to 28 days.

- (c) Whilst the caravan site (rally) must be 'Supervised' and 'Occupied' by the exempted organisation concerned, (and this means by bona-fide members), it is curious that there is no requirement in this part of the Act limiting attendance to the members of the organisation.

The reasons for the differences in the precise wording of Para's 4 and 6 have been speculated upon on many occasions but we must remember that it is over 40 years since the Act was first drafted and it is almost certain that the growth of caravan rallying by independent clubs was never foreseen or anticipated at that time. Persons who remember the consultations that led to the final draft have suggested that many 'last minute' revisions had to be made without due and full consideration of the consequences and this would certainly explain the viewpoint expressed by many lawyers today that the Act is a most remarkable, unusual and confusing piece of legislation by current standards.

Sites occupied by a licensing authority

Para' 11 of the First Schedule tells us: - '*A site licence shall not be required for the use as a caravan site of land occupied by the local authority in whose area the land is situated*

The above is self-explanatory and applies equally to **Crown Land**. It is not really relevant for exempted organisations but may be borne in mind when rallies are organised on such land.

Planning Permission

To complete our understanding of the legislation governing the operation of all Exemption Certificates, it should be appreciated that EXEMPTION FROM THE NEED TO HOLD A SITE LICENCE does not give the right to PLANNING PERMISSION. That right is expressed in another piece of legislation known as a Statutory Instrument or S.I. -

TOWN and COUNTRY PLANNING (General Permitted Development) ORDER 1995

This now supersedes the 'General Development Order 1988' and Part 5 gives the Planning Permission as follows:

Caravan Sites

CLASS A

Permitted Development

A- The use of land, other than a building, as a caravan site in the circumstances referred to in paragraph A - 2.

Condition A.1. Development is permitted by Class A subject to the condition that the use shall be discontinued when the circumstances specified in paragraph A.2. cease to exist and all caravans on the site shall be removed as soon as reasonably practicable.

Interpretation A.2. The circumstances mentioned in Class A are those specified in paragraphs 2 to 10 of Schedule 1 to the 1960 Act (cases where a caravan site licence is not required), but in relation to those mentioned in paragraph 10 do not include use for winter quarters.