



Town and Country Planning Act 1932

1932 CHAPTER 48

Procedure with respect to Schemes.

6 Preparation or adoption of schemes.

- (1) Subject to the provisions of this section, a local authority or a joint committee duly authorised in that behalf may, by resolution, decide—
 - (a) to prepare a scheme with respect to any land within, or in the neighbourhood of, the district of the authority or, as the case may be, the districts of the constituent authorities; or
 - (b) to adopt, with or without modifications, a scheme proposed by all or any of the owners of any such land.
- (2) A resolution passed under the foregoing subsection shall not take effect unless and until it is approved by the Minister, and the Minister in giving his approval may vary the extent of the land to be included in the area to which the resolution is to apply, but the Minister shall not approve any such resolution unless he is satisfied—
 - (a) in the case of any land already built upon, that public improvements are likely to be made, or other development is likely to take place, within such a period of time and on such a scale as to make the inclusion of the land in a scheme expedient, or that the land comprises buildings or other objects of architectural, historic or artistic interest, or that the land is so situated that the general object of the scheme would be better secured by its inclusion;
 - (b) in the case of land which is neither already built upon nor in course of development, nor likely to be developed, that the land is so situated in relation to land which is already built upon, or in course of development, or on which development is likely to take place, as to make its inclusion in a scheme expedient, or that it comprises objects or places of natural interest or beauty:

Provided that nothing contained in this subsection shall prevent the Minister from approving a resolution adopting a scheme comprising land in respect of which he is not satisfied that the conditions specified in this subsection are complied with, if the scheme has been proposed by the owners of not less than two-thirds of that land and approved by not less than three-fourths of the owners of that land.

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- (3) A local authority or joint committee, before passing a resolution which will apply to—
- (i) any land not within the district or, as the case may be, districts aforesaid; or
 - (ii) any land to which either a resolution to prepare or adopt a scheme, or a scheme, being a resolution or scheme passed or made by, another authority or committee, applies,
- shall consult with every authority or committee who will be affected thereby.

- (4) A resolution of a local authority or joint committee to prepare a scheme may be revoked, either as to the whole or any part of the area to which it applies, by a subsequent resolution of the authority or committee, or, if the Minister thinks that in the special circumstances of the case the resolution should be so revoked, by order of the Minister:

Provided that—

- (a) a resolution under this subsection shall require the approval of the Minister, and the Minister may refuse to approve it except subject to such conditions as he thinks fit to impose; and
 - (b) before making an order under this subsection the Minister shall inform the authority or committee, as the case may be, of the order which he proposes to make and, if within twenty-eight days the authority or committee request him so to do, shall cause a local inquiry to be held into the matter.
- (5) In giving his approval to a resolution under the last foregoing subsection, and in making an order thereunder, the Minister shall by the imposition of conditions or, as the case may be, by the terms of his order secure that—
- (i) any person whose property has been injuriously affected by reason that since the commencement of this Act the Minister has refused, on an appeal made to him under an interim development order, to grant an application for permission to develop the property, or that the Minister has imposed any conditions on the grant of an application made since that date; and
 - (ii) any person who, for the purpose of complying with any conditions imposed on the grant of such an application, has since the commencement of this Act incurred expenditure which is rendered abortive by the revocation of the resolution to prepare a scheme,

shall be entitled, if he makes a claim for the purpose within twelve months from the date when the resolution is approved or the order is made, as the case may be, to claim compensation from such authority as may be specified in the condition or order:

Provided that the Minister shall not secure a right to compensation in respect of any injurious affection of property arising from refusal to permit any development, or from the imposition of any conditions, where he is satisfied that, if a scheme had come into operation containing provisions which would have had the effect of prohibiting that development, or under which those conditions could have been enforced, no right to compensation would have arisen under this Act in respect of the injurious affection of the property by the coming into operation of those provisions.

- (6) Where a resolution or resolutions to prepare a scheme or schemes, has or have taken effect, the local authority or joint committee who passed the resolution or resolutions may prepare one scheme for dealing with the area to which the resolution applies or with the aggregate area to which the resolutions apply, as the case may be, or, if they think fit, may prepare different schemes for dealing with different parts of that area or aggregate area.

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- (7) Where under the last foregoing subsection a local authority or joint committee have power to prepare a scheme for any area, they may decide in lieu of proceeding with the preparation of a scheme to adopt, with or without modifications, a scheme for that area or any part thereof proposed by all or any of the owners of land in that area or part thereof. A decision under this subsection shall not be deemed for the purposes of this Act to be a resolution to adopt a scheme, but as from the date of the decision the resolution or resolutions to prepare a scheme or schemes shall, so far as concerns the area or part of an area to which the decision relates, have effect as if the resolution or resolutions had been for the adoption of a scheme.
- (8) The foregoing provisions of this section shall not apply in the case of a resolution to prepare a scheme varying an existing scheme or to prepare a supplementary scheme as defined by this Act.

7 Notices in relation to the making of, or under, schemes.

- (1) Where a resolution to prepare or adopt a scheme has taken effect, the local authority or joint committee who passed the resolution, shall within the period specified in the next succeeding subsection—
- (a) publish a notice of the resolution in the London Gazette and at least once during each of two successive weeks, with an interval between each publication of at least six clear days, in a local newspaper; and
 - (b) serve in the prescribed manner a like notice, in the case of every hereditament in the area to which the resolution applies, on the person shown as the occupier thereof in the latest assessment to income tax under Schedule A of the Income Tax Act, 1918, as amended by any subsequent enactment, and also upon the person so shown as the owner thereof.

In this subsection the expression " latest assessment, " in relation to any hereditament, means the last assessment to tax in respect of that hereditament allowed by the commissioners for the general purposes of the income tax before the date on which the resolution takes effect.

- (2) A notice required by the last preceding subsection to be published and served in the manner therein mentioned shall be published in the London Gazette and once at least in a local newspaper within fourteen days, and be served within six months, after the date when the resolution takes effect, and shall contain—
- (a) a concise statement of the effect of the resolution, together with information as to the place and times at which a map defining the area to which the resolution applies may be inspected; and
 - (b) a statement as to the right of persons concerned to have their names and addresses registered for the purpose of the service of subsequent notices; and
 - (c) in the case of a notice to be served on any person, a direction to the recipient to transmit it forthwith to the person, if any, to whom he pays rent for the property.
- (3) A local authority or joint committee who are required under the foregoing provisions of this section to serve notices of a resolution may require the surveyor of taxes for the area to which the resolution applies to furnish to them, on payment at a rate not exceeding five shillings for every hundred entries numbered separately, a list of the names and addresses of the owners and occupiers within the said area as shown in assessments to income tax under Schedule A of the Income Tax Act, 1918, as

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amended by any subsequent enactment, being the assessments last allowed by the Commissioners for the general purposes of the income tax before such date as may be specified in the requisition.

- (4) For facilitating the service of subsequent notices, the local authority or joint committee by whom the resolution to prepare or adopt a scheme was passed shall compile a register of names and addresses in accordance with the provisions hereafter in this section contained.
- (5) Until the coming into operation of the scheme it shall be the duty of the authority by whom the register was compiled to keep and maintain the register, and after the coming into operation of the scheme it shall be kept and maintained by such authority as may be provided in the scheme, and the scheme may provide for different portions of the register being kept and maintained by different authorities and for all authorities concerned having reasonable access to any part of the register, and shall contain such provisions with respect to the keeping and maintenance of the register as appear to be necessary, including provisions for securing that information as to the custody of the register, or the different portions thereof, is given to persons concerned.
- (6) Any person who is, or claims to be, an owner of any property in the area to which the resolution applies, and any association representing owners of property within the district of the local authority or the districts of the local authorities represented on the joint committee by whom the resolution was passed, and any local association representing business or industry, may from time to time by notice in writing, specifying in the case of an owner the property of which he claims to be the owner, require the local authority or committee who for the time being have charge of the register, or of the appropriate portion thereof, to register his or their name and address free of charge, in the case of an owner, in respect of the property specified in the notice and, in the case of an association, in respect of the district of the local authority or the districts of the local authorities represented on the joint committee by whom the resolution was passed.

An authority or committee shall comply with any notice given to them under this subsection, and shall inform the person or association concerned that his or their name and address have been duly registered.

- (7) Where by virtue of this Act or any regulation made thereunder a public notice is required to be given of any thing done or proposed to be done, or of any action taken or proposed to be taken, by a local authority, joint committee, or responsible authority, or the Minister, under the resolution, or under or by virtue of any scheme made in pursuance thereof, a copy of the notice shall be served on every person whose name and address appear in the register in respect of any property which will be affected, and on every association whose name and address appear in the register, and, if any subsequent resolution for the preparation or adoption of a scheme is passed by the local authority or joint committee who passed the original resolution, or by any authority represented on that committee and is approved by the Minister notice of the resolution shall be given to every association whose name and address appear in the register:

Provided that—

- (a) at any time after the expiration of three years from the time when a request for registration or re-registration was last made by any person or association, the authority having charge of the register or of the relevant portion thereof may, by notice in writing, require that person or association to state within a period of one month whether he or they desire that his or their name and address shall be registered afresh, and unless within the said period a request

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- for re-registration is duly made, the said authority may remove the name of that person or association from the register; and
- (b) the authority may at any time, with the consent of any person or association, remove the name of that person or association from the register.
- (8) The provisions of this section—
- (a) shall not apply in relation to the service of any notice relating to the compulsory acquisition of land under this Act; and
- (b) shall apply in relation to the service of notices in connection with a resolution to prepare or adopt a supplementary scheme under this Act or a scheme varying an existing scheme to such extent only, and subject to such modifications, if any, as may be prescribed.

8 Approval, validity, coming into effect, variation and revocation of schemes.

- (1) A scheme prepared or adopted by a local authority or joint committee shall require the approval of the Minister, and the Minister may approve any scheme either with or without modifications :

Provided that—

- (i) where the resolution passed by the local authority or joint committee in pursuance of section six of this Act was a resolution to prepare a scheme, the draft scheme prepared in pursuance of the resolution shall, before submission to the Minister, be adopted by resolution of the local authority or joint committee at a meeting of which special notice indicating the business to be transacted has been given to each member; and
- (ii) before making any modifications in a scheme, the Minister shall inform the local authority or joint committee, as the case may be, of the modifications which he proposes to make, and shall cause a local inquiry to be held into the matter if within twenty-eight days the local authority or joint committee request him so to do.
- (2) The provisions of Parts I and II of the First Schedule to this Act shall have effect with respect to the laying of schemes before Parliament, the validity of schemes, and the dates on which schemes are to come into operation.
- (3) A scheme may be varied, otherwise than by way of extension of the area to which the scheme applies, or may be revoked, by a subsequent scheme prepared, or adopted, and approved in accordance with this Act and any regulations made thereunder.
- (4) The Minister, on an application made in accordance with the provisions of the next succeeding subsection, may, if he thinks that in the special circumstances of the case a scheme ought to be varied or revoked, himself make a scheme varying or revoking that scheme:

Provided that the Minister shall not make any variation in a scheme unless he is satisfied that it will not involve substantial additional expenditure by any responsible authority under the scheme who object to the variation being made.

A scheme made by the Minister under this subsection shall, for the purposes of this Act, be deemed to have been prepared or adopted by such authority or committee as may be specified in the scheme.

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- (5) An application to the Minister under this section may be made by any authority who are a responsible authority for any purposes of the scheme which it is proposed to vary or revoke, or by any joint committee appointed for the purpose of preparing a scheme in respect of an area comprising land to which the first mentioned scheme applies, or by any other authority or person who appear or appears to the Minister to be concerned.

9 Supplementary schemes for areas comprised in regional schemes.

- (1) In any case where a regional scheme is in operation, any local authority or joint committee may by resolution decide to prepare a scheme with respect to any land to which the regional scheme applies, being land in, or in the neighbourhood of, the district of the local authority or, as the case may be, the districts of any of the constituent authorities, or to adopt, with or without modifications, a scheme proposed by all or any of the owners of any such land.
- (2) A scheme prepared or adopted under the preceding subsection (in this Act referred to as a " supplementary scheme ") shall incorporate, with or without modifications, all such provisions of the regional scheme as relate to the area to which the supplementary scheme applies and are not inconsistent with the provisions thereof, and may include such additional provisions as appear to be necessary or desirable.
- (3) A resolution to prepare or adopt a supplementary scheme shall not affect the operation of the regional scheme or the powers of any authority thereunder, but as from the date on which the supplementary scheme comes into operation it shall, so far as respects the area to which it applies, have the effect of revoking the regional scheme.
- (4) In this section the expression " regional scheme " means a scheme made, whether under this Act or under any Act repealed by this Act, by a joint committee.