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Joint Circular from the

Ministry of Housing and Local Government  
Whitehall, London S.W.1

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Welsh Office  
Cathays Park, Cardiff

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Sir,

23rd August 1968

### Caravan Sites Act 1968

1. We are directed by the Minister of Housing and Local Government and the Secretary of State for Wales to say that the above Act received the Royal Assent on 26th July, 1968, and except for Part II comes into force on 26th August, 1968. Part II will come into force on a date to be appointed by Ministerial Order.

#### **Part I—Provisions for Protection of Residential Occupiers**

2. The provisions of Part I cover any licence or contract under which a person is entitled to station a caravan on a protected site and occupy it as his residence, or under which a person is entitled to occupy as his residence a caravan stationed on any protected site. Such a licence or contract is referred to as a "residential contract" and the person so entitled as "the occupier". A residential contract may thus be a contract which relates only to the right to station a caravan on a pitch, or it may relate both to a caravan and a pitch. A protected site is defined as a site in respect of which a site licence is required under Part I of the Caravan Sites and Control of Development Act, 1960, or would be so required but for paragraph 11 of Schedule I to that Act. Part I thus covers sites run by local authorities. Part I does not apply to land in respect of which the relevant planning permission or site licence is expressed to be granted for holiday use only, or is otherwise so expressed or subject to such conditions that there are times of the year when no caravan may be stationed on the land for human habitation.

3. Section 2 provides that where a residential contract (as defined above) is determinable by notice given by either party, such notice must be given at least four weeks before it is to take effect. Section 3 provides that it shall be an offence during the subsistence of a residential contract unlawfully to deprive

the occupier (as defined above) of his occupation on the protected site of any caravan which he is entitled by the contract to station and occupy as his residence thereon, or which he is entitled by the contract to occupy as his residence thereon. The section further makes it an offence *after the expiration or determination of a residential contract*, for any person to enforce, otherwise than by proceedings in the court, any right to exclude the occupier from the protected site or from any such caravan, or to remove or exclude any such caravan from the site. The section also makes it an offence to harass such an occupier with the intention of making him give up occupation; the same protection is extended to the family of deceased caravan occupiers. This provision broadly corresponds to the protection given to residential occupiers of permanent dwellings under Part III of the Rent Act, 1965. The harassment or illegal eviction of caravan occupiers is made by the Act an offence punishable with, in the case of a first offence, a fine not exceeding £100, and in the case of a second or subsequent offence, a fine not exceeding £500 or imprisonment for up to six months or both.

4. Section 4 empowers county courts to suspend orders for the possession of caravans, or of caravan pitches, for up to twelve months at a time and to extend such suspensions up to twelve months at a time, subject to the imposition of such terms and conditions as the court may think reasonable. The court is also empowered to reduce or terminate such suspensions. This power to suspend does not extend to orders for possession of caravans or pitches on sites operated by local authorities which thus have a right to possession by means of proceedings in court corresponding to that which they have under the Rent Act.

#### **Part II—Gipsy Encampments**

5. This part of the Act seeks to spread fairly the burden of providing caravan sites for gipsies which are needed throughout England and Wales. It is thought that about 200 such sites will ultimately be required. As a corollary, in areas where sufficient sites have been provided (or cannot reasonably be provided), the Act gives local authorities more effective powers to deal with unauthorised camping by gipsies. For both these purposes gipsies are defined not by race but as persons of nomadic habit of life, excluding travelling showmen or circus people travelling together as such. The definition makes no distinction between different groups of travellers or their trades. It covers Romanies, didicois, mumpers, Irish tinkers—any of whom may be scrap metal dealers, tarmacadam workers, hawkers, etc. The Act is concerned only with the provision of sites for caravans; it does not extend to people who live in tents or other makeshift accommodation, who no doubt can be considered to be “homeless” and for whom provision is made in other legislation.

#### **Site provision**

6. The major duty to provide sites is put on the county councils, which are required to provide sites for all gipsies residing in or resorting to their area (Section 6 (1)); the district councils have the duty to provide services and facilities and to manage the sites (Section 7(1)). In addition the Act requires the councils of London boroughs and (subject to paragraph 7) county

boroughs each to provide pitches for up to 15 caravans (and to equip and manage the sites) unless they obtain an exemption on the grounds that they have no suitable land available within the borough for this purpose (Section 6 (2)). The Ministers hope that such claims will be made only after a thorough search has been made for a suitable site. They will need to be satisfied for example that no land is available even for a small site for 15 caravans of about one acre (or perhaps two smaller sites) which is not on top of a substantial area of residential development or in an area shortly to be developed. In towns, sites are more likely to be found in the peripheral areas.

7. County boroughs that consider they have not had a gipsy problem during the 5 years ended 1st May 1968 sufficient to warrant the provision of accommodation will be able to apply for exemption from the duty of providing a site even if they have suitable land available for the purpose. The countrywide census of gipsies carried out in March 1965 showed the number of unaccommodated gipsy families in counties and in county boroughs at that date. In considering applications for exemption the Ministers will take into account the position shown by this census and changes which may have occurred during the two or three years before and after that date.

#### **Working space**

8. Section 6 (4) of the Act empowers, but does not require, local authorities to provide working space for activities, such as logging, scrap metal collecting, normally carried on by gipsies. If such space is provided it need not be on or immediately adjoining the caravan site, for example in a residential area where such activities would be out of place.

#### **Financing of sites**

9. The capital and running costs of sites established under the Act are to be met by the councils of counties, county boroughs and London boroughs which provide them. However, Section 6 (3) of the Act enables any local authority to defray or contribute towards the expenditure of a local authority which provides gipsy sites under this Part of the Act and nothing in the Act affects the general powers that local authorities (including county boroughs, urban and rural districts) have under Section 24 of the Caravan Sites and Control of Development Act, 1960 to provide caravan sites for gipsies or other classes of caravanner.

10. The Act spreads the cost of sites over the whole county so that the district in which a site is established will not have to bear the expense of building and running it. It is expected that a few district authorities which have already established sites for gipsies will continue to run them under arrangements by which county authorities meet the whole or most of the annual costs.

11. Gipsies are prepared to pay rent for their pitches. Rents of up to 40/- a week are at present being charged and make a substantial contribution towards running costs. Some authorities accept reduced rents in the summer when gipsies are away on seasonal agricultural work but wish to retain a pitch.

12. The provisions of Sections 10 and 11 of the Act (which prohibit unauthorised camping by gipsies and enable local authorities to obtain orders from the magistrates' court to remove caravans from any land on which they are stationed without permission) will become operative, in the areas of counties, county boroughs and London boroughs, only when the appropriate Minister considers that sufficient sites have been provided for gipsies in those areas (or if they cannot reasonably be provided) and he has consequently made a designation order under Section 12. An authority which obtains such an order must then take such steps as are possible to inform gipsies in the area of the making and of the effects of the order. Any local authority in the area, as defined in the Caravan Sites and Control of Development Act, 1960, including in a county area any urban or rural district council, may then bring proceedings under Sections 10 and 11 of the Act.

**Action in the period before Part II of the Act comes into operation**

13. Part II of the Act is not being brought into immediate operation because the Ministers are reluctant in present circumstances to impose a fresh statutory burden on local authorities, but they have given an assurance that it will be implemented as soon as conditions permit.

14. Meanwhile the Ministers wish to emphasize that the need for sites remains at least as urgent as when Circular 26/66 was issued and they hope that local authorities in whose area a need has been shown to exist will go ahead with arrangements for providing sites whether on a permanent or a temporary basis. The problems facing gipsies in winter are immense. Difficulties inevitably arise if they camp on road verges or on waste land near to houses without any kind of facilities. In such cases the setting up of a temporary site with simple facilities, such as water and some form of sanitation, on land which may later be equipped as a permanent site, may well be the best solution both for gipsies and for householders in the locality. Loan sanction applications whether for such proposals or for permanent provision will be sympathetically considered.

15. The Ministers have repeatedly emphasized that gipsies should not be needlessly moved on from place to place until sites have been provided for them. It is particularly important that local authorities should not drive gipsies out of their areas, to become the responsibility of neighbouring authorities, in the period before a countrywide network of sites is established. Moving on operations and the subsequent clearing, ditching or fencing of land that has been used by gipsies can be very expensive and by itself contributes nothing to the overall solution of the problem. Somewhat similar considerations apply where local authorities are considering the timing of planning enforcement action against travelling families who may have bought a plot of land and have stationed their caravan on it without the necessary planning permission and site licence. In some circumstances it may be possible to defer enforcement action until sites have been established in the county to which such families could go if they wished.

16. The selection of appropriate sites, the obtaining of planning permission, and the acquisition of the land inevitably take a good deal of time and the Ministers urge local authorities which will be responsible for selecting sites under the Act (councils of counties, London boroughs and county boroughs) to undertake immediately at least the preparatory work.

17. No London borough or county borough is required under the Act to provide more than 15 pitches for gipsies and these authorities may well immediately be able to proceed with the selection of a suitable site in their area and set the planning procedure (and where necessary the acquisition procedure) in train. Loan sanction will as far as possible be granted for any such land acquisition.

18. It is suggested that county councils should, as a starting point, adopt the figures in the countrywide census of March 1965 of gipsy families then found to be on unauthorised sites and that they might discuss with other counties in the region any significant changes that are thought to have occurred since that date. If sites are provided broadly on the pattern of the need established in March 1965, with some addition to provide for increases since that time, the countrywide problem will be largely resolved.

19. County councils will then need to decide, in consultation with urban and rural district councils, in which districts sites are most needed and can most appropriately be established. Section 8 of the Act requires county councils to consult district councils (and other authorities and persons they consider appropriate) about proposals to acquire or appropriate land for gipsy sites and gives district councils a right of objection to the appropriate Minister. It is suggested that the procedures in Section 8 should be followed informally in respect of proposals made before this Part of the Act comes into operation.

20. Proposals for gipsy sites in rural areas may be of importance from the point of view of local agriculture and county councils are asked to consult the Regional Land Commissioner of the Ministry of Agriculture, Fisheries and Food about them.

21. Section 9 of the Act requires information to be given about the number and location of sites proposed including the number of pitches on each site. The Ministers will be glad if the councils of counties, London boroughs and county boroughs will, before 30th September 1968, furnish details of gipsy sites already established in their areas and inform the Ministry or the Welsh Office of further proposals as and when they are adopted.

#### **General Considerations relating to Gipsy Sites**

22. The size of sites must largely depend on the local circumstances—the number of gipsies in the area, the land available and, very important, the burden placed on local schools. The most workable size for a gipsy site is probably one to accommodate 15 caravans. It is suggested that about three of these pitches should be earmarked for short stays by travellers who are

Size

passing through the area. This will avoid the great difficulties that can be expected in the running of purely transit sites. On any site of more than a few pitches it is essential to employ a resident caretaker, who may well be a gipsy.

#### **Duration**

23. It is hoped that in the long term gipsies will become fully integrated into the settled community but it is clear that these sites will be needed for many years, both for gipsies who settle on them permanently (because they do not want to live in houses or cannot obtain them) and for gipsies who wish to continue to follow their nomadic life travelling from site to site. Therefore if only a temporary planning permission is given it should normally be for a reasonably long period, perhaps 15 years, after which the continuing need for the site can be reviewed.

#### **Health, Welfare and Education**

24. The provision of a site meets only the immediate need of gipsies for somewhere to place their caravans and have access to essential facilities. It is most important that their other needs are met. These were mentioned in Circular 26/66. In particular authorities are reminded of paragraphs 11 and 12 of that Circular which said:—

*“Health, Welfare and Education. The Minister has consulted the Minister of Health and the Secretary of State for Education and Science about these aspects of the problem. They think it most important that the normal range of social services should be available to residents on all sites. Efforts to raise general standards will help to make sites and their occupants more acceptable to the local community and help each family to fit into the life of the neighbourhood. Families who show a capacity for a settled way of life should be given every encouragement to move into permanent dwellings. It is essential for success that all official and voluntary agencies who may be concerned with a site should work closely with each other and with the person in charge of the site. County councils are asked to take the lead in promoting co-ordination in their area. It may be desirable to appoint one person to act as liaison officer between sites and the various services.*

*A permanent well established site makes regular school attendance possible. Interrupted schooling often leads to inadequate intellectual development and to insufficient command of basic skills to sustain normal employment.*

*Education authorities should take steps to ensure that children from caravan sites start school when they reach compulsory school age and attend with some degree of regularity and they should pay particular attention to children, whether or not they have reached compulsory school age, who require special educational treatment.”*

#### **Part III—Miscellaneous**

#### **Twin-unit caravans**

25. Because doubts had arisen whether or not twin-unit caravans could be regarded as coming within the definition of “caravan” in the Caravan Sites and Control of Development Act, 1960, Section 13 of the 1968 Act provides that such structures shall be treated as coming within that definition if, when

assembled, they do not exceed 60ft. in length, 20ft. in width, both measured externally, and an internal floor to ceiling height of 10ft. These dimensions can be varied by Ministerial order after consultation with persons and bodies concerned (for example the Local Authority Associations, the National Caravan Council and the National Federation of Site Operators).

26. On the question whether the assembling of twin-unit caravans on sites is "development", the Ministers consider that any operation involved in the assembling on the site of a twin-unit caravan, within the meaning of Section 13 of the Act, would be incidental to and part of the permission for the use of the land as a caravan site and would feel bound so to hold if the matter were raised before them.

#### **Offences**

27. Section 14 empowers local authorities to prosecute for offences under the Act. This power, insofar as it relates to offences under Part I, corresponds to the power local authorities already have under section 108 of the Rent Act, 1968, to prosecute for harassment or illegal eviction. It is hoped that local authorities will exercise this new power with energy and effectiveness.

#### **Other Matters concerning Caravan Sites**

#### **Planning permissions**

28. Under Part I of the Act, the court cannot suspend the operation of an order for possession beyond the period during which a site licence is in force, which must coincide with that of the planning permission. The Ministers again urge authorities not to give short-term planning permission for sites which are to be used for all-the-year-round residence except in special circumstances, e.g. if the continuance of a site with temporary permission is clearly unacceptable on planning grounds and all that can be properly allowed is a short-term extension to enable the residents to find other accommodation; or when there is some proposed development of the land which will clearly take place in the near future. Otherwise planning permission for the use of land as a caravan site should not be subject to a condition limiting it to a temporary period. Such a condition to some extent defeats the object of Part I of the Act, which seeks to give security to residential caravanners. Moreover, a temporary permission can result in sites of low standard because there may be only a limited period in which to recover the capital cost of facilities provided.

#### **Fire precautions**

29. The Home Secretary wishes the attention of licensing authorities to be drawn to factors affecting the general safety of caravan dwellers. The risk to life and property as a result of fire is a cause of continuing concern, which has been reinforced in recent years by a number of tragic accidents, many of which have involved young children. These risks stem essentially from the rapidity with which a fire can spread in a caravan and the difficulties of escaping or effecting a rescue from it. There is a general need for occupiers of caravans to be warned of these dangers and to be encouraged to avoid such bad practices, as, for example, leaving children alone, or installing heating equipment which is below the normally recommended standard. The wider use of caravans built to British Standard 3632:1963 would considerably reduce the fire risks and is to be encouraged. Fire authorities are generally anxious to give

guidance on the problem both to individual caravan occupiers and to site operators. The Ministers accordingly consider it desirable that licensing authorities, other than fire authorities, should keep fire authorities informed of plans to create new sites and of applications for licences and the conditions they propose to attach to them. This will enable fire authorities to advise on the nature of the proposed site, from the point of view especially of access for fire fighting purposes, and to approach site operators with a view to visiting the site and advising generally on fire precautions.

### **Travelling showmen**

30. Part II of the Act excludes "members of an organised group of travelling showmen, or of persons engaged in travelling circuses, travelling together as such". This is because they make their own arrangements for sites. It is, however, becoming increasingly difficult for them to find sites for winter quarters and existing ones are frequently acquired for other development. Their essential need is for an alternative site on which to station their caravans for part of the year. But, in addition, they usually need space on which to keep their equipment and motor vehicles. The Ministers wish to draw the attention of local authorities to this need and to ask that they will do all they can to help. Sometimes it might be possible for an authority to acquire land under Section 24 of the Caravan Sites and Control of Development Act, 1960 (or to appropriate land which they already hold) and to lease it to the Showmen's Guild for their members. On matters likely to affect travelling showmen, local authorities should at an early stage get in touch with the Secretary, Showmen's Guild of Great Britain, 230 Abbey House, Victoria Street, London, S.W.1.

We are, Sir, your obedient Servants,

A. OATES, *Assistant Secretary*

J. L. PALMER, *Assistant Secretary*

The Clerk of the Authority  
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