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STATUTORY INSTRUMENTS

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**1991 No. 2728 (c. 84)**

**TOWN AND COUNTRY PLANNING,  
ENGLAND AND WALES  
ACQUISITION OF LAND**

**The Planning and Compensation Act 1991 (Commencement  
No. 4 and Transitional Provisions) Order 1991**

*Made - - - - 21st November 1991*

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them by section 84(2) and (3) of the Planning and Compensation Act 1991(1) and all other powers enabling them in that behalf, hereby make the following Order:

**Citation and interpretation**

1.—(1) This Order may be cited as the Planning and Compensation Act 1991 (Commencement No. 4 and Transitional Provisions) Order 1991.

(2) In this Order—

“the 1990 Act” means the Town and Country Planning Act 1990(2);

“the 1991 Act” means the Planning and Compensation Act 1991.

**Provisions coming into force for certain purposes on 25th November 1991**

2. So much of the following provisions of the 1991 Act as enables provision to be made by rules of court, confers on the Secretary of State a power or imposes on him a duty to make or to make provision by development order or other order or regulations or to give or revoke directions, or makes provision with respect to the exercise of any such power or performance of any such duty, shall come into force on 25th November 1991:

section 3;

section 5

section 6(5);

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(1) 1991 c. 34.

(2) 1990 c. 8.

section 10;  
section 12(1) (so far as it is not already in force);  
section 13(2);  
section 16;  
section 19;  
section 20;  
section 23(7) (so far as it relates to section 214A(2) of the 1990 Act);  
section 25 (so far as it relates to paragraphs 7 and 15 of Part I of Schedule 3);  
section 27 (except so far as it relates to paragraphs 3 and 26 of Schedule 4);  
section 28; and  
section 32 (so far as it relates to paragraphs 48 and 49 of Schedule 7).

### **Provisions coming into force on 2nd January 1992**

**3.** Subject to article 4 the following provisions of the 1991 Act shall come into force on 2nd January 1992—

section 30 (except for the purposes of any inquiry or hearing which, if it had taken place, would have been—

- (a) held in respect of an order submitted to the Secretary of State for his confirmation under section 98, 103 or 259 of or Schedule 9 to the 1990 Act, section 24 of the Planning (Listed Buildings and Conservation Areas) Act 1990<sup>(3)</sup>, or section 15 of the Planning (Hazardous Substances) Act 1990<sup>(4)</sup>,
- (b) held in respect of an order submitted to the Secretary of State for his approval, under regulations made under section 220 of the 1990 Act, revoking or modifying an express consent within the meaning of such regulations, or
- (c) caused to be held by the Secretary of State in the exercise of his powers under section 252 of that Act);

section 70, so far as it is not yet in force;

section 80 as it applies in relation to England and Wales, so far as it is not yet in force.

### **Limitation on commencement of section 30**

**4.** Section 30 shall not have effect so far as it applies to any inquiry or hearing occasioned by an application referred to the Secretary of State or an appeal made to him before 2nd January 1992, or by an order or notice submitted or sent to the Secretary of State before that date for his confirmation or approval.

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(3) 1990 c. 9.  
(4) 1990 c. 10.

Signed by authority of the Secretary of State for the Environment

20th November 1991

*G. S. K. Young*  
Minister of State,  
Department of the Environment

21st November 1991

*David Hunt*  
Secretary of State for Wales

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force certain provisions of the Planning and Compensation Act 1991.

Article 2 of this Order brings into force on 25th November 1991 a number of provisions of the 1991 Act for the limited purposes specified in that article.

Article 3 of this Order brings into force on 2nd January 1992 the following provisions of the 1991 Act—

- section 30 (orders as to costs where inquiry or hearing does not take place) (except for certain purposes),
- section 70 (amendments relating to land compensation) (so far as not yet in force), and
- section 80 (interest on compensation and payments on account) (so far as it relates to England and Wales and is not yet in force).

Article 4 limits the commencement of section 30 of the 1991 Act.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Planning and Compensation Act 1991 have been brought into force by commencement orders made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
s.6(6) (England and Wales)	13th October 1991	<a href="#">1991/2272</a>
s.12(1) (partially) (England and Wales)		
s.12(2), (3) (England and Wales)	25th October 1991	<a href="#">1991/2272</a>
s.15 (England and Wales)		
ss.17 and 18 (England and Wales)		
ss.21 and 22 (England and Wales)		
s.25 (partially) (England and Wales)		
s.26 (England and Wales)		
s.29 (England and Wales)		
s.31 (so far as not already in force) (England and Wales)		

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
s.32 (partially) (England and Wales)	25th September 1991	<a href="#">1991/2067</a>
s.32 (partially) (England and Wales)		
ss.47 and 48 (Scotland)	25th September 1991	<a href="#">1991/2092</a>
s.50 (Scotland)		
s.57 (partially) (Scotland)		
s.60 (so far as not already in force) (Scotland)		
s.61 (partially) (Scotland)	25th October 1991	<a href="#">1991/2272</a>
s.61 (partially) (Scotland)	13th October 1991	<a href="#">1991/2272</a>
ss.62 to 69 (England and Wales)		
s.70 (partially) (England and Wales)	25th September 1991	<a href="#">1991/2067</a>
ss.71 to 79 (Scotland)	25th September 1991	<a href="#">1991/2092</a>
s.80 (partially) (England and Wales)	25th September 1991	<a href="#">1991/2067</a>
s.80 (partially) (Scotland)	25th September 1991	<a href="#">1991/2092</a>
s.81 (England and Wales)	25th September 1991	<a href="#">1991/2067</a>
s.83 (England, Wales, Scotland and Northern Ireland)	25th October 1991	<a href="#">1991/2272</a>
s.84(6) (partially) (England and Wales)	25th September 1991	<a href="#">1991/2067</a>
s.84(6) (partially) (Scotland)	25th Septmeber 1991	<a href="#">1991/2092</a>
Schs, 1 and 2 (England and Wales)		
Sch. 3 (partially) (England and Wales)		
Sch. 6 (so far as not already in force) (England and Wales)		
Sch. 7 (partially) (England and Wales)	25th September 1991	<a href="#">1991/2067</a>
Sch. 7 (partially) (England and Wales)	25th October 1991	<a href="#">1991/2272</a>
Sch. 10 (partially) (Scotland)		
Sch. 12 (Scotland)		
Sch. 13 (partially) (Scotland)	25th September 1991	<a href="#">1991/2092</a>
Sch. 13 (partially) (Scotland)	13th October 1991	<a href="#">1991/2272</a>

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sch. 14 (England and Wales)		
Sch. 15 (partially) (England and Wales)	25th September 1991	<a href="#">1991/2067</a>
Schs. 16 and 17 (Scotland)	25th September 1991	<a href="#">1991/2092</a>
Sch. 18 (partially) (England and Wales)	25th September 1991	<a href="#">1991/2067</a>
Sch. 18 (partially) (Scotland)	25th September 1991	<a href="#">1991/2092</a>
Sch. 19 (partially) (England, Wales and Scotland)	25th September 1991	<a href="#">1991/2067</a>
Sch. 19 (partially) (Scotland)	25th September 1991	<a href="#">1991/2092</a>