

Section 1.

SCHEDULE.

RATES OF DUTIES ON TOBACCO.

Description of Tobacco.	Rates of duty per pound.	
	Non-Empire products.	Empire products.
Tobacco unmanufactured—	£ s. d.	£ s. d.
containing 10 lbs. or more of moisture in every 100 lbs. weight thereof—		
unstripped	2 14 10	2 13 3½
stripped... ..	2 14 10½	2 13 3¾
containing less than 10 lbs. of moisture in every 100 lbs. weight thereof—		
unstripped	2 15 10	2 14 1½
stripped... ..	2 15 10½	2 14 1¾
Tobacco manufactured, viz.—		
Cigars... ..	3 4 5	3 1 5½
Cigarettes	3 0 4	2 17 11½
Cavendish or Negrohead	2 19 4	2 17 1
Cavendish or Negrohead manufactured in bond	2 17 4	2 15 4½
Other manufactured tobacco	2 17 7	2 15 7½
Snuff—		
containing more than 13 lbs. of moisture in every 100 lbs. weight thereof	2 16 10	2 14 11¾
containing not more than 13 lbs. of moisture in every 100 lbs. weight thereof	2 19 4	2 17 1
and so in proportion for any less quantity.		

CHAPTER 51.

Town and Country Planning Act, 1947.

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An Act to make fresh provision for planning the development and use of land, for the grant of permission to develop land and for other powers of control over the use of land; to confer on public authorities additional powers in respect of the acquisition and development of land for planning and other purposes, and to amend the law relating to compensation in respect of the compulsory acquisition of land; to provide for payments out of central funds in respect of depreciation occasioned by planning restrictions; to secure the recovery for the benefit of the community of development charges in respect of certain new development; to provide for the payment of grants out of central funds in respect of expenses of local authorities in connection with the matters aforesaid; and for purposes connected with the matters aforesaid. [6th August 1947.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

CENTRAL AND LOCAL ADMINISTRATION.

1. The Minister for the purposes of this Act shall be the The Minister. Minister of Town and Country Planning, and the expression "the Minister" in this Act shall be construed accordingly.

2.—(1) For the purpose of the performance of the functions The Central Land Board. assigned to them by the following provisions of this Act, and by any corresponding provisions which may be enacted in relation to Scotland, there shall be established a Board to be called the Central Land Board which shall be a body corporate by that name, with perpetual succession and a common seal.

(2) The Board shall consist of a chairman and such number of other members (not exceeding nine) as the Ministers may think expedient, to be appointed by the Ministers, and the Ministers may appoint one of the members of the Board to act as deputy chairman.

(3) The Board, with the approval of the Ministers, may appoint a Secretary to the Board, and such other officers and such servants as the Ministers may, with the consent of the Treasury, determine.

PART I.
—cont.

(4) There shall be paid to the members, officers and servants of the Board such remuneration (whether by way of salaries or by way of fees), and such reasonable allowances in respect of expenses properly incurred in the performance of their duties, as may be determined by the Ministers with the consent of the Treasury; and any such remuneration and allowances as aforesaid shall be defrayed out of moneys provided by Parliament.

(5) The Ministers may make regulations with respect to any of the following matters, that is to say:—

- (a) the appointment of members of the Board, and their tenure and vacation of office;
- (b) the execution of instruments by or on behalf of the Board, and the proof of documents purporting to be executed, issued or signed by the Board or by a member, officer or servant thereof,

and subject to the provisions of any such regulations as aforesaid, the Board shall have power to regulate their own procedure (including the manner in which matters subject to the determination of the Board are to be determined by or on behalf of the Board).

(6) The validity of any proceeding of the Board shall not be affected by any vacancy amongst the members thereof, or by any defect in the appointment of a member thereof.

(7) The Board shall, as soon as possible after the end of each financial year of the Board, make to the Ministers a report on the exercise and performance by them of their functions during that year; and the Ministers shall lay a copy of every such report before each House of Parliament.

(8) In this section the expression “Ministers” means the Minister and the Secretary of State concerned with town and country planning in Scotland.

General provisions as to functions of Central Land Board.

3.—(1) The Central Land Board shall, in the performance of their functions under this Act, comply with such directions of a general character as may be given to them by the Minister.

(2) The report made for any year under subsection (7) of the last foregoing section shall set out any direction given by the Minister to the Board during that year unless the Minister has notified to the Board his opinion that it is against the interests of national security so to do.

(3) The functions under this Act of the Board, and of their officers and servants, shall be exercised on behalf of the Crown.

(4) Regulations made for the purposes of the last foregoing section shall provide for requiring members of the Board who are interested in any land the subject of a claim or application made to the Board under this Act to disclose to the Board the nature of their interest, and may for that purpose apply any of the provisions of section one hundred and forty-nine of the Companies Act, 1929, subject to such modifications as may be prescribed by the regulations.

PART I.
—cont.

19 & 20 Geo 5.
c. 23.

(5) Any administrative expenses incurred for the purposes of this Act by the Board with the approval of the Minister shall, to such extent as may be sanctioned by the Treasury, be defrayed out of moneys provided by Parliament.

4.—(1) Subject to the provisions of this section, the local planning authority for the purposes of this Act shall, for each county or county borough, be the council of that county or borough. Local planning authorities, etc.

(2) If it appears to the Minister that it is expedient that a joint board should be established as the local planning authority for the areas of any two or more such councils as aforesaid, or for any parts of those areas, he may by order constitute those areas or parts as a united district for the purposes of this Act, and constitute a joint board (in this Act referred to as a joint planning board) as the local planning authority for that district:

Provided that the Minister shall not make such an order except after holding a local enquiry unless all the councils concerned have consented to the making of the order.

(3) Where an inquiry has been held under the provisions of the last foregoing subsection, the order shall be laid before Parliament and if either house, within a period of forty days after the order is so laid before it, resolves that the order be annulled, the order shall thereupon cease to have effect, but without prejudice to the validity of anything previously done thereunder or to the making of a new order.

In reckoning for the purposes of this subsection any such period of forty days, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

(4) The provisions of Part I of the First Schedule to this Act shall have effect with respect to the constitution of joint planning boards under this section; and the provisions of Parts II and III of that Schedule shall have effect with respect to the establishment and functions of planning committees and joint advisory committees of local planning authorities.

PART I.
—cont.

(5) References in this Act to a local planning authority (except references thereto in the said First Schedule) or to a local authority shall include references to a joint planning board constituted under this section; and references in this Act to the area of a local planning authority shall be construed—

- (a) in relation to a joint planning board, as references to the united district for which the board is constituted; and
- (b) in relation to a local planning authority for an area of which part only is included in such a district, as references to that part of that area which is not so included.

(6) If it appears to the Minister, after consultation with the local authorities concerned, to be expedient that any land acquired by a local authority under section thirty-eight or forty of this Act should be held by a joint body consisting of representatives of that authority and of any other local authority, he may by order provide for the establishment of such a joint body and for the transfer to that body of the land so acquired; and any such order may make such provision as the Minister considers expedient with respect to the constitution and functions of the joint body including provisions—

- (a) for incorporating the joint body;
- (b) for conferring on them, in relation to the land transferred to them as aforesaid, any of the powers conferred on local authorities by Part IV of this Act in relation to land acquired and held by such authorities for the purposes of the said Part IV;
- (c) for determining the manner in which their expenses are to be defrayed.

PART II.

DEVELOPMENT PLANS.

Surveys of planning areas and preparation of development plans.

5.—(1) As soon as may be after the appointed day, every local planning authority shall carry out a survey of their area, and shall, not later than three years after the appointed day, or within such extended period as the Minister may in any particular case allow, submit to the Minister a report of the survey together with a plan (hereinafter called a "development plan") indicating the manner in which they propose that land in that area should be used (whether by the carrying out thereon of development or otherwise) and the stages by which any such development should be carried out.

(2) Subject to the provisions of any regulations made under this Act for regulating the form and content of development

plans, any such plan shall include such maps and such descriptive matter as may be necessary to illustrate the proposals aforesaid with such degree of particularity as may be appropriate to different parts of the area; and any such plan may in particular—

- (a) define the sites of proposed roads, public and other buildings and works, airfields, parks, pleasure grounds, nature reserves and other open spaces, or allocate areas of land for use for agricultural, residential, industrial or other purposes of any class specified in the plan;
- (b) designate, as land subject to compulsory acquisition by any Minister, local authority or statutory undertakers any land allocated by the plan for the purposes of any of their functions (including any land which that Minister or authority or those undertakers are or could be authorised to acquire compulsorily under any enactment other than this Act);
- (c) designate as land subject to compulsory acquisition by the appropriate local authority—
 - (i) any land comprised in an area defined by the plan as an area of comprehensive development (including any land therein which is allocated by the plan for any such purpose as is mentioned in paragraph (b) of this subsection), or any land contiguous or adjacent to any such area;
 - (ii) any other land which, in the opinion of the local planning authority, ought to be subject to compulsory acquisition for the purpose of securing its use in the manner proposed by the plan.

(3) For the purposes of this section, a development plan may define as an area of comprehensive development any area which in the opinion of the local planning authority should be developed or re-developed as a whole, for any one or more of the following purposes, that is to say for the purpose of dealing satisfactorily with extensive war damage or conditions of bad lay-out or obsolete development, or for the purpose of providing for the relocation of population or industry or the replacement of open space in the course of the development or redevelopment of any other area, or for any other purpose specified in the plan; and land may be included in any area so defined, and designated as subject to compulsory purchase in accordance with the provisions of subsection (2) of this section, whether or not provision is made by the plan for the development or redevelopment of that particular land.

PART II.
—cont.

(4) The Minister may approve any development plan submitted to him under this section either without modification or subject to such modifications as he considers expedient:

Provided that—

(a) the Minister shall not approve a development plan which designates any land as subject to compulsory acquisition as aforesaid if it appears to him that the acquisition is not likely to take place within ten years from the date on which the plan is approved, or, in the case of land being agricultural land within the meaning of the Rating and Valuation (Apportionment) Act, 1928, within seven years from that date;

(b) the Minister shall not, except with the consent of all persons interested, approve a development plan subject to a modification designating as subject to compulsory acquisition any land not so designated in the plan as submitted to him;

(c) where a development plan as submitted to the Minister designates as subject to compulsory acquisition any such land as is mentioned in paragraph 9 of the First Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946 (which relates to land of local authorities and statutory undertakers and inalienable land of the National Trust) then, if objection to the proposed designation is duly made by the local authority or statutory undertakers or the National Trust, as the case may be, and is not withdrawn, the land shall not be so designated except in pursuance of an order made by the Minister (or, in the case of land being operational land of statutory undertakers, by the Minister and the appropriate Minister) and any such order shall be subject to special parliamentary procedure.

(5) At any time before a development plan with respect to the whole of the area of a local planning authority has been approved under this section, that authority may, with the consent of the Minister, and shall if so required by directions of the Minister, prepare and submit to him a development plan relating to any part of that area, and the foregoing provisions of this section shall apply in relation to any such plan as they apply in relation to a plan relating to the whole of that area.

Amendment of
development
plans.

6.—(1) At least once in every five years after the date on which a development plan for any area is approved by the Minister, the local planning authority shall carry out a fresh

18 & 19 Geo. 5.
c. 44.

9 & 10 Geo. 6.
c. 49.

survey of that area, and submit to the Minister a report of the survey, together with proposals for any alterations or additions to the plan which appear to them to be required having regard thereto.

(2) Without prejudice to the provisions of the foregoing subsection, any local planning authority may at any time, and shall if so required by directions of the Minister, submit to the Minister proposals for such alterations or additions to the development plan relating to their area or any part thereof as appear to them to be expedient, or as may be required by those directions, as the case may be.

(3) Where proposals for alterations or additions to a development plan are submitted to the Minister under this section, the Minister may amend that plan to such extent as he considers expedient having regard to those proposals and to any other material considerations, and any such amendment may in particular provide for securing that any land previously designated by the plan as subject to compulsory acquisition shall cease to be so designated, or that any land not previously so designated shall be so designated:

Provided that the proviso to subsection (4) of the last foregoing section shall apply in relation to the amendment of a development plan by the Minister as it applies in relation to the approval of such a plan by him, and for that purpose shall have effect—

- (a) as if for the reference in paragraph (a) to the date on which the plan is approved there were substituted a reference to the date on which the amendment is effected; and
- (b) as if for the references in paragraphs (b) and (c) to the plan as submitted to the Minister there were substituted references to the proposals submitted to him under this section.

(4) Where, under subsection (5) of the last foregoing section, a development plan is approved with respect to a part of the area of a local planning authority, the periods of five years mentioned in subsection (1) of this section shall run from the date on which development plans in respect of the whole of the area of the local planning authority have been approved by the Minister but without prejudice to the provisions of subsection (2) of this section.

7.—(1) Where, by virtue of any of the foregoing provisions of this Part of this Act, or of any directions of the Minister thereunder, any development plan, report or proposals for alterations or additions to a development plan are required to be submitted to the Minister, then—

Additional powers of Minister with respect to development plans.

- (a) if within the period prescribed in that behalf by those provisions or directions no such plan, report

PART II.
—cont.

or proposals, or no such plan or proposals satisfactory to the Minister, have been so submitted or

- (b) if at any time the Minister is satisfied, after holding a local inquiry, that the local planning authority are not taking the steps necessary to enable them to submit such a plan, report or proposals within that period,

the Minister may, after carrying out any survey which appears to him to be expedient for the purpose, make such development plan, or as the case may be, amend the development plan to such extent, as he considers expedient.

(2) Where, under the foregoing provisions of this section, the Minister has power to make or amend a development plan, he may, if he thinks fit, authorise the local planning authority for any neighbouring area, or any other local planning authority which appears to the Minister to have an interest in the proper planning of the area concerned, to submit such a plan to him for his approval, or, as the case may be, to submit to him proposals for the amendment of the plan, and to carry out any survey of the land which appears to him to be expedient for the purpose, and may approve any plan so submitted either without modification or subject to such modifications as he considers expedient, or, as the case may be, may amend the plan to such extent as he considers expedient having regard to the proposals so submitted and to any other material considerations.

(3) The foregoing provisions of this Part of this Act shall, so far as applicable, apply to the making, approval or amendment of development plans under this section, and to plans so made, approved or amended, as they apply to the approval or amendment of development plans under those provisions, and to plans approved or amended thereunder.

(4) Any expenses incurred by the Minister under this section in connection with the making or amendment of a plan with respect to the area, or any part of the area, of a local planning authority, shall be paid in the first instance out of moneys provided by Parliament, but so much of those expenses as may be certified by the Minister to have been incurred in the performance of functions of that authority shall on demand be repaid by that authority to the Minister.

(5) Where, under this section, a plan, or proposals for the amendment of a plan, are authorised to be submitted to the Minister by the local planning authority for any area other than the area in which the land is situated, any expenses reasonably incurred in that behalf by the said authority, as

certified by the Minister, shall be repaid to that authority by the local planning authority for the area in which the land is situated.

PART II.
—cont.

8.—(1) Where an order is made by the Minister of Transport in accordance with the Second Schedule to the Trunk Roads Act, 1946, directing that any road proposed to be constructed by him shall become a trunk road, or authorising him to construct or improve any road under section four of that Act, any development plan approved or made under this Act which relates to land on which a road is to be constructed or improved in accordance with that order shall have effect as if the provisions of that order were included in the plan.

Incorporation in development plans of orders relating to trunk roads and new towns.
9 & 10 Geo. 6.
c. 30.

(2) Where an order is made by the Minister under section one of the New Towns Act, 1946, designating any area as the site of a new town under that Act, any development plan approved or made under this Act which relates to land in that area shall have effect as if the provisions of that order were included in the plan.

9 & 10 Geo. 6.
c. 68.

(3) Nothing in this section shall be construed as prohibiting the inclusion in a development plan, as approved or made by the Minister or as for the time being amended, of provisions defining the line of roads proposed to be constructed by the Minister of Transport in accordance with any such order as is mentioned in subsection (1) of this section, or areas designated as the sites of new towns by any such order as is mentioned in subsection (2) of this section, or of provisions defining land as likely to be made the subject of any such order as aforesaid.

(4) Provision may be made by regulations under this Act for enabling any proceedings preliminary to the making of any such order as is mentioned in subsection (1) or subsection (2) of this section to be taken concurrently with proceedings required under this Act to be taken in connection with the approval or making of a development plan relating to land to which any such order applies or in connection with any amendment of a development plan rendered necessary or desirable in consequence of any such order.

9.—(1) Where any land is designated by a development plan as subject to compulsory acquisition, then if at the expiration of twelve years from the date on which the plan, or the amendment of the plan, by virtue of which the land was first so designated came into operation, any of that land has not been acquired by a Minister, local authority or statutory undertakers who could be authorised to acquire it compulsorily under the provisions of this Act, any owner of the land may, within the time and in the manner prescribed by regulations under this Act, serve on the local planning authority a notice requiring his interest in the land to be so acquired.

Modification of development plans in relation to land designated as subject to compulsory acquisition.

PART II.
—*cont.*

(2) Where any such notice is served as aforesaid, then unless within six months after the service of the notice either—

(a) notice to treat in respect of the interest to which the notice relates has been served by any such Minister, authority or undertakers as aforesaid; or

(b) an offer has been made to the owner of the said interest by any such Minister, local authority or undertakers to acquire it on terms that the price payable therefor shall be equal to (and shall be determined, in default of agreement, in like manner as) the compensation which would be payable in respect of that interest if it were acquired compulsorily,

the development plan shall have effect, after the expiration of the said six months, as if the land were not designated as subject to compulsory acquisition.

9 & 10 Geo. 5.
c. 57.

(3) The power conferred by subsection (2) of section five of the Acquisition of Land (Assessment of Compensation) Act, 1919, to withdraw a notice to treat shall not be exercisable in the case of a notice to treat which is served as mentioned in paragraph (a) of the last foregoing subsection.

(4) Where any land is designated by a development plan as subject to compulsory acquisition by the appropriate local authority (not being land comprised in an area defined by the plan as an area of comprehensive development) then if permission is granted under Part III of this Act for any development of the land so designated, or any part thereof, and that development is carried out in accordance with the permission so granted, the development plan shall have effect as if the land to which the permission relates were not designated as subject to compulsory acquisition:

Provided that where any such permission as aforesaid is granted for a limited period only, the provisions of this subsection shall cease to have effect in relation to the land at the expiration of that period.

(5) In relation to land being agricultural land within the meaning of the Rating and Valuation (Apportionment) Act, 1928, subsection (1) of this section shall have effect as if for the words " twelve years " there were substituted the words " eight years ".

Supple-
mentary
provisions as
to develop-
ment plans.

10.—(1) A local planning authority shall, before preparing a development plan relating to any land comprised in any county district, or proposals for alterations or additions to any such plan, consult with the council of that district and shall, before submitting any such plan or proposals to the Minister, give to that council an opportunity to make representations with respect thereto and consider any representations so made.

(2) Provision may be made by regulations under this Act with respect to the form and content of development plans, and with respect to the procedure to be followed in connection with the preparation, submission, approval, making and amendment of such plans, and such regulations shall in particular make provision for securing—

- (a) that notice shall be given by advertisement in the London Gazette and in at least one newspaper circulating in the area concerned of the submission to the Minister of any such plan or of proposals for the amendment of any such plan, and of any proposal by the Minister to make or amend such a plan and of the place or places where copies of the plan or proposals as so submitted, or of any such proposal of the Minister, may be inspected.
- (b) that objections and representations duly made in accordance with the regulations shall be considered, and that such local inquiries or other hearings as may be prescribed by the regulations shall be held, before such a plan is approved, made or amended by the Minister; and
- (c) that copies of any such plan as approved or made by the Minister, including any amendments thereof, shall be available for inspection by the public, and that copies thereof (including reproductions on such scale as may be appropriate of any relevant maps) shall be available on sale to the public at a reasonable cost.

(3) If as the result of any objections or representations considered, or local inquiry or other hearing held, in connection with a development plan or proposals for amendment of such a plan submitted to or prepared by the Minister under this Part of this Act, the Minister is of opinion that the local planning authority or any other authority or person ought to be consulted before he decides whether to approve or make the plan either with or without modifications, or to amend the plan, as the case may be, he shall consult that authority or person, but shall not be under any obligation to consult any other authority or person, or to afford any opportunity for further objections or representations or to cause any further local inquiry or other hearing to be held.

(4) Subject to the foregoing provisions of this section, the Minister may give directions to any local planning authority, or to local planning authorities generally—

- (a) for formulating the procedure for the carrying out of their functions under the foregoing provisions of this Part of this Act;

PART II.
—cont.

(b) for requiring them to furnish to him such information as he may require for the purpose of the exercise of any of his functions under those provisions.

9 & 10 Geo. 6.
c. 18.

(5) In the application of the Statutory Orders (Special Procedure) Act, 1945, to any order made in pursuance of paragraph (c) of the proviso to subsection (4) of section five of this Act, any requirements imposed by regulations under this section with respect to the publication of notices and the consideration of objections in relation to the development plan shall be deemed for the purposes of section two of that Act to be requirements with respect to proceedings preliminary to the making of the order.

Validity and
date of
operation of
development
plans.

11.—(1) Immediately after a development plan has been approved or made or amended by the Minister under this Part of this Act, the local planning authority shall publish in such manner as may be prescribed by regulations under this Act a notice stating that the plan has been approved, made, or amended, as the case may be, and naming a place where a copy of the plan or of the plan, as amended, may be seen at all reasonable hours, and shall serve a like notice on any person by whom an objection or representation was duly made to the proposed plan or amendment, and who has sent to the authority a request in writing to serve him with the notice required by this subsection, specifying an address for service, and on such other persons, if any, as may be required by general or special directions given by the Minister.

(2) If any person aggrieved by the plan or by the amendment, as the case may be, desires to question the validity thereof or of any provision contained therein on the ground that it is not within the powers of this Act, or on the ground that any requirement of this Act or any regulation made thereunder has not been complied with in relation to the approval or making of the plan, or, as the case may be, in relation to the making of the amendment, he may, within six weeks from the date on which the notice required by the last foregoing subsection is first published, make an application to the High Court, and on any such application the Court—

- (a) may by interim order suspend the operation of the plan or amendment, as the case may be, or of any provision contained therein either generally or in so far as it affects any property of the applicant, until the final determination of the proceedings; and
- (b) if satisfied that the plan or amendment, or any provision contained therein, is not within the powers of this Act, or that the interests of the applicant have been substantially prejudiced by a failure to comply

with any such requirement as aforesaid, may quash the plan or amendment or any provision contained therein either generally or in so far as it affects any property of the applicant.

PART II.
—cont.

(3) Subject to the provisions of the last foregoing subsection, a development plan or an amendment of a development plan shall not, either before or after it has been approved or made, be questioned in any legal proceedings whatsoever, and shall become operative on the date on which the notice required by this section is first published.

(4) Where, under paragraph (c) of the proviso to subsection (4) of section five of this Act, any land to which a development plan relates is designated as subject to compulsory acquisition in pursuance of an order to which the Statutory Orders (Special Procedure) Act, 1945, applies, then—

- (a) if that order is confirmed by Act of Parliament under section six of that Act, subsections (2) and (3) of this section shall not apply to the plan so far as it so designates that land; and
- (b) in any other case, this section shall have effect in relation to the plan, so far as it so designates that land, as if in subsection (2) for the reference to the date on which the notice required by subsection (1) is first published there were substituted a reference to the date on which the order becomes operative under the said section six, and as if in subsection (3) the words from “ and shall become operative ” to the end of the subsection were omitted.

PART III.

CONTROL OF DEVELOPMENT, ETC.

Permission to develop land.

12.—(1) Subject to the provisions of this section and to the following provisions of this Act, permission shall be required under this Part of this Act in respect of any development of land which is carried out after the appointed day.

Obligation
to obtain
permission for
development.

(2) In this Act, except where the context otherwise requires, the expression “ development ” means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land :

Provided that the following operations or uses of land shall not be deemed for the purposes of this Act to involve development of the land, that is to say :—

- (a) the carrying out of works for the maintenance, improvement or other alteration of any building, being

PART III.
—cont.

works which affect only the interior of the building or which do not materially affect the external appearance of the building;

- (b) the carrying out by a local highway authority of any works required for the maintenance or improvement of a road, being works carried out on land within the boundaries of the road;
- (c) the carrying out by any local authority or statutory undertakers of any works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including the breaking open of any street or other land for that purpose;
- (d) the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such;
- (e) the use of any land for the purposes of agriculture or forestry (including afforestation), and the use for any of those purposes of any building occupied together with land so used;
- (f) in the case of buildings or other land which are used for a purpose of any class specified in an order made by the Minister under this section, the use thereof for any other purpose of the same class.

(3) For the avoidance of doubt it is hereby declared that for the purposes of this section—

- (a) the use as two or more separate dwellinghouses of any building previously used as a single dwellinghouse involves a material change in the use of the building and of each part thereof which is so used;
- (b) the deposit of refuse or waste materials on land involves a material change in the use thereof, notwithstanding that the land is comprised in a site already used for that purpose, if the superficial area or the height of the deposit is thereby extended:

Provided that nothing in paragraph (b) of this subsection shall be deemed to require permission in respect of the deposit of refuse or waste materials on a site already used for that purpose if the height of the deposit does not exceed the level of the land adjoining such site, and the superficial area of the deposit is not thereby extended.

(4) Without prejudice to the provisions of any regulations made under the provisions of this Act relating to the control of advertisements, the use for the display of advertisements of any external part of a building which is not normally used for that purpose shall be treated for the purposes of this

section as involving a material change in the use of that part of the building.

PART III.
—cont.

(5) Notwithstanding anything in this section, permission shall not be required under this Part of this Act—

- (a) in the case of land which, on the appointed day, is being used temporarily for a purpose other than the purpose for which it is normally used, in respect of the resumption of the use of the land for the last-mentioned purpose;
- (b) in the case of land which, on the appointed day, is normally used for one purpose and is also used on occasions, whether at regular intervals or not, for any other purpose, in respect of the use of the land for that other purpose on similar occasions after the appointed day;
- (c) in the case of land which on the appointed day is unoccupied, in respect of the use of the land for the purpose for which it was last used:

Provided that—

- (i) in determining for the purposes of paragraph (a) of this subsection the purposes for which land was normally used and in determining for the purposes of paragraph (c) of this subsection the purposes for which land was last used no account shall be taken of any use of the land begun in contravention of previous planning control within the meaning of section seventy-five of this Act;
- (ii) paragraph (c) of this subsection shall not apply to land which was unoccupied on the seventh day of January nineteen hundred and thirty-seven and has not been occupied since that date.

13.—(1) The Minister shall by order provide for the grant of permission for the development of land under this Part of this Act, and such permission may be granted—

- (a) in the case of any development specified in any such order, or in the case of development of any class so specified, by that order itself;
- (b) in any other case, by the local planning authority (or, in the cases hereinafter provided, by the Minister) on an application in that behalf made to the local planning authority in accordance with the provisions of the order.

(2) An order under subsection (1) of this section (hereinafter called a "development order") may be made either as a general order applicable (subject to such exceptions as

PART III.
—cont.

may be specified therein) to all land, or as a special order applicable only to such land as may be so specified, and the permission granted by any such order may be granted either unconditionally or subject to such conditions or limitations as may be so specified.

(3) Without prejudice to the generality of the last foregoing subsection, a development order which grants permission for any development may—

- (a) where permission is thereby granted for the erection, extension or alteration of any buildings, require the approval of the local planning authority to be obtained with respect to the design or external appearance thereof;
- (b) where permission is thereby granted for development of any specified class, enable the Minister or the local planning authority to direct that that permission shall not apply either in relation to development in any particular area or in relation to any particular development.

(4) For the purpose of enabling development to be carried out in accordance with permission granted under this Part of this Act, or otherwise for the purpose of promoting proper development in accordance with the development plan, a development order may direct that any enactment passed before the passing of this Act, or any regulations, orders or byelaws made (whether before or after the passing of this Act) under any such enactment, shall not apply to any development specified in the order, or shall apply thereto subject to such modifications as may be so specified.

(5) Every development order shall be laid before Parliament immediately after it is made, and if either House within the period of forty days after the order is so laid before it resolves that the order be annulled, the order shall thereupon cease to have effect, but without prejudice to the validity of anything previously done thereunder or to the making of a new order:

Provided that, without prejudice to the foregoing provision, where any such order makes provision for excluding or modifying any enactment contained in a public general Act (other than any of the excepted enactments specified in the Second Schedule to this Act) the order shall be of no effect until that provision is approved by resolution of each House of Parliament.

(6) In reckoning for the purpose of the last foregoing subsection any such period of forty days, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

14.—(1) Subject to the provisions of this and the next following section, where application is made to the local planning authority for permission to develop land, that authority may grant permission either unconditionally or subject to such conditions as they think fit, or may refuse permission; and in dealing with any such application the local planning authority shall have regard to the provisions of the development plan, so far as material thereto, and to any other material considerations.

PART III.
—cont.
Applications to local planning authorities for permission.

(2) Without prejudice to the generality of the foregoing subsection, conditions may be imposed on the grant of permission to develop land thereunder—

- (a) for regulating the development or use of any land under the control of the applicant (whether or not it is land in respect of which the application was made) or requiring the carrying out of works on any such land, so far as appears to the local planning authority to be expedient for the purposes of or in connection with the development authorised by the permission;
- (b) for requiring the removal of any buildings or works authorised by the permission, or the discontinuance of any use of land so authorised, at the expiration of a specified period, and the carrying out of any works required for the re-instatement of land at the expiration of that period;

and any permission granted subject to any such condition as is mentioned in paragraph (b) of this subsection is in this Act referred to as permission granted for a limited period only.

(3) Provision may be made by a development order for regulating the manner in which applications for permission to develop land are to be dealt with by local planning authorities, and in particular—

- (a) for enabling the Minister (or, in the case of development affecting trunk roads, the Minister of Transport) to give directions restricting the grant of permission by the local planning authority, during such period as may be specified in the directions, in respect of any such development, or in respect of development of any such class, as may be so specified;
- (b) for authorising the local planning authority, in such cases and subject to such conditions as may be prescribed by the order, or by directions given by the Minister thereunder, to grant permission for development which does not accord with the provisions of the development plan;

PART III.
—cont.

- (c) for requiring the local planning authority, before granting or refusing permission for any development, to consult with such authorities or persons as may be prescribed by the order or by directions given by the Minister thereunder;
- (d) for requiring the local planning authority to give to any applicant for permission, within such time as may be prescribed by the order, such notice as may be so prescribed as to the manner in which his application has been dealt with;
- (e) for requiring the local planning authority to furnish to the Minister, and to such other persons as may be prescribed by or under the order, such information as may be so prescribed with respect to applications for permission made to them, including information as to the manner in which any such application has been dealt with.

(4) Without prejudice to any provisions included in the development order by virtue of the last foregoing subsection for restricting the grant of permission by local planning authorities, an application to the local planning authority for permission to develop land by the erection thereon of an industrial building of any class prescribed by regulations made for the purposes of this subsection by the Board of Trade shall be of no effect unless it is certified by the Board that the development in question can be carried out consistently with the proper distribution of industry, and a copy of the certificate is furnished to the local planning authority together with the application:

Provided that—

- (a) no such certificate as aforesaid shall be required in respect of the erection of any industrial building which will have an aggregate floor space not exceeding five thousand square feet; and
- (b) the regulations made by the Board for the purposes of this subsection may direct that no such certificate as aforesaid shall be required in respect of the erection, in any area prescribed by or under the regulations, of industrial buildings of any such class as may be so prescribed.

(5) Every local planning authority shall keep, in such manner as may be prescribed by the development order, a register containing such information as may be so prescribed with respect to applications for permission made to that authority, including information as to the manner in which such applications have been dealt with; and every such register shall be available for inspection by the public at all reasonable hours.

15.—(1) The Minister may give directions to any local planning authority, or to local planning authorities generally, requiring that any application for permission to develop land, or all such applications of any class specified in the directions, shall be referred to the Minister instead of being dealt with by the local planning authority, and any such application shall be so referred accordingly.

PART III.
—cont.
Reference of applications to Minister.

(2) Where an application for permission to develop land is referred to the Minister under this section, the provisions of subsections (1) and (2) of the last foregoing section shall apply, subject to any necessary modifications, in relation to the determination of the application by the Minister as they apply in relation to the determination of such an application by the local planning authority:

Provided that before determining any such application the Minister shall, if either the applicant or the local planning authority so desire, afford to each of them an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose.

(3) The decision of the Minister on any application referred to him under this section shall be final.

16.—(1) Where application is made under this Part of this Act to a local planning authority for permission to develop land, or for any approval of that authority required under a development order, and that permission or approval is refused by that authority, or is granted by them subject to conditions, then if the applicant is aggrieved by their decision he may by notice served within the time, not being less than twenty-eight days from the receipt of notification of their decision, and in the manner prescribed by the development order, appeal to the Minister:

Appeals to Minister.

Provided that the Minister shall not be required to entertain an appeal under this subsection in respect of the determination of an application for permission to develop land if it appears to him that permission for that development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the provisions of section fourteen of this Act and of the development order, and to any directions given under that order.

(2) Where an appeal is brought under this section from a decision of the local planning authority the Minister may allow or dismiss the appeal or may reverse or vary any part of the decision of the local planning authority, whether or not the appeal relates to that part, and deal with the application as if it had been made to him in the first instance; and

PART III.
—cont.

the provisions of the last foregoing section shall apply, subject to any necessary modifications, in relation to the determination of an application by the Minister on appeal under this section as they apply in relation to the determination by the Minister of an application referred to him under that section.

(3) Unless within such period as may be prescribed by the development order, or within such extended period as may at any time be agreed upon in writing between the applicant and the local planning authority, the local planning authority either—

(a) give notice to the applicant of their decision on any application for permission to develop land, or for any approval required under a development order, made to them under this Part of this Act, or

(b) give notice to him that the application has been referred to the Minister in accordance with directions given by him under the last foregoing section, the provisions of subsection (1) of this section shall apply in relation to the application as if the permission or approval to which it relates had been refused by the local planning authority and as if notification of their decision had been received by the applicant at the expiration of the period prescribed by the development order or the extended period agreed upon as aforesaid, as the case may be.

(4) Provision may be made by a development order for securing that in the case of decisions by a local planning authority of such classes as may be prescribed by the order (being decisions relating to the design or external appearance of buildings or other similar matters) any appeal under this section shall lie to an independent tribunal established in accordance with the provisions of that order instead of to the Minister; and in relation to any such appeal the foregoing provisions of this section shall apply, subject to such adaptations and modifications as may be specified in the order, as they apply in relation to appeals to the Minister thereunder.

Applications to determine whether permission required.

17.—(1) If any person who proposes to carry out any operations on land or make any change in the use of land wishes to have it determined whether the carrying out of those operations or the making of that change in the use of the land, would constitute or involve development of the land within the meaning of this Act, and, if so, whether an application for permission in respect thereof is required under this Part of this Act having regard to the provisions of the development order, he may, either as part of an application for such permission, or without any such application, apply to the local planning authority to determine that question.

(2) The foregoing provisions of this Part of this Act shall subject to any necessary modifications, apply in relation to any application under this section and to the determination thereof as they apply in relation to applications for permission to develop land and to the determination of such applications:

Provided that where it is decided by the Minister under any of the said provisions that any operations or use to which an application under this section relates would constitute or involve development of the land, or that an application for permission is required as aforesaid in respect thereof, that decision shall not be final for the purposes of any appeal to the court under the provisions of this Part of this Act relating to the enforcement of planning control, in relation to those operations or that use.

18.—(1) The power to grant permission to develop land under this Part of this Act shall include power to grant permission for the retention on land of any buildings or works constructed or carried out thereon before the date of the application, or for the continuance of any use of land instituted before that date (whether without permission granted under this Part of this Act or in accordance with permission so granted for a limited period only); and references in this Part of this Act to permission to develop land or to carry out any development of land, and to applications for such permission, shall be construed accordingly.

Supplementary provisions as to grant of permission.

(2) Any such permission as is mentioned in the foregoing subsection may be granted so as to take effect from the date on which the buildings or works were constructed or carried out, or the use was instituted, or from the expiration of the said period, as the case may be.

(3) Where permission is granted under this Part of this Act for the erection of a building, the grant of permission may specify the purposes for which the building may be used; and if no purpose is so specified, the permission shall be construed as including permission to use the building for the purpose for which it is designed.

(4) Where permission to develop land is granted under this Part of this Act, then, except as may be otherwise provided by the permission, the grant of permission shall enure for the benefit of the land and of all persons for the time being interested therein, but without prejudice to the provisions of this Part of this Act with respect to the revocation and modification of permission granted thereunder.

(5) Where permission to develop land is granted under this Part of this Act for a limited period only, nothing in this Part of this Act shall be construed as requiring permission to be obtained thereunder for the resumption, at the expiration of

PART III.
—cont.

that period, of the use of the land for the purpose for which it was normally used before the permission was granted:

Provided that in determining for the purposes of this subsection the purposes for which land was normally used before the grant of permission, no account shall be taken of any use of the land begun in contravention of the provisions of this Part of this Act or begun before the appointed day in contravention of previous planning control within the meaning of section seventy-five of this Act.

Obligation to purchase land on refusal of permission in certain cases.

19.—(1) Where permission to develop any land is refused, whether by the local planning authority or by the Minister, on an application in that behalf made under this Part of this Act, or is granted by that authority or by the Minister subject to conditions, then if any owner of the land claims—

- (a) that the land has become incapable of reasonably beneficial use in its existing state; and
- (b) in a case where permission to develop the land was granted as aforesaid subject to conditions, that the land cannot be rendered capable of reasonably beneficial use by the carrying out of the permitted development in accordance with those conditions;
- (c) in any case, that the land cannot be rendered capable of reasonably beneficial use by the carrying out of any other development for which permission has been or is deemed to be granted under this Part of this Act, or for which the local planning authority or the Minister have undertaken to grant such permission,

he may, within the time and in the manner prescribed by regulations made under this Act, serve on the council of the county borough or county district in which the land is situated a notice (hereinafter referred to as a "purchase notice") requiring that council to purchase his interest in the land in accordance with the provisions of this section.

(2) Where a purchase notice is served on any council under this section, that council shall forthwith transmit a copy of the notice to the Minister, and subject to the following provisions of this section the Minister shall, if he is satisfied that the conditions specified in paragraphs (a) to (c) of the foregoing subsection are fulfilled, confirm the notice, and thereupon the council shall be deemed to be authorised to acquire the interest of the owner compulsorily in accordance with the provisions of Part IV of this Act, and to have served a notice to treat in respect thereof on such date as the Minister may direct:

Provided that—

PART III.
—cont.

- (a) if it appears to the Minister to be expedient so to do, he may, in lieu of confirming the purchase notice, grant permission for the development in respect of which the application was made or, where permission for that development was granted subject to conditions, revoke or amend those conditions so far as appears to him to be required in order to enable the land to be rendered capable of reasonably beneficial use by the carrying out of that development;
- (b) if it appears to the Minister, that the land, or any part of the land, could be rendered capable of reasonably beneficial use within a reasonable time by the carrying out of any other development for which permission ought to be granted, he may, in lieu of confirming the notice, or in lieu of confirming it so far as it relates to that part of the land, as the case may be, direct that such permission shall be so granted in the event of an application being made in that behalf;
- (c) if it appears to the Minister, having regard to the probable ultimate use of the land, that it is expedient so to do, he may, if he confirms the notice, modify it, either in relation to the whole or in relation to any part of the land to which it relates, by substituting any other local authority for the council on whom the notice is served, and in any such case the foregoing provisions of this subsection shall have effect accordingly.

(3) If within the period of six months from the date on which a purchase notice is served under this section the Minister has neither confirmed the notice nor taken any such other action as is mentioned in paragraph (a) or paragraph (b) of the last foregoing subsection, nor notified the owner by whom the notice was served that he does not propose to confirm the notice, the notice shall be deemed to be confirmed at the expiration of that period, and the council on whom the notice was served shall be deemed to be authorised to acquire the interest of the owner compulsorily in accordance with the provisions of Part IV of this Act, and to have served notice to treat in respect thereof at the expiration of the said period.

(4) The power conferred by subsection (2) of section five of the Acquisition of Land (Assessment of Compensation) Act, 1919, to withdraw a notice to treat shall not be exercisable in the case of a notice to treat which is deemed to have been served by virtue of this section.

PART III.
—cont.

(5) Before confirming a purchase notice, or taking any other action in lieu thereof, under this section, the Minister shall give notice of his proposed action—

- (a) to the person by whom the notice was served;
- (b) to the council on whom the notice was served;
- (c) to the local planning authority for the area in which the land is situated; and
- (d) to any other local authority whom the Minister proposes, under the foregoing provisions of this section, to substitute for the said council;

and if within the period prescribed by the notice under this subsection (not being less than twenty-eight days from the service thereof) any person or authority on whom that notice is served so requires, the Minister shall, before confirming the purchase notice or taking any such other action as aforesaid, afford to those persons and authorities an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose.

Compensation for refusal of permission in certain cases.

20.—(1) Where, on application made under this Part of this Act for permission to carry out development of any class specified in Part II of the Third Schedule to this Act permission for that development is refused by the Minister, either on appeal or on the reference of the application to him for determination, or is so granted by the Minister subject to conditions, then if, on a claim made to the local planning authority within the time and in the manner prescribed by regulations under this Act, it is shown that the value of the interest of any person in the land is less than it would have been if the permission had been granted, or had been granted unconditionally, as the case may be, the local planning authority shall pay to that person compensation (to be assessed in accordance with the provisions of the Fourth Schedule to this Act) equal to the difference.

(2) In determining for the purposes of the foregoing subsection whether and to what extent the value of any interest in land is less than it would have been if the permission had been granted or had been granted unconditionally, it shall be assumed that any subsequent application for the like permission would be determined in the same way:

Provided that if, on the refusal of permission for the development in respect of which the application is made, the Minister undertakes to grant permission for any other development of the land in the event of an application being made in that behalf, regard shall be had to that undertaking in determining the matters aforesaid.

(3) Where a purchase notice served under the last foregoing section in respect of any interest in land does not take effect,

or does not take effect in relation to any part of the land, by reason of any such direction as is mentioned in paragraph (b) of the proviso to subsection (2) of that section, then if it is shown, on a claim made to the local planning authority, within the time and in the manner prescribed by regulations under this Act that the permitted development value of that interest or, as the case may be, of that interest so far as it relates to that part of the land, is less than its compulsory purchase value, the local planning authority shall pay to the person entitled to that interest compensation (to be assessed in accordance with the provisions of the Fourth Schedule to this Act) equal to the difference.

(4) For the purposes of the last foregoing subsection the expression "permitted development value", in relation to an interest in land in respect of which any such direction as is mentioned in that subsection has been given, means the value of that interest calculated with regard to the direction and to any determination of the Central Land Board under subsection (4) of section seventy of this Act, but on the assumption that no permission would be granted under this Part of this Act otherwise than in accordance with the direction; and the expression "compulsory purchase value", in relation to any such interest, means the value of that interest as it would be assessed in accordance with the provisions of section fifty-one of this Act for the purpose of ascertaining the compensation payable on a purchase thereof in pursuance of the purchase notice.

(5) Where any such permission as is mentioned in subsection (1) of this section is granted by the Minister subject to conditions, or where any permission required to be granted by any such direction as is mentioned in subsection (3) of this section would be so granted subject to conditions, being in either case conditions for regulating the design or external appearance of buildings, or the size or height of buildings, or, in the case of permission to be granted in accordance with any such direction as aforesaid, for regulating the number of buildings to be erected on the land, then if it appears to the Minister that it is reasonable so to do having regard to the local circumstances, he may direct that those conditions shall be disregarded, either altogether, or to such extent as may be specified in the direction, in assessing the compensation (if any) payable under the said subsection (1) or under the said subsection (3), as the case may be.

(6) Except as provided by subsection (3) of this section, no compensation shall be payable under this section in respect of any interest in land in respect of which a purchase notice is served under section nineteen of this Act.

PART III.
—*cont.*
Revocation
and modifica-
tion of
permission to
develop.

21.—(1) Subject to the provisions of this section, if it appears to the local planning authority that it is expedient, having regard to the development plan and to any other material considerations, that any permission to develop land granted on an application made in that behalf under this Part of this Act should be revoked or modified, they may by order revoke or modify the permission to such extent as appears to them to be expedient as aforesaid:

Provided that no such order shall take effect unless it is confirmed by the Minister, and the Minister may confirm any order submitted to him for the purpose either without modification or subject to such modifications as he considers expedient.

(2) Where a local planning authority submit an order to the Minister for his confirmation under this section, that authority shall serve notice on the owner and on the occupier of the land affected, and on any other person who in their opinion will be affected by the order; and if within such period as may be prescribed in that behalf in the notice (not being less than twenty-eight days from the service thereof) any person on whom the notice is served so requires, the Minister shall, before confirming the order, afford to him, and to the local planning authority, an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose.

(3) The power conferred by this section to revoke or modify permission to develop land may be exercised—

- (a) where the permission relates to the carrying out of building or other operations, at any time before those operations have been completed;
- (b) where the permission relates to a change of the use of any land, at any time before the change has taken place:

Provided that the revocation or modification of permission for the carrying out of building or other operations shall not affect so much of those operations as has been previously carried out.

Supplemen-
tary provisions
as to revoca-
tion and
modification.

22.—(1) Where permission to develop land is revoked or modified by an order made under the last foregoing section, then if, on a claim made to the local planning authority within the time and in the manner prescribed by regulations under this Act, it is shown that any person interested in the land has incurred expenditure in carrying out work which is rendered abortive by the revocation or modification, or has otherwise sustained loss or damage which is directly attributable to the revocation or modification, that authority shall pay to that person compensation in respect of that expenditure, loss or damage:

Provided that unless either—

- (a) any sum has been paid under Part VII of this Act by way of development charge in respect of the development to which the permission relates; or
- (b) no such charge is payable in respect of that development by virtue of any of the provisions of Part VIII of this Act;

no compensation shall be payable under this subsection in respect of loss or damage consisting of the depreciation in value of any interest in the land by virtue of the revocation or modification.

(2) For the purposes of this section, any expenditure incurred in the preparation of plans for the purposes of any work or upon other similar matters preparatory thereto shall be deemed to be included in the expenditure incurred in carrying out that work, but except as aforesaid no compensation shall be paid under this section in respect of any work carried out before the grant of the permission which is revoked or modified, or in respect of any other loss or damage (not being loss or damage consisting of the depreciation in value of an interest in land) arising out of anything done or omitted to be done before the grant of that permission.

(3) Where permission for the development of land granted by a development order has been withdrawn, whether by the revocation or amendment of the order or by the issue of directions under powers in that behalf conferred by the order, then, if, on an application made in that behalf under this Part of this Act, permission for that development is refused or is granted subject to conditions other than those previously imposed by the development order, the foregoing provisions of this section shall apply as if the permission granted by the development order had been granted by the local planning authority under this Part of this Act and had been revoked or modified by an order under the last foregoing section.

(4) The provisions of section nineteen of this Act shall apply in relation to an order made under the last foregoing section revoking permission to develop land or modifying any such permission by the imposition of conditions, as they apply in relation to the refusal of an application for such permission or the grant of such an application subject to conditions, and in any such case the said section nineteen shall have effect subject to the following modifications:—

- (a) in paragraph (b) of subsection (1), for the words “ in a case where permission to develop the land was granted as aforesaid subject to conditions ” there shall be substituted the words “ in a case where the permission was modified by the imposition of conditions ”; and

PART III.
—cont.

PART III.
—cont.

(b) for paragraph (a) of the proviso to subsection (2) there shall be substituted the following paragraph:—

“ (a) if it appears to the Minister to be expedient so to do he may, in lieu of confirming the purchase notice, cancel the order revoking the permission or, where the order modified the permission by the imposition of conditions, revoke or amend those conditions so far as appears to him to be required in order to enable the land to be rendered capable of reasonably beneficial use by the carrying out of the development in respect of which the permission was granted ”.

(5) Where the permission which is revoked or modified by an order under the last foregoing section is permission of any such class as is mentioned in subsection (1) of section twenty of this Act, the provisions of that section shall apply as if for references therein to the refusal of the permission or the imposition of conditions on the grant thereof there were substituted references to the revocation of permission or the modification thereof by the imposition of conditions and subsection (1) of that section shall have effect as if for the words “ if the permission had been granted or had been granted unconditionally ” there were substituted the words “ if the permission had not been revoked or had not been modified ”.

(6) Where, by virtue of the foregoing provisions of this section, compensation is payable in respect of expenditure incurred in carrying out any work on land, then if a purchase notice is served under section nineteen of this Act in respect of any interest in that land, or a claim for compensation is made in respect of any such interest under subsection (1) of section twenty of this Act, any compensation payable in respect of the acquisition of that interest under the said section nineteen or as the case may be, any compensation payable in respect of that interest under the said section twenty, shall be reduced by an amount equal to the value of the works in respect of which compensation is payable under this section.

(7) Any compensation payable under this section in respect of loss or damage consisting of the depreciation in value of an interest in land shall be assessed in accordance with the provisions of the Fourth Schedule to this Act, and in calculating the amount of any such depreciation it shall be assumed that permission would be granted under this Part of this Act for development of the land of any class specified in the Third Schedule to this Act.

Enforcement
of planning
control.

23.—(1) If it appears to the local planning authority that any development of land has been carried out after the appointed day without the grant of permission required in

that behalf under this Part of this Act, or that any conditions subject to which such permission was granted in respect of any development have not been complied with, then, subject to any directions given by the Minister, the local planning authority may within four years of such development being carried out, if they consider it expedient so to do having regard to the provisions of the development plan and to any other material considerations, serve on the owner and occupier of the land a notice under this section.

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—cont.

(2) Any notice served under this section (hereinafter called an "enforcement notice") shall specify the development which is alleged to have been carried out without the grant of such permission as aforesaid or, as the case may be, the matters in respect of which it is alleged that any such conditions as aforesaid have not been complied with, and may require such steps as may be specified in the notice to be taken within such period as may be so specified for restoring the land to its condition before the development took place, or for securing compliance with the conditions, as the case may be; and in particular any such notice may, for the purpose aforesaid, require the demolition or alteration of any buildings or works, the discontinuance of any use of land, or the carrying out on land of any building or other operations.

(3) Subject to the provisions of the next following subsection, an enforcement notice shall take effect at the expiration of such period (not being less than twenty-eight days after the service thereof) as may be specified therein:

Provided that—

- (a) if within the period aforesaid an application is made to the local planning authority under this Part of this Act for permission for the retention on the land of any buildings or works, or for the continuance of any use of the land, to which the enforcement notice relates, the notice shall be of no effect pending the final determination of that application, and if such permission as aforesaid is granted on that application, the notice shall not take effect;
- (b) if within the period aforesaid an appeal is made to the court under the following provisions of this section by a person on whom the enforcement notice was served, the notice shall be of no effect pending the final determination or withdrawal of the appeal.

(4) If any person on whom an enforcement notice is served under this section is aggrieved by the notice, he may, at any time within the period mentioned in the last foregoing subsection, appeal against the notice to a court of summary jurisdiction for the petty sessional division or place within

PART III.
—cont.

which the land to which the notice relates is situated; and on any such appeal the court—

- (a) if satisfied that permission was granted under this Part of this Act for the development to which the notice relates, or that no such permission was required in respect thereof, or, as the case may be, that the conditions subject to which such permission was granted have been complied with, shall quash the notice to which the appeal relates;
- (b) if not so satisfied, but satisfied that the requirements of the notice exceed what is necessary for restoring land to its condition before the development took place, or for securing compliance with the conditions, as the case may be, shall vary the notice accordingly;
- (c) in any other case shall dismiss the appeal:

Provided that where the enforcement notice is varied or the appeal is dismissed, then, without prejudice to the provisions of paragraph (a) of the proviso to subsection (3) of this section, the court may, if they think fit, direct that the enforcement notice shall not come into force until such date (not being later than twenty-eight days from the determination of the appeal) as the court think fit.

(5) Any person aggrieved by a decision of a court of summary jurisdiction under the last foregoing subsection may appeal against that decision to a court of quarter sessions.

Supplementary provisions as to enforcement.

24.—(1) If within the period specified in an enforcement notice, or within such extended period as the local planning authority may allow, any steps required by the notice to be taken (other than the discontinuance of any use of land) have not been taken, the local planning authority may enter on the land and take those steps, and may recover as a simple contract debt in any court of competent jurisdiction from the person who is then the owner of the land any expenses reasonably incurred by them in that behalf; and if that person, having been entitled to appeal to the court under the last foregoing section, failed to make such an appeal, he shall not be entitled in proceedings under this subsection to dispute the validity of the action taken by the local planning authority upon any ground which could have been raised by such an appeal.

(2) Any expenses incurred by the owner or occupier of any land for the purpose of complying with an enforcement notice served under the last foregoing section in respect of any development, and any sums paid by the owner of any land under the foregoing subsection in respect of the expenses of the local planning authority in taking steps required to be

taken by such a notice, shall be deemed to be incurred or paid for the use and at the request of the person by whom the development was carried out.

PART III.
—cont.

(3) Where, by virtue of an enforcement notice, any use of land is required to be discontinued, or any conditions are required to be complied with in respect of any use of land or in respect of the carrying out of any operations thereon, then if any person, without the grant of permission in that behalf under this Part of this Act, uses the land or causes or permits the land to be used, or carries out or causes or permits to be carried out those operations, in contravention of the notice, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds; and if the use is continued after the conviction, he shall be guilty of a further offence and liable on summary conviction to a fine not exceeding twenty pounds for every day on which the use is so continued.

(4) Nothing in this Part of this Act shall be construed as requiring permission to be obtained thereunder for the use of any land for the purpose for which it could lawfully have been used under this Part of this Act if the development in respect of which an enforcement notice is served under the last foregoing section had not been carried out.

(5) Provision may be made by regulations under this Act for applying in relation to steps required to be taken by an enforcement notice under the last foregoing section all or any of the following provisions of the Public Health Act, 1936, that is to say—

26 Geo. 5 &
1 Edw. 8. c. 49.

- (a) section two hundred and seventy-six (which empowers local authorities to sell materials removed in executing works under that Act, subject to accounting for the proceeds of sale);
- (b) section two hundred and eighty-nine (which confers power to require the occupier of any premises to permit works to be executed by the owner of the premises);
- (c) section two hundred and ninety-two (which confers power on local authorities to include a sum in respect of establishment charges in their expenses in executing works); and
- (d) section two hundred and ninety-four (which limits the liability of persons holding premises as agents or trustees in respect of the expenses recoverable under that Act);

subject to such adaptations and modifications as may be specified in the regulations, and any such regulations may provide for the charging on the land of any expenses recoverable by a local authority under this section.

PART III.
—cont.
Agreements
regulating
development
or use of land.

25.—(1) A local planning authority may, with the approval of the Minister, enter into an agreement with any person interested in land in their area for the purpose of restricting or regulating the development or use of the land, either permanently or during such period as may be prescribed by the agreement, and any such agreement may contain such incidental and consequential provisions (including provisions of a financial character) as appear to the local planning authority to be necessary or expedient for the purposes of the agreement.

(2) An agreement made under this section with any person interested in land may be enforced by the local planning authority against persons deriving title under that person in respect of that land as if the local planning authority were possessed of adjacent land and as if the agreement had been expressed to be made for the benefit of such land.

(3) Nothing in this section or in any agreement made thereunder shall be construed as restricting the exercise, in relation to land which is the subject of any such agreement, of any powers exercisable by any Minister or authority under this Act so long as those powers are exercised in accordance with the provisions of the development plan or in accordance with any directions which may have been given by the Minister under section thirty-six of this Act, or as requiring the exercise of any such powers otherwise than as aforesaid.

(4) The power of a local planning authority to make agreements under this section may be exercised also—

- (a) in relation to land in a county district, by the council of that district;
- (b) in relation to land in the area of a joint planning board, by the council of the county or county borough in which the land is situated,

and references in this section to a local planning authority shall be construed accordingly.

Additional powers of control.

Powers
relating to
authorised
uses.

26.—(1) Without prejudice to the provisions of this Part of this Act with respect to the service of enforcement notices, if it appears to a local planning authority that it is expedient in the interests of the proper planning of their area (including the interests of amenity), regard being had to the development plan and to any other material considerations—

- (a) that any use of land should be discontinued, or that any conditions should be imposed on the continuance thereof; or
- (b) that any buildings or works should be altered or removed,

they may by order require the discontinuance of that use, or impose such conditions as may be specified in the order on the continuance thereof, or require such steps as may be so specified to be taken for the alteration or removal of the buildings or works, as the case may be:

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—cont.

Provided that no such order shall take effect unless it is confirmed by the Minister, and the Minister may confirm any order submitted to him for the purpose either without modification or subject to such modifications as he considers expedient.

(2) Where a local planning authority submit an order to the Minister for his confirmation under this section, that authority shall serve notice on the owner and on the occupier of the land affected, and on any other person who in their opinion will be affected by the order; and if within the period specified in that behalf in the notice (not being less than twenty-eight days from the service thereof) any person on whom the notice is served so requires, the Minister shall, before confirming the order, afford to that person, and to the local planning authority, an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose.

(3) Where an order under this section has been confirmed by the Minister, a copy of the order shall be served by the local planning authority on the owner and occupier of the land to which the order relates.

(4) Where, by virtue of an order made under this section, the use of any land for any purpose is required to be discontinued, or any conditions are imposed on the continuance thereof, then if any person, without the grant of permission in that behalf under this Part of this Act, uses the land for that purpose or, as the case may be, uses the land for that purpose in contravention of those conditions, or causes or permits the land to be so used, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds; and if the use is continued after conviction, he shall be guilty of a further offence and liable on summary conviction to a fine not exceeding twenty pounds for every day on which the use is so continued.

(5) If within the period prescribed in that behalf by an order under this section any steps required by that order to be taken for the alteration or removal of any buildings or works have not been taken, the local planning authority may, and shall if so required by directions of the Minister, enter on the land and take those steps and section two hundred and seventy-six of the Public Health Act, 1936 (which empowers local authorities to sell materials removed in executing works under that Act, subject to accounting for the proceeds of sale) shall apply in relation to any works executed

PART III.
—cont.

by a local planning authority under this section as it applies in relation to works executed by a local authority under that Act.

(6) An order under this section may grant permission for any development of the land to which the order relates subject to such conditions as may be specified in the order; and the provisions of this Part of this Act shall apply in relation to any permission so granted as they apply in relation to permission granted by the local planning authority on an application in that behalf made thereunder.

(7) Where the requirements of any order under this section will involve the displacement of persons residing in any premises, it shall be the duty of the local planning authority, in so far as there is not other residential accommodation suitable to the reasonable requirements of those persons available on reasonable terms, to secure the provision of such accommodation in advance of the displacement.

Provisions
supplementary
to s. 26.

27.—(1) Where an order is made under the last foregoing section requiring any use of land to be discontinued, or imposing conditions on the continuance thereof, or requiring any buildings or works on land to be altered or removed, then if, on a claim made to the local planning authority within the time and in the manner prescribed by regulations under this Act, it is shown that any person has suffered damage in consequence of the order by the depreciation of any interest in the land to which he is entitled or by being disturbed in his enjoyment of the land, that authority shall pay to that person compensation in respect of that damage; and any compensation payable under this subsection in respect of the depreciation in the value of an interest in the land shall be assessed in accordance with the provisions of the Fourth Schedule to this Act.

(2) Without prejudice to the foregoing provisions of this section and subject to the provisions of paragraph 4 of the Fourth Schedule to this Act, any person who carries out any works in compliance with an order under the last foregoing section shall be entitled, on a claim made as aforesaid, to recover from the local planning authority compensation in respect of any expenses reasonably incurred by him in that behalf.

(3) If any person entitled to an interest in land in respect of which an order is made under the last foregoing section claims that by reason of the order the land is incapable of reasonably beneficial use in its existing state and that it cannot be rendered capable of reasonably beneficial use by the carrying out of any development for which permission has been granted under this Part of this Act, whether by that order

or otherwise, he may serve a purchase notice in respect of his interest in accordance with the provisions of subsection (1) of section nineteen of this Act; and in relation to a purchase notice so served the provisions of the said section nineteen shall apply as they apply in relation to a notice served under subsection (1) of that section, subject to the following modifications:—

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—cont.

- (a) in subsection (2), for the words “ the conditions specified in paragraphs (a) to (c) of the foregoing subsection ” there shall be substituted the words “ the conditions specified in subsection (3) of section twenty-seven of this Act ”;
- (b) for paragraph (a) of the proviso to the said subsection (2) there shall be substituted the following paragraph:—

“ (a) if it appears to the Minister to be expedient so to do he may, in lieu of confirming the purchase notice, revoke the order under section twenty-six of this Act or, as the case may be, amend that order so far as appears to him to be required in order to prevent the land from being rendered incapable of reasonably beneficial use by the order.”

(4) Where a purchase notice in respect of any interest in land is served under the said section nineteen in consequence of an order made in relation to the land under the last foregoing section, then if that interest is purchased in accordance with the said section nineteen, or if compensation is payable in respect thereof under subsection (3) of section twenty of this Act, no compensation shall be payable under this section in respect of that order.

(5) Except as provided by this section, no purchase notice shall be served under the said section nineteen in respect of an interest in land while the land is incapable of reasonably beneficial use by reason only of an order made under the last foregoing section.

28.—(1) If it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order (in this Act referred to as a “ tree preservation order ”) with respect to such trees, groups of trees or woodlands as may be specified in the order; and, in particular, provision may be made by any such order—

Orders for
preservation
of trees and
woodlands.

- (a) for prohibiting (subject to any exemptions for which provision may be made by the order) the cutting down, topping, lopping or wilful destruction of trees

PART III.
—cont.

except with the consent of the local planning authority, and for enabling that authority to give their consent subject to conditions;

- (b) for securing the replanting, in such manner as may be prescribed by or under the order, of any part of a woodland area which is felled in the course of forestry operations permitted by or under the order;
- (c) for applying, in relation to any consent under the order, and to applications therefor, any of the provisions of this Part of this Act relating to permission to develop land, and to applications for such permission, subject to such adaptations and modifications as may be specified in the order;
- (d) for the payment by the local planning authority, subject to such exceptions and conditions as may be specified in the order, of compensation in respect of damage or expenditure caused or incurred in consequence of the refusal of any consent required under the order, or of the grant of any such consent subject to conditions.

IO & II Geo. 6.
c. 21.

(2) A tree preservation order shall not be made in relation to any land in respect of which a Forestry Dedication Covenant is in force under the Forestry Act, 1947, or in respect of which advances have been made by the Forestry Commissioners under the Forestry Acts, 1919 to 1947.

(3) A tree preservation order shall not take effect until it is confirmed by the Minister, and the Minister may confirm any such order either without modification or subject to such modifications as he considers expedient.

(4) Provision may be made by regulations under this Act with respect to the form of tree preservation orders, and the procedure to be followed in connection with the submission and confirmation of such orders, and such regulations shall, in particular, make provision for securing—

- (a) that notice shall be given to the owners and occupiers of land affected by any such order of the submission to the Minister of the order;
- (b) that objections and representations with respect to the proposed order duly made in accordance with the regulations shall be considered before the order is confirmed by the Minister; and
- (c) that copies of the order when confirmed by the Minister shall be served on the owners and occupiers of the land to which it relates:

Provided that where it appears to the Minister that any such order should take effect immediately, he may confirm the order provisionally without complying with the requirements of any such regulations with respect to the consideration of objections and representations, but any order so confirmed shall cease to have effect upon the expiration of two months from the date on which it is so confirmed unless within that period it has again been confirmed, with or without modifications, after compliance with those requirements.

(5) Without prejudice to any other exemption for which provision may be made by a tree preservation order, no such order shall apply to the cutting down, topping or lopping of trees which are dying or dead or have become dangerous or the cutting down, topping or lopping of any trees in compliance with any obligation imposed by or under any Act of Parliament or so far as may be necessary for the prevention or abatement of a nuisance.

(6) If any person contravenes the provisions of a tree preservation order, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds; and if in the case of a continuing offence the contravention is continued after the conviction, he shall be guilty of a further offence and liable on summary conviction to an additional fine not exceeding forty shillings for every day on which the contravention is so continued.

29.—(1) If it appears to a local planning authority that it is expedient to make provision for the preservation of any building of special architectural or historic interest in their area, they may for that purpose make an order (in this Act referred to as a "building preservation order") restricting the demolition, alteration or extension of the building:

Orders for preservation of buildings of special architectural or historic interest.

Provided that no such order shall be made in relation to a building being—

- (a) an ecclesiastical building which is for the time being used for ecclesiastical purposes;
- (b) a building which is the subject of a scheme or order under the enactments for the time being in force with respect to ancient monuments; or
- (c) a building for the time being included in a list of monuments published by the Minister of Works under any such enactment as aforesaid;

and no such order shall be made so as to affect the powers of the Minister of Works under any such enactment as aforesaid.

(2) Provision may be made by a building preservation order—

- (a) for requiring the consent of the local planning authority to be obtained for the execution of works

PART III.
—cont.

of any description specified in the order, and for applying, in relation to such consent and to applications therefor, any of the provisions of this Part of this Act relating to permission to develop land, and to applications for such permission, subject to such adaptations and modifications as may be specified in the order;

- (b) for enabling that authority, where any such works have been executed in contravention of the order, to require the restoration of the building to its former state, and for that purpose for applying any of the provisions of this Part of this Act with respect to enforcement notices, subject to such adaptations and modifications as may be specified in the order;
- (c) for the payment by that authority, subject to such exceptions and conditions as may be specified in the order, of compensation in respect of damage or expenditure caused or incurred in consequence of the refusal of any consent required under the order, or the grant of any such consent subject to conditions.

(3) A building preservation order shall not take effect until it is confirmed by the Minister, and the Minister may confirm any such order either without modification or subject to such modifications as he considers expedient:

Provided that no such order shall be made by the local planning authority, or confirmed by the Minister, unless he or they is or are satisfied that the execution of the works specified in the order would seriously affect the character of the building.

(4) Provision may be made by regulations under this Act with respect to the form of building preservation orders and the procedure to be followed in connection with the submission and confirmation of such orders, and such regulations shall, in particular, make provision for securing—

- (a) that notice shall be given to the owner and any occupier of the building affected by any such order of the submission to the Minister of the order;
- (b) that objections and representations with respect to the proposed order duly made in accordance with the regulations shall be considered before the order is confirmed by the Minister; and
- (c) that a copy of the order when confirmed by the Minister shall be served on the owner and any occupier of the building to which it relates:

Provided that where it appears to the Minister that any such order should take effect immediately, he may confirm

the order provisionally without complying with the requirements of any such regulations with respect to the consideration of objections and representations, but any order so confirmed shall cease to have effect upon the expiration of two months from the date on which it is so confirmed unless within that period it has again been confirmed, with or without modifications, after compliance with those requirements.

PART III.
—cont.

(5) Without prejudice to any provisions included in the building preservation order by virtue of paragraph (b) of subsection (2) of this section, if any person, being the owner of a building in relation to which a building preservation order is in force or a person upon whom notice of such an order has been served by the authority by whom the order was made, executes or causes or permits to be executed any works in contravention of the order, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds.

(6) Nothing in this section or in any order made thereunder shall render unlawful the execution of any works which are urgently necessary in the interests of safety or health or for the preservation of the building or of neighbouring property, so long as notice in writing of the proposed execution of the works is given as soon as may be after the necessity for the works arises to the authority by whom the order was made.

(7) Works specified by the Minister as being required for properly maintaining a building in relation to which a building preservation order is in force and which is settled land within the meaning of the Settled Land Act, 1925, shall be added to the classes of works specified in Part II of the Third Schedule to that Act (which specifies improvements in or towards payment of which capital money may be applied, without any scheme being first submitted to the trustees of the settlement or the court, subject to provisions under which repayment of capital money applied may be required to be made out of income). 15 & 16 Geo. 5.
c. 18.

(8) The powers conferred on a local planning authority by this section to make a building preservation order may be exercised also by the council of the county district in which the building to which the order relates is situated; and references in this Act to local planning authorities shall, in relation to the said powers, be construed as including references to the council of a county district.

30.—(1) With a view to the guidance of local planning authorities in the performance of their functions under this Act in relation to buildings of special architectural or historic interest, the Minister shall compile lists of such buildings, or Lists of
buildings
of special
architectural
or historic
interest.

PART III.
—cont.

approve, either with or without modifications, such lists compiled by other persons or bodies of persons, and may amend any list so compiled or approved.

(2) As soon as may be after any list has been compiled or approved under this section, or any amendments of such a list have been made, a copy of so much of the list as relates to any county borough or county district, or of so much of the amendments as relate thereto, as the case may be, certified by or on behalf of the Minister to be a true copy thereof, shall be deposited with the clerk of the council of that borough or district and also, where that council is not the local planning authority, with the clerk of the local planning authority.

15 & 16 Geo. 5.
c. 22. (3) Any such copy as aforesaid shall be registered in the register of local land charges, in such manner as may be prescribed by rules made for the purposes of this section under subsection (6) of section fifteen of the Land Charges Act, 1925, by the proper officer of the council of the county borough or county district.

(4) As soon as may be after the inclusion of any building in a list under this section, whether on the compilation or approval of the list or by the amendment thereof, or as soon as may be after any such list has been amended by the exclusion of any building therefrom, the Minister shall serve a notice on every owner and occupier of the building stating that the building has been included in, or excluded from, the list, as the case may be.

(5) Before compiling or approving, either with or without modifications, any list under this section, or amending any list thereunder, the Minister shall consult with such persons or bodies of persons as appear to him appropriate as having special knowledge of or interest in buildings of architectural and historic interest.

(6) So long as any building (not being a building to which an order under the last foregoing section applies or a building of any description specified in the proviso to subsection (1) of that section) is included in any list compiled or approved under this section, no person shall execute, or cause or permit to be executed, any works for the demolition of the building or for its alteration or extension in any manner which would seriously affect its character, unless at least two months before the works are executed notice in writing of the proposed works has been given to the local planning authority:

Provided that nothing in this subsection shall render unlawful the execution of any such works as aforesaid which are urgently necessary in the interests of safety or health, or for the preservation of the building or of neighbouring property, so long as notice is given as aforesaid as soon as may be after the necessity for the works arises.

(7) Where a local planning authority receive notice of any proposed works under the last foregoing subsection, they shall as soon as may be send a copy of the notice to the Minister and, except where the authority is the council of a county borough, to the council of the county district in which the building to which the notice relates is situated, and in either case to such other persons or bodies of persons as may be specified by directions of the Minister either generally or as respects the building in question.

(8) If any works are carried out in contravention of the provisions of subsection (6) of this section, the local planning authority may serve on the owner and occupier of the building a notice requiring such steps for restoring the building to its former state as may be specified in the notice to be taken within such period as may be so specified; and in relation to any notice served under this subsection, the provisions of subsections (3) to (5) of section twenty-three of this Act and of section twenty-four of this Act shall, subject to such exceptions and modifications as may be prescribed by regulations under this Act, apply as those provisions apply in relation to an enforcement notice served under the said section twenty-three.

(9) Without prejudice to the provisions of the last foregoing subsection, if any person contravenes the provisions of subsection (6) of this section, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred pounds.

31.—(1) Subject to the provisions of this section, provision shall be made by regulations under this Act for restricting or regulating the display of advertisements so far as appears to the Minister to be expedient in the interests of amenity or public safety, and without prejudice to the generality of the foregoing provision, any such regulations may provide—

Control of
advertisements.

- (a) for regulating the dimensions, appearance and position of advertisements which may be displayed, the sites on which such advertisements may be displayed, and the manner in which they are to be affixed to land;
- (b) for requiring the consent of the local planning authority to be obtained for the display of advertisements, or of advertisements of any class specified in the regulations;
- (c) for applying, in relation to any such consent and to applications therefor, any of the provisions of this Part of this Act relating to permission to develop land and to applications for such permission, subject to such adaptations and modifications as may be specified in the regulations;

PART III.
—cont.

(d) for enabling the local planning authority to require the removal of any advertisement which is being displayed in contravention of the regulations, or the discontinuance of the use for the display of advertisements of any site which is being used for that purpose in contravention of the regulations, and for that purpose for applying any of the provisions of this Part of this Act with respect to enforcement notices, subject to such adaptations and modifications as may be specified in the regulations;

(e) for the constitution, for the purposes of the regulations, of such advisory committees as may be prescribed by the regulations, and for determining the manner in which the expenses of any such committee are to be defrayed.

(2) Without prejudice to the generality of the powers conferred by paragraph (c) of the foregoing subsection, regulations made for the purposes of this section may provide that any appeal from the decision of the local planning authority on an application for their consent under the regulations shall lie to an independent tribunal constituted in accordance with the regulations instead of to the Minister.

(3) Regulations made for the purposes of this section may make different provision with respect to different areas, and in particular may make special provision with respect to areas defined for the purposes of the regulations as areas of special control (being either rural areas or areas other than rural areas which appear to the Minister to require special protection on grounds of amenity); and without prejudice to the generality of the foregoing provision may prohibit the display in any such area of all advertisements except advertisements of such classes (if any) as may be specified in the regulations.

(4) Areas of special control for the purposes of regulations under this section may be defined either by reference to provisions included in that behalf in development plans or by means of orders made or approved by the Minister in accordance with the provisions of the regulations:

Provided that where the Minister is authorised by the regulations to make or approve any such order as aforesaid, the regulations shall provide for the publication of notice of the proposed order in such manner as may be prescribed by the regulations, for the consideration of objections duly made thereto, and for the holding of such inquiries or other hearings as may be so prescribed, before the order is made or approved.

(5) Subject as hereinafter provided, regulations made under this section may be made so as to apply to advertisements which are being displayed on the date on which the regulations

come into force, or to the use for the display of advertisements of any site which was being used for that purpose on that date:

PART III.
—*cont.*

Provided that any such regulations shall provide for exempting therefrom—

- (a) the continued display of any such advertisement as aforesaid; and
- (b) the continued use for the display of advertisements of any such site as aforesaid,

during such period as may be prescribed in that behalf by the regulations, and different periods may be so prescribed for the purposes of different provisions of the regulations.

32.—(1) Where the display of advertisements in accordance with regulations made under the last foregoing section involves the development of land within the meaning of this Act, planning permission for that development shall be deemed to be granted by virtue of this section, and no application shall be necessary in that behalf under the foregoing provisions of this Part of this Act. Provisions supplementary to s. 31.

(2) Where for the purpose of complying with any such regulations as aforesaid works are carried out by any person for the removal of advertisements being displayed on the date on which the regulations come into force or the discontinuance of the use for the display of advertisements of any site used for that purpose on that date, that person shall be entitled, on a claim made to the local planning authority within the time and in the manner prescribed by regulations under this Act, to recover from that authority compensation in respect of any expenses reasonably incurred by him in that behalf:

Provided that no compensation shall be payable under this subsection in respect of the removal of any advertisement which was not being displayed on the seventh day of January, nineteen hundred and forty-seven.

(3) Without prejudice to any provisions included in regulations made under the last foregoing section by virtue of paragraph (d) of subsection (1) of that section, if any person displays an advertisement in contravention of the provisions of the regulations, he shall be guilty of an offence and liable on summary conviction to a fine of such amount as may be prescribed by the regulations, not exceeding fifty pounds and in the case of a continuing offence, forty shillings for each day during which the offence continues after conviction.

(4) For the purposes of the last foregoing subsection and without prejudice to the generality thereof, a person shall be deemed to display an advertisement if—

- (a) the advertisement is displayed on land of which he is the owner or occupier; or

PART III.
—cont.

(b) the advertisement gives publicity to his goods, trade, business or other concerns:

Provided that a person shall not be guilty of an offence under the said subsection by reason only that an advertisement is displayed on land of which he is the owner or occupier, or that his goods, trade, business or other concerns are given publicity by the advertisement, if he proves that it was displayed without his knowledge or consent.

Power to
require proper
maintenance
of waste land,
etc.

33.—(1) If it appears to a local planning authority that the amenity of any part of the area of that authority, or of any adjoining area, is seriously injured by the condition of any garden, vacant site or other open land in their area, then, subject to any directions given by the Minister, the authority may serve on the owner and occupier of the land, in the manner prescribed by regulations under this Act, a notice requiring such steps for abating the injury as may be specified in the notice to be taken within such period as may be so specified.

(2) In relation to any notice served under this section, the provisions of subsections (3) to (5) of section twenty-three of this Act, and of section twenty-four of this Act shall, subject to such exceptions and modifications as may be prescribed by regulations under this Act, apply as those provisions apply in relation to an enforcement notice served under the said section twenty-three.

Supplemental.

Delegation of
functions to
councils of
county
districts, etc.

34.—(1) The Minister may, after consultation with such local authorities or associations of local authorities as he considers appropriate, make regulations for authorising or requiring local planning authorities to delegate to the councils of county districts in their areas, with or without restrictions, any of their functions under this Part of this Act, and such regulations may be made so as to apply generally to all local planning authorities (other than the councils of county boroughs) or to such of those authorities as may be specified in the regulations.

(2) In relation to a local planning authority being a joint planning board, the foregoing provisions of this section shall have effect as if the reference therein to the councils of county districts in their area included a reference to the councils of counties and county boroughs therein.

(3) Any regulations made for the purposes of this section may make provision—

(a) for requiring any council to whom functions are delegated in accordance with the regulations to perform those functions on behalf of the local planning authority;

- (b) for transferring to any such council any liability of the local planning authority to pay compensation under this Part of this Act in respect of anything done by that council in the exercise of functions delegated to them in accordance with the regulations;
- (c) for the transfer and compensation of any officers of a local planning authority or of any such council as aforesaid.

PART III.
—cont.

35.—(1) Where the authorisation of a government department is required by virtue of any enactment in respect of development to be carried out by any local authority or by any statutory undertakers not being a local authority, that department may, upon granting that authorisation, direct that permission for that development shall be deemed to be granted under this Part of this Act, subject to such conditions, if any, as may be specified in the directions; and the provisions of this Part of this Act shall apply in relation to any permission deemed to be granted by virtue of such directions as if it had been granted by the Minister on an application referred to him under section fifteen of this Act.

Application to
local
authorities and
statutory
undertakers.

(2) Without prejudice to the provisions of the foregoing subsection, the provisions set out in the Fifth Schedule to this Act (being provisions re-enacting with additions and modifications sections thirty-five and thirty-six of the Act of 1944) shall have effect for the purposes of the application of this Part of this Act to land of statutory undertakers being operational land as defined by this Act, and to the development of such land by such undertakers:

Provided that the provisions of the said Schedule shall not apply in relation to the display of advertisements on operational land.

(3) In relation to land of local planning authorities, and to the development by local authorities of land in respect of which they are the local planning authority, the provisions of this Part of this Act (including, in the case of a local planning authority who carry on a statutory undertaking, the last foregoing subsection and the Fifth Schedule to this Act) shall have effect subject to such exceptions and modifications as may be prescribed by regulations made under this Act, and in particular such regulations may (subject to the provisions of subsection (1) of this section) provide for securing—

- (a) that any application by such an authority for permission to develop such land, or for any other consent required in relation to such land under this Part of this Act, shall be made to the Minister instead of to the local planning authority;

PART III.
—cont.

(b) that any notice or order authorised to be served or made under this Part of this Act in relation to such land shall be served or made by the Minister instead of by that authority.

(4) For the purposes of this section and of the Fifth Schedule to this Act development by a local authority or by statutory undertakers shall be deemed to be authorised by a government department if—

- (a) any consent, authority or approval to or for the development is granted by the department in pursuance of any enactment;
- (b) a compulsory purchase order is confirmed by the department authorising the purchase of land for the purpose of the development;
- (c) consent is granted by the department to the appropriation of land for the purpose of the development or the acquisition of land by agreement for that purpose;
- (d) authority is given by the department for the borrowing of money for the purpose of the development, or for the application for that purpose of any money not otherwise so applicable; or
- (e) any undertaking is given by the department to pay a grant in respect of the development in accordance with any enactment authorising the payment of such grants.

and references in this section and in the said Fifth Schedule to the authorisation of a government department shall be construed accordingly.

(5) The references in subsection (3) of this section to local planning authorities shall be construed as including references to any council to whom functions of a local planning authority are delegated in pursuance of regulations made under the last foregoing section.

Temporary provisions pending approval of plans.

36. Where, under the foregoing provisions of this Part of this Act, a local planning authority are required to have regard to the provisions of the development plan in relation to the exercise of any of their functions, then, in relation to the exercise of those functions during any period before such a plan has become operative with respect to the area of that authority, that authority shall have regard to any directions which may be given to them by the Minister as to the provisions to be included in such a plan, and subject to any such directions shall have regard to the provisions which in their opinion will be required to be so included for securing the proper planning of the said area.

PART IV.

ACQUISITION OF LAND, ETC.

Acquisition and disposal of land for planning purposes.

37.—(1) Where any land is designated by a development plan under this Act as subject to compulsory acquisition by any Minister, local authority or statutory undertakers, that Minister or authority or those undertakers may be authorised to acquire that land compulsorily in accordance with the provisions of this section.

Compulsory acquisition of land by Ministers, local authorities and statutory undertakers.

(2) If, during the period before a development plan has become operative under this Act with respect to any area—

- (a) the Minister and the Minister of Works are satisfied that the acquisition of any land in that area is necessary for the public service or otherwise for the purposes of any of the functions of the Minister of Works; or
- (b) the Minister and the Postmaster-General are satisfied that the acquisition of any such land is necessary for the purposes of the Post Office,

the Minister of Works or the Postmaster-General, as the case may be, may be authorised to purchase that land compulsorily in accordance with the provisions of this section.

(3) The compulsory acquisition of land under this section may be authorised—

- (a) in the case of land designated by a development plan as subject to acquisition by a Minister, by that Minister;
- (b) in the case of land so designated as subject to acquisition by a local authority, by the Minister concerned with the functions in question;
- (c) in the case of land so designated as subject to acquisition by any statutory undertakers, by the Minister who is the appropriate Minister for the purposes of those undertakers;
- (d) in the case of any such land as is mentioned in subsection (2) of this section, by the Minister of Works or the Postmaster-General, as the case may be.

(4) The Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply to the compulsory acquisition of land under this section, and accordingly shall have effect—

- (a) as if this section had been in force immediately before the commencement of that Act;
- (b) as if any reference in that Act to a local authority (except the references thereto in subsection (2) of section one and in paragraph 9 of the First Schedule) included a reference to statutory undertakers; and

PART IV.
—cont.

(c) as if references therein to the Minister of Transport and to the enactments specified in paragraph (b) of subsection (1) of section one of that Act included respectively references to any Minister and to the provisions of this section.

(5) Any expenses incurred by the Minister of Transport in the acquisition of land under this section for the purpose of the construction or improvement of a road shall be defrayed out of the road fund.

Compulsory
acquisition
of land for
development.

38.—(1) Where any land is designated by a development plan under this Act as subject to compulsory acquisition by the appropriate local authority, then if the Minister is satisfied—

- (a) in the case of land comprised in an area defined by the plan as an area of comprehensive development, or of land contiguous or adjacent to any such area, that the land is required in order to secure the development or redevelopment of the said area or that it is expedient in the public interest that the land should be held together with land so required;
- (b) in any other case, that it is necessary that the land should be acquired under this section for the purpose of securing its use in the manner proposed by the plan,

he may authorise the council of the county borough or county district in which the land is situated, to acquire the land compulsorily in accordance with the provisions of this section.

(2) If during the period before a development plan has become operative under this Act with respect to any area, the Minister is satisfied that the acquisition of any land under this section is expedient—

- (a) for any purpose which appears to him to be immediately necessary in the interests of the proper planning of that area (not being a purpose for which a local authority could be authorised to acquire the land compulsorily under any other enactment);
- (b) for any other purpose for which, by virtue of paragraph (c) or (d) of subsection (1) of section ten of the Act of 1944, a local planning authority could be authorised to acquire land before the appointed day,

he may authorise the council of the county borough or county district in which the land is situated to acquire the land compulsorily in accordance with the provisions of this section.

(3) Where, under the foregoing provisions of this section, the Minister has power to authorise the council of a county borough or county district to acquire any land compulsorily,

he may, if after consultation with that council and, in the case of land in a county, with the council of that county, he thinks it expedient so to do, authorise the land to be so acquired by any other local authority instead of by that council.

PART IV.
—cont.

(4) The Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply to the compulsory acquisition of land under this section and accordingly shall have effect as if this section had been in force immediately before the commencement of that Act:

Provided that section two of the said Act (which confers temporary powers for the speedy acquisition of land in urgent cases) shall not apply to the compulsory acquisition of land under this section.

39.—(1) If the Minister is satisfied, in the case of a compulsory purchase order submitted to him under the last foregoing section by a local authority, that it is urgently necessary in the public interest to empower that authority to enter on the whole or any part of the land to which the order relates and secure its vesting in them before the expiration of the time which would be required for the service of notices to treat, he may include in the order as confirmed by him a direction that the provisions of the Sixth Schedule to the Act of 1944 shall apply to the order so far as it relates to that land:

Power to expedite completion of purchase under s. 38.

Provided that no such direction shall be so included in a compulsory purchase order unless application in that behalf is included in the order as submitted to the Minister.

(2) A compulsory purchase order which contains any such direction as aforesaid shall be registered in the register of local land charges, in such manner as may be prescribed by rules made for the purposes of this section under subsection (6) of section fifteen of the Land Charges Act, 1925, by the proper officer of the council of each county borough or county district in which the land to which the direction relates or any part thereof is situated; and it shall be the duty of the local authority, as soon as may be after the order has become operative, to notify that fact to the proper officer of the authority by whom it is required to be registered as aforesaid, and to furnish him with all information relating to the order which is required for the purpose.

(3) Where a compulsory purchase order containing any such direction as aforesaid is made in respect of any interest in land which has sustained war damage, then if any of that damage has not been made good at the date on which notice to treat is deemed to have been served, the local authority shall, when they notify the fact that the order has become

PART IV.
—*cont.*

operative to the proper officer under the last foregoing subsection, notify the War Damage Commission of that action having been taken.

(4) Any reference in the Sixth Schedule to the Act of 1944 to a purchase order providing for expedited completion, or to the purchasing authority, shall be construed as a reference to a compulsory purchase order containing any such direction as aforesaid, and to the local authority authorised to acquire land by that order, as the case may be.

(5) Paragraph 3 of the Second Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946 (which provides for entry on land before the purchase money has been paid, notwithstanding the provisions of sections eighty-four to ninety of the Lands Clauses Consolidation Act, 1845) and paragraph 4 of that Schedule (which makes special provision, in substitution for section ninety-two of the said Lands Clauses Consolidation Act, 1845, with respect to the sale of parts of houses and other premises) shall not apply to a compulsory purchase order containing any such direction as aforesaid.

8 & 9 Vict.
c. 18.

Acquisition of
land by agree-
ment for
development.

40.—(1) The council of any county, county borough or county district may, with the consent of the Minister, acquire by agreement any land (whether or not being land designated by a development plan as subject to compulsory acquisition) which they require for any purpose for which a local authority may be authorised to acquire land compulsorily under section thirty-eight of this Act.

(2) The Lands Clauses Acts (except the provisions relating to the purchase of land otherwise than by agreement and the provisions relating to access to the special Act, and except sections one hundred and twenty-seven to one hundred and thirty-two of the Lands Clauses Consolidation Act, 1845) shall be incorporated with this section, and in construing those Acts as so incorporated this section shall be deemed to be the special Act and references to the promoters of the undertaking shall be construed as references to the council authorised to acquire the land under this section.

Power to
acquire
buildings
of special
architectural
or historic
interest.

41.—(1) Where a building preservation order is in force as respects any building and it appears to the Minister that reasonable steps are not being taken for properly preserving the building, the Minister may authorise the council of the county or county borough or county district in which the building is situated to acquire compulsorily under this section the building and any land comprising or contiguous or adjacent to it which appears to the Minister to be required for preserving the building or its amenities, or for affording access thereto, or for the proper control or management thereof.

(2) Where a building preservation order is in force as respects any building and it appears to the Minister of Works that reasonable steps are not being taken for properly preserving the building, that Minister may be authorised under this section to acquire compulsorily the building and any land comprising or contiguous or adjacent to it which appears to him to be required as mentioned in the foregoing subsection.

(3) The Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply to the compulsory acquisition of land under this section, and accordingly shall have effect—

- (a) as if this section had been in force immediately before the commencement of that Act;
- (b) as if references therein to the Minister of Transport and to the enactments specified in paragraph (b) of subsection (1) of section one of that Act included respectively references to the Minister of Works and to the provisions of this section:

Provided that section two of the said Act (which confers temporary powers for the speedy acquisition of land in urgent cases) shall not apply to the compulsory acquisition of land under this section.

(4) Any person having an interest in any building which it is proposed to acquire compulsorily under this section may, within twenty-eight days after the service of the notice required to be served under paragraph 3 of the First Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946, apply to a court of summary jurisdiction for the petty sessional division or place within which the building to which the notice relates is situated for an order staying further proceedings on the compulsory purchase order, and if the court is satisfied that reasonable steps are being taken for properly preserving the building, they shall make an order accordingly.

Any person aggrieved by the decision of a court of summary jurisdiction under this subsection may appeal against that decision to a court of quarter sessions.

(5) Where any building is acquired under the provisions of subsection (1) of this section, the council of the county or county borough or county district, by whom the building is acquired shall observe the provisions of the building preservation order relating to that building.

(6) Without prejudice to the generality of the powers conferred by the foregoing provisions of this Part of this Act, any power of a local authority to acquire land by agreement thereunder shall include power to acquire by agreement any building as respects which a building preservation order has been or could be made by the local planning authority, and

PART IV.
—cont.

any land comprising or contiguous or adjacent to it which appears to the Minister to be required for the purposes specified in subsection (1) of this section.

Power of local authorities to appropriate certain land for planning purposes.

42.—(1) Any local authority may be authorised, by order made by that authority and confirmed by the Minister, to appropriate for any purpose specified in a development plan (being a purpose for which that authority can be authorised to acquire land under any enactment) any land for the time being held by them for other purposes, being land which is or forms part of a common, open space or fuel or field garden allotment (including any such land which is specially regulated by any enactment, whether public general or local or private), other than land being Green Belt land as defined in the Green Belt (London and Home Counties) Act, 1938.

1 & 2 Geo. 6.
c. xciii.

(2) Paragraph 11 of the First Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946 (which makes special provision with respect to compulsory purchase orders under that Act relating to land forming part of a common, open space or fuel or field garden allotment) shall apply to an order under this section authorising the appropriation of land as it applies to a compulsory purchase order under that Act.

(3) Without prejudice to the generality of the powers conferred by the foregoing provisions of this Part of this Act, any power of a local authority to acquire land (whether compulsorily or by agreement) thereunder shall include power to acquire land required for giving in exchange for land appropriated under this section, or for Green Belt land appropriated, in accordance with the Green Belt (London and Home Counties) Act, 1938, for any purpose specified in a development plan.

23 & 24 Geo. 5.
c. 51.

(4) Section one hundred and sixty-three of the Local Government Act, 1933 (which contains general provisions as to the appropriation by local authorities of land belonging to them) shall not apply to land which a local authority have power to appropriate under subsection (1) of this section.

(5) Where any land appropriated under this section was acquired under any enactment incorporating the Lands Clauses Acts, any work executed on the land after the appropriation has been effected shall, for the purposes of section sixty-eight of the Lands Clauses Consolidation Act, 1845, be deemed to have been authorised by the enactment under which the land was acquired.

(6) On the appropriation of land under this section there shall be made in the accounts of the local authority such adjustments as the Minister of Health may direct.

43.—(1) The Central Land Board may, with the approval of the Minister, by agreement acquire land for any purpose connected with the performance of their functions under the following provisions of this Act, and in particular may so acquire any land for the purpose of disposing of it for development for which permission has been granted under Part III of this Act on terms inclusive of any development charge payable under those provisions in respect of that development.

PART IV.
—cont.
Acquisition of
land by
Central Land
Board.

(2) If the Minister is satisfied that it is expedient in the public interest that the Board should acquire any land for any such purpose as aforesaid, and that the Board are unable to acquire the land by agreement on reasonable terms, he may authorise the Board to acquire the land compulsorily in accordance with the provisions of this section.

(3) Subsection (4) of section thirty-eight and section thirty-nine of this Act shall apply to the compulsory acquisition of land by the Central Land Board under this section as they apply to the compulsory acquisition of land by local authorities under the said section thirty-eight; and for the purposes of this section the Acquisition of Land (Authorisation Procedure) Act, 1946, shall have effect as if any reference therein to a local authority (except the references thereto in subsection (2) of section one and in paragraph 9 of the First Schedule) included a reference to the Board.

(4) Any land acquired by the Central Land Board under the provisions of this section shall be disposed of by them in accordance with such directions as may be given to them in that behalf by the Minister, and until the land is so disposed of the Board may manage it in accordance with such directions:

Provided that nothing in this section shall be construed as authorising the Board to carry out any development of land acquired by them thereunder.

(5) Any expenses incurred by the Central Land Board in the acquisition of land under this section shall be paid out of moneys provided by Parliament; and any sums received by the Board in respect of the disposal of any such land shall be paid into the Exchequer.

(6) Provision may be made by regulations under this Act for requiring the Central Land Board to keep a register containing such particulars as may be prescribed by the regulations of land acquired and disposed of under this section, and for the inspection of any such register by the public on payment of such reasonable fee, if any, as may be so prescribed.

44.—(1) Sections nineteen to thirty of the Act of 1944 (which provide for the disposal and appropriation by local planning authorities of land acquired or appropriated under

Incorporation
of certain
provisions of
Act of 1944.

PART IV.
—cont.

Part I of that Act, for the carrying out by such authorities of development of such land, and for other matters arising in relation to the acquisition of land under that Part) shall, except so far as repealed by this Act, be incorporated with this Part of this Act, subject to the amendments specified in the second column of the Eighth Schedule to this Act and to the following provisions of this section.

(2) Subsection (3) of section twenty of the Act of 1944 (which provides that in certain cases the Minister shall not give his consent to the carrying out of any operation by the local planning authority under that section if a person other than that authority is able and willing to carry out the operation) shall cease to have effect.

(3) Section fifteen of the Act of 1944 (which relates to the purchase of licensed premises) shall apply in relation to premises comprised in land acquired under this Part of this Act, not being land in a licensing planning area within the meaning of the Licensing Planning (Temporary Provisions) Acts, 1945 and 1946, and the said section shall accordingly have effect subject to the amendments specified in relation thereto in the second column of the Eighth Schedule to this Act.

(4) Paragraph 9 of the Fifth Schedule to the Act of 1944 (which provides for the assessment at site values of compensation in respect of the compulsory acquisition of certain dwellinghouses unfit for human habitation) shall apply in relation to land compulsorily acquired under this Part of this Act and accordingly shall have effect subject to the amendments specified in relation thereto in the second column of the Eighth Schedule to this Act.

Amendment of
9 & 10 Geo. 6.
c. 49 in
relation to
acquisition of
land under
Part IV.

45.—(1) Where any land is designated by a development plan under this Act as subject to compulsory acquisition for any purpose, then if a compulsory purchase order relating to that land is submitted to the confirming authority in accordance with Part I of the First Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946, or, as the case may be, is made in draft by a Minister in accordance with Part II of that Schedule, the confirming authority or that Minister, as the case may be, may disregard for the purposes of that Schedule any objection to the order or draft which, in the opinion of that authority or Minister, amounts in substance to an objection to the provisions of the development plan defining the proposed use of that or any other land.

(2) Where a compulsory purchase order authorising the acquisition of any land under section thirty-eight of this Act is submitted to the Minister in accordance with Part I of the said First Schedule, then if the Minister is satisfied that the order ought to be confirmed so far as it relates to part of the

land comprised therein, but has not for the time being determined whether or not it ought to be confirmed so far as it relates to any other such land, he may confirm the order so far as it relates to the first-mentioned land and give directions postponing the consideration of the order, so far as it relates to any other land specified in the directions until such time as may be so specified; and in any such case the notices required by paragraph 6 of the said First Schedule to be published and served shall include a statement of the effect of the directions.

(3) Paragraph 9 of the said First Schedule (which makes special provision in relation to the compulsory acquisition of land of local authorities and statutory undertakers and inalienable land of the National Trust) shall not apply to land which is designated by a development plan under this Act as subject to compulsory acquisition.

(4) Notwithstanding anything in paragraph 10 of the said First Schedule, a compulsory purchase order may be confirmed or made under this Act authorising the acquisition of land which has been acquired by statutory undertakers for the purposes of their undertaking (whether or not the land is designated as mentioned in the last foregoing subsection) without any such certificate as is mentioned in the said paragraph 10:

Provided that except where such a certificate is given as aforesaid, or the land is designated as mentioned in the last foregoing subsection,—

- (a) the order shall be of no effect unless it is confirmed or made by the appropriate Minister jointly with the Minister or Ministers who would apart from this provision have power to make or confirm it; and
- (b) if any objection to the order is duly made by the statutory undertakers and is not withdrawn, the order shall be subject to special parliamentary procedure.

(5) Where any such land as is mentioned in the last foregoing subsection is compulsorily acquired without any such certificate as is therein referred to, any compensation payable to the statutory undertakers in respect of the purchase shall be assessed in accordance with the provisions of the Fourth Schedule to the Act of 1944.

(6) Regulations made under this Act, may provide for securing that any proceedings required by the said First Schedule to be taken for the purposes of the compulsory acquisition of any land under this Act may be taken concurrently with any proceedings required by or under this Act to be taken in connection with the approval, making or amendment of a development plan designating that land as subject to compulsory acquisition.

PART IV.
—cont.

(7) In construing the Lands Clauses Acts as incorporated, by virtue of paragraph 1 of the Second Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946, with Part IV of this Act—

- (a) references to the execution of the works shall be construed as including references to any erection, construction or carrying out of buildings or works authorised by section twenty-two of the Act of 1944 (as incorporated with this Part of this Act by virtue of section forty-four of this Act), and in relation to any such erection, construction or carrying out, the reference in section sixty-eight of the Lands Clauses Consolidation Act, 1845, to the promoters of the undertaking shall, notwithstanding anything in subparagraph (b) of paragraph 1 of the Second Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946, be construed as references to the person by whom the buildings or works in question are erected, constructed or carried out;
- (b) references to the execution of the works shall be construed as including also references to any erection, construction or carrying out of buildings or works on behalf of a Minister, or by or on behalf of statutory undertakers, on land acquired by that Minister or those undertakers, for the purposes for which the land was acquired.

Acquisition of land by development corporations under New Towns Act, 1946.

46.—(1) For the removal of doubt it is hereby declared that the powers of acquiring land conferred by the New Towns Act, 1946 on a development corporation established for the purposes of a new town include power to acquire any land within the area designated under that Act as the site of the new town whether or not it is proposed to develop or re-develop that particular land.

(2) Section five of the said Act (which regulates the disposal of land by development corporations) shall have effect as if in subsection (1), after the words " this Act " in the second place where those words occur, there were inserted the words " or for purposes connected therewith ".

Powers relating to highways.

Construction of highways on land acquired under Part IV.
9 Edw. 7.
c. 47.

47.—(1) Section ten of the Development and Road Improvement Funds Act, 1909 (which enables the Minister of Transport to authorise the construction of new roads in respect of which advances are made under that Act and provides for the expenses of the construction, and for the maintenance, of such roads) shall apply in relation to the construction

of a new road by a local highway authority on land defined by a development plan as the site of a proposed road or on any other land acquired by or transferred to them under this Part of this Act as if the road were a road in respect of the construction of which an advance were made to that authority under that section.

PART IV
—cont.

(2) Without prejudice to the provisions of subsection (5) of section nineteen of the Restriction of Ribbon Development Act, 1935, and of subsection (8) of section six of the Trunk Roads Act, 1936 (which provide for contributions by local authorities towards expenses incurred by local highway authorities and by the Minister of Transport under those Acts) any local authority may contribute towards any expenses incurred by a local highway authority or by the Minister of Transport in the acquisition of land under this Part of this Act or in the construction or improvement of roads on land so acquired or in connection with any development required in the interests of the proper planning of the area of the local authority. 25 & 26 Geo. 5 c. 47.

48.—(1) The provisions of this section shall apply in relation to any land defined by a development plan as the site of a proposed road, or as land required for the widening of any existing road which is of less than byelaw width, being land which is designated by the plan as land to which this section applies. Construction and improvement of private streets.

(2) Where any land is so defined and designated as aforesaid, the appropriate council as defined by this section may at any time by order declare the land (together with any land forming part of any such existing road as aforesaid) to be a private street, and thereupon the land shall be deemed to have been dedicated to the public and to be a private street:

Provided that no such order shall be made by the council in relation to land which has not been acquired by them at the date of the order (other than land forming part of any such existing road as aforesaid) except with the consent of all persons interested in the land.

(3) In relation to land which is deemed to be a private street by virtue of a declaration under the last foregoing subsection, the provisions of the Private Street Works Act, 1892, or, in the case of land in a district in which that Act is not in force, the provisions of sections one hundred and fifty and one hundred and fifty-one of the Public Health Act, 1875 (including any provisions of that Act which relate to the said sections one hundred and fifty and one hundred and fifty-one) shall apply, subject to such exceptions, adaptations and modifications as may be prescribed by regulations made under this Act, as if the land were a street to which those provisions respectively apply. 55 & 56 Vict. c. 57. 38 & 39 Vict. c. 55.

PART IV.
—*cont.*

(4) Regulations made for the purposes of the last foregoing subsection shall make provision for securing—

- (a) that the amount of the expenses incurred in the execution of street works charged under the provisions referred to in that subsection on the owners of adjoining land shall not exceed the amount which would, at the date of the commencement of the works, have been the cost of the execution of street works in the course of the construction, widening or improvement if it had been carried out so as to comply with the provisions of any byelaws, regulations or other enactments in force in the district, and, as respects matters for which no such provision is made, so as to comply with such requirements as would have been imposed by the highway authority at the date of the commencement of the works as a condition of declaring the street to be a highway repairable by the inhabitants at large;
- (b) that as soon as the street has been made up or widened by or to the satisfaction of the appropriate council it shall become a highway repairable by the inhabitants at large;
- (c) that no expenses incurred in the execution of any street works shall be recoverable against agricultural land or buildings until the land or buildings cease to be agricultural land or buildings;
- (d) that no expenses incurred in the execution of street works for the purpose of making a new street shall be recoverable in respect of any land (whether the site of a building or not) unless and until access is provided for and used by persons or vehicles from that land to the new street.

(5) Regulations made for the purposes of subsection (3) of this section may provide—

- (a) for the inclusion in the expenses recoverable as aforesaid in respect of street works carried out by the appropriate council of any expenses incurred by a local authority, after the date on which the land is defined and designated as mentioned in subsection (1) of this section, and before it is declared to be a private street under subsection (2) of this section, in the construction of sewers in or under the land; and
- (b) for authorising the appropriate council to enter on any land adjoining the street for the purpose of executing street works on land comprised in the street.

(6) In this section the following expressions have the meanings hereby respectively assigned to them, that is to say—

PART IV.
—cont.

- “ appropriate council ”, in relation to any land, means the council of the county borough or county district in which the land is situated or, in the case of land in a rural district, or land in any other county district which is defined by a development plan as the site of a road which is to become a county road, or as land required for the widening of such a road, the council of the county in which the land is situated;
- “ byelaw width ” in relation to a road, means the width required by any byelaws, regulations or enactments regulating the construction of streets in the area in which the road is situated;
- “ construction ” and “ improvement ”, in relation to a street, include the planting, laying out, maintenance and protection of trees, shrubs and grass margins in and beside the street;
- “ street works ” means the sewerage, levelling, paving, metalling, flagging, channelling and making good a street or part of a street and providing proper means of lighting therefor.

(7) References in this section to sections one hundred and fifty and one hundred and fifty-one of the Public Health Act, 1875, shall be construed as including references to those sections as amended by any local Act, and to any local Act making provision corresponding with the provisions of those sections or of the Private Street Works Act, 1892; and the power of the Minister to make regulations under this section shall include power to make special regulations with respect to any district in which such a local Act is in force.

49.—(1) Without prejudice to the provisions of section twenty-three of the Act of 1944, as incorporated with this Act, or section three of the Acquisition of Land (Authorisation Procedure) Act, 1946, the Minister of Transport may, if he is satisfied that it is necessary so to do in order to enable development to be carried out in accordance with planning permission granted under Part III of this Act or to be carried out by a government department, by order made in accordance with the provisions of the Sixth Schedule to this Act authorise the stopping up or diversion of any highway.

(2) Any order made under the foregoing subsection may make such provision as appears to the Minister of Transport to be necessary or expedient for the provision or improvement of any other highway, and may direct—

PART IV.
—cont.

- (a) that any highway so provided or improved shall be repairable by the inhabitants at large;
- (b) that the said Minister, or any local authority specified in that behalf in the order, shall be the highway authority therefor;
- (c) in the case of a highway for which the said Minister is to be the highway authority, that the highway shall, on such date as may be specified in the order, become a trunk road within the meaning of the Trunk Roads Acts, 1936 and 1946.

(3) The Minister of Transport or a local highway authority may be authorised to acquire land compulsorily for the purpose of providing or improving any highway which is to be provided or improved in pursuance of an order made under this section or for any other purpose for which land is required in connection with such an order; and the Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply to the compulsory acquisition of land under this section, and accordingly shall have effect—

- (a) as if this section had been in force immediately before the commencement of that Act;
- (b) as if this section were included among the enactments specified in paragraph (b) of subsection (1) of section one of that Act:

Provided that section two of the said Act (which confers temporary powers for the speedy acquisition of land in urgent cases) shall not apply to the compulsory acquisition of land under this section.

(4) Any order made under this section may contain such incidental and consequential provisions as appear to the Minister of Transport to be necessary or expedient, including in particular provision for authorising that Minister, or requiring any other authority or person specified in the order—

- (a) to pay, or to make contributions in respect of, the cost of doing any work provided for by the order or any increased expenditure to be incurred which is attributable to the doing of any such work; or
- (b) to repay, or to make contributions in respect of, any compensation paid by the highway authority in respect of restrictions imposed under section one or section two of the Restriction of Ribbon Development Act, 1935, as respects any highway stopped up or diverted under the order:

Provided that if objection to any such provision is duly made in accordance with the Sixth Schedule to this Act by any

authority or person who would be required thereby to make any such payment, repayment or contribution as aforesaid, and is not withdrawn, the order shall be subject to special parliamentary procedure.

PART IV.
—cont.

(5) Regulations made under this Act by the Minister of Transport may provide for securing that any proceedings required to be taken for the purposes of the acquisition of land under subsection (3) of this section may be taken concurrently with any proceedings required to be taken for the purposes of the order under this section.

(6) Section twenty-five of the Act of 1944 (which, as amended by this Act, provides for the extinguishment of rights of way, and rights as to apparatus, of statutory undertakers over land acquired under this Part of this Act) shall, subject to any necessary modifications, apply in relation to any highway to which an order under this section relates as it applies in relation to land acquired by a Minister under this Part of this Act, and sections twenty-six and twenty-seven of that Act shall have effect accordingly.

(7) The powers of the Minister of Transport under subsection (1) of this section shall include power to make an order authorising the stopping up or diversion of any highway which is temporarily stopped up or diverted under any other enactment; and the provisions of this section shall not prejudice any power conferred upon the Minister of Transport by any other enactment to authorise the stopping up or diversion of a highway.

(8) Section three of the Acquisition of Land (Authorisation Procedure) Act, 1946 (which enables the Minister of Town and Country Planning to extinguish certain public rights of way over land acquired under that Act) shall apply in relation to land acquired before the commencement of that Act by a local authority, being—

- (a) land acquired compulsorily under any such enactment as is specified in paragraph (a) of subsection (1) of section one of that Act; or
- (b) land acquired by agreement for a purpose such that the land could have been so acquired compulsorily.

(9) Any expenses incurred by the Minister of Transport in the construction or improvement of roads under this section shall be defrayed out of the road fund, and any other expenses of that Minister under this section shall be defrayed out of moneys provided by Parliament.

PART V.

AMENDMENTS OF LAW RELATING TO COMPENSATION ON
COMPULSORY ACQUISITION OF LAND.

Abolition of the 1939 standard for compensation on compulsory acquisition.

50.—(1) Section fifty-seven of the Act of 1944 (which provides for the assessment by reference to the prices current in 1939 of the value of interests in land which are compulsorily acquired) shall not apply to compensation in respect of a compulsory acquisition of land in pursuance of a notice to treat served after the passing of this Act.

(2) The provisions of the Seventh Schedule to this Act shall have effect and shall be deemed always to have had effect in relation to land compulsorily acquired in pursuance of a notice to treat served after the commencement of the Act of 1944 and before the passing of this Act, and in relation to land acquired by agreement during that period by an authority authorised to acquire it compulsorily.

Compensation for compulsory acquisition after appointed day.

51.—(1) Any compensation payable in respect of the compulsory acquisition of an interest in land by a government department or a local or public authority within the meaning of the Acquisition of Land (Assessment of Compensation) Act, 1919, in pursuance of a notice to treat served on or after the appointed day (not being compensation which falls to be assessed in accordance with Rule (5) of the rules set out in section two of that Act) shall be assessed in accordance with the provisions of that Act as modified by the provisions of this and the three next following sections.

(2) The value of any such interest shall be ascertained on the assumption that planning permission would be granted under Part III of this Act for development of any class specified in the Third Schedule to this Act, but would not be so granted for any other development:

Provided that

- (a) where at any time before the date of the notice to treat permission for development of the land of any class specified in Part II of the said Third Schedule has been refused or granted subject to conditions, or, having been granted, has been revoked or modified by the imposition of conditions, and compensation has become payable in respect of the refusal, revocation, or conditions, as the case may be, under section twenty of this Act, it shall be assumed for the purposes of the ascertainment of the value of the interest in question that such permission would not be granted, or, as the case may be, would not be granted otherwise than subject to those conditions;

- (b) where at any time before the said date an order has been made under section twenty-six of this Act requiring the removal of any building or the discontinuance of any use, and compensation has become payable in respect of that order under section twenty-seven of this Act, it shall be assumed for the purposes aforesaid that planning permission would not be granted for the rebuilding of that building or the resumption of that use.

PART V.
—cont.

(3) Without prejudice to any rule of law affecting the assessment of compensation in respect of the compulsory acquisition of land in pursuance of any enactment, no account shall be taken, in calculating the value of an interest in land designated by a development plan under this Act as subject to compulsory acquisition, of any depreciation in the value of that interest which is attributable to the designation.

(4) Where, at any time before the date of the notice to treat, planning permission has been granted under Part III of this Act for any development of the land, other than development of any class specified in the Third Schedule to this Act, or is deemed to have been so granted, then except where either—

- (a) any sum has been paid under Part VII of this Act by way of development charge in respect of that development; or
(b) no such charge is payable in respect of that development by virtue of any of the provisions of Part VIII of this Act;

the value of the interest to which the notice to treat relates shall be calculated as if that permission had not been granted.

(5) Where the interest is acquired in pursuance of a purchase notice served under section nineteen of this Act, and it is certified by the Minister, on confirming the notice, that any building comprised in the land has become incapable of reasonably beneficial use, then if the purchase notice was served in consequence of the refusal of permission for development which would have involved the demolition of the whole or substantially the whole of the building, or in consequence of the revocation or modification of such permission, no account shall be taken for the purposes of this section of the value of the building except in so far as the value of any materials therein would exceed the cost of demolition.

(6) Where the interest is acquired in pursuance of a purchase notice served under the said section nineteen and directions have been given under paragraph (b) of subsection (2) of that section requiring that planning permission shall be granted for

PART V.
—*cont.*

any development of other land to which the purchase notice relates, no account shall be taken for the purposes of this section of any increase or diminution in the value of the said interest which is attributable to the direction or to any permission granted in pursuance thereof.

Temporary provisions for eliminating special value attributable to vacant possession.

52.—(1) Where the notice to treat giving rise to the claim for compensation is served at any time before the first day of January, nineteen hundred and fifty-four, and the interest in land in respect of which the compensation is payable carries the right to vacant possession of the land or any part thereof, or the right to obtain such possession at any time before that date, then, unless the land is agricultural property within the meaning of this section, the value of that interest shall be calculated as if there were derived therefrom a lease of the land, or of that part thereof, as the case may be, for the term, subject to the conditions and at the rent specified in this section.

(2) The term of any such lease as aforesaid shall be deemed to be a term beginning on the date of the notice to treat and ending on the first day of January, nineteen hundred and fifty-four:

Provided that—

- (a) where the interest in question is subject to an actual lease on the date of the service of the notice to treat, the said term shall be deemed to begin on the first date thereafter on which the owner of the said interest would be lawfully entitled to obtain vacant possession of the land; and
- (b) where the interest in question is a leasehold interest which is limited to expire at any time before the first day of January, nineteen hundred and fifty-four, the said term shall be deemed to end on the day before the expiration of that interest.

(3) The conditions of any such lease as aforesaid shall be deemed to be conditions by virtue of which the tenant would be liable to pay all usual tenant's rates and taxes and to bear the cost of repairs and insurance and other expenses, if any, necessary to maintain the land in the state in which it was on the date of the notice to treat; and the rent payable thereunder shall be deemed to be a sum equal to five per cent. of the capital value of the premises, or a sum equal to the rent which might reasonably be expected to be payable by a tenant in occupation of the premises, under a lease for the term and subject to the conditions aforesaid, whichever is the less.

(4) In this section the expression "agricultural property" means agricultural land or agricultural buildings as defined by the Rating and Valuation (Apportionment) Act, 1928, and

includes a house used as a dwellinghouse by a person who is primarily engaged in carrying out or directing agricultural operations on land in the neighbourhood of the house; and for the purposes of this section the capital value of any premises shall be deemed to be the value of a freehold interest therein (free from incumbrances but subject to any easement or other restriction affecting the land on the date of the notice to treat) calculated in accordance with the provisions of any enactment other than this section which would apply to the assessment of compensation on a compulsory acquisition thereof by a government department or a local or public authority within the meaning of the Acquisition of Land (Assessment of Compensation) Act, 1919.

(5) For the purposes of this section, an interest in land shall not be deemed to carry the right to obtain vacant possession of the land or any part thereof if at the time of the service of the notice to treat the land or that part thereof consists of a dwellinghouse which is subject to the Rent and Mortgage Interest Restrictions Acts, 1920 to 1939, or any future enactment amending or extending those Acts, and any person other than the person entitled to that interest is for the time being in possession thereof either by virtue of a tenancy or by virtue of the provisions of the said Acts.

(6) Compensation for disturbance in respect of an interest in land the value of which is calculated in accordance with the provisions of this section shall not be assessed at any greater or less amount than that at which it would have been assessed apart from the provisions of this section.

53.—(1) Where an interest in land the value of which is to be ascertained in accordance with the provisions of section fifty-one of this Act is an interest in a hereditament or part of a hereditament which has sustained war damage, and any of that damage has not been made good at the date of the notice to treat, then if the appropriate payment under the War Damage Act, 1943, would, apart from the compulsory purchase or apart from any direction given by the Treasury under paragraph (b) of subsection (2) of section twenty of that Act, be a payment of cost of works—

- Compensation for compulsory acquisition of land attracting converted value payments. 6 & 7 Geo. 6. c. 21.
- (a) the value of the interest for the purposes of the compensation payable in respect of the compulsory purchase shall, subject to the provisions of this section, be taken to be the value which it would have if the whole of the damage had been made good before the date of the notice to treat; and
 - (b) the right to receive any value payment or share of a value payment which, under the War Damage Act, 1943, is payable in respect of the interest which is

PART V.
—cont.

compulsorily acquired (including any interest payable thereon) shall, notwithstanding anything in that Act, vest in the person by whom the interest is so acquired.

(2) Where, under subsection (1) of this section, the value of any interest in land comprised in a hereditament is required to be taken to be the value which that interest would have if war damage sustained by that hereditament had been made good before the date of the notice to treat, and any works, other than works for making good the war damage, have been carried out on the land since the occurrence of the war damage, then if the making good of the war damage would involve the removal of those works, the value of the said interest shall be taken to be—

- (a) the value which it would have if the war damage had been made good and those works had been removed; or
- (b) the value which it would have if the war damage had not been made good so far as the making good would have involved the removal of those works,

whichever is the higher.

(3) Where an interest in land is acquired by agreement in pursuance of a contract made after the appointed day by a person authorised by virtue of any enactment to acquire it compulsorily, being an interest in a hereditament or part of a hereditament which has sustained war damage any of which has not been made good before the date of the contract, then if the appropriate payment under the War Damage Act, 1943, would, apart from the acquisition or apart from any direction given by the Treasury under paragraph (b) of subsection (2) of section twenty of that Act be a payment of cost of works, the right to receive any value payment or share of the value payment which, under that Act, is payable in respect of the interest so acquired (including any interest payable thereon) shall, notwithstanding anything in that Act, vest in the person by whom the interest is acquired as aforesaid.

(4) Where, by virtue of paragraph (b) of subsection (1) of this section or of the last foregoing subsection, the right to receive a value payment or share of a value payment becomes vested in the person by whom an interest in land is acquired, whether compulsorily or by agreement, the amount of that payment or share (including any interest thereon) shall not exceed the sum paid by that person by way of compensation or consideration in respect of the interest so acquired.

(5) Subsection (4) of section sixty-nine of the War Damage Act, 1943 (which makes special provision with respect to payments under that Act in respect of war damage sustained

by hereditaments held for charitable purposes) shall not apply to any payment which, by virtue of this section, vests in the person by whom an interest in land is acquired.

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—cont.

54.—(1) Except as otherwise provided by this section and Part VIII of the Requisitioned Land and War Works Act, 1945, the value of any interest in requisitioned land shall be assessed in accordance with the foregoing provisions of this Part of this Act as if the land were not requisitioned land; and in particular an interest in such land shall be deemed for the purposes of section fifty-two of this Act to carry the right to vacant possession of the land or the right to obtain such possession before the first day of January, nineteen hundred and fifty-four, if it would carry that right if the land were not requisitioned land.

Compensation
for compulsory
acquisition of
requisitioned
land.
8 & 9 Geo. 6.
c. 43-

(2) Where an interest in land the value of which falls to be ascertained in accordance with the foregoing provisions of this Part of this Act is acquired compulsorily in such circumstances that Part VIII of the Requisitioned Land and War Works Act, 1945, applies to the acquisition, then—

- (a) if the land is requisitioned land and the period of requisition had begun before the appointed day, subsection (2) of section fifty-one of this Act shall have effect as if for any reference to the appointed day in the Third Schedule to this Act there were substituted a reference to the beginning of the period of requisition;
- (b) where section fifty-three of this Act applies, the provisions of that section shall have effect in substitution for the provisions of section forty-one of the Requisitioned Land and War Works Act, 1945, so far as it relates to the war damage and to any work done for the making good of the war damage:

Provided that for the purposes of subsection (2) of the said section fifty-three no account shall be taken of any such works as are mentioned in paragraph (b) of subsection (1) of the said section forty-one.

(3) Where, by virtue of paragraph (a) of the last foregoing subsection, the Third Schedule to this Act applies in relation to the assessment of compensation for the compulsory acquisition of an interest in land being requisitioned land as if the beginning of the period of requisition were substituted therein for the appointed day, then if any buildings or works have been erected or constructed on the land during the period of requisition, and either—

- (a) a payment in respect of the value of those buildings or works has been made by any person interested in the land to a Minister under Part II of the

PART V.
—cont.

Requisitioned Land and War Works Act, 1945, in pursuance of a report of the War Works Commission thereunder; or

- (b) any such payment or other consideration has been or is required to be made or given by any such person to a Minister in pursuance of an agreement between them; or
- (c) the buildings or works were otherwise erected or constructed wholly or partly at the expense of any such person,

those buildings or works shall be treated for the purposes of the said Third Schedule as having been erected or constructed immediately before the beginning of the period of requisition.

Compensation for compulsory acquisition after passing of this Act and before appointed day.

55.—(1) Subject to the provisions of this section, the foregoing provisions of this Part of this Act shall apply in relation to land compulsorily acquired in pursuance of a notice to treat served after the passing of this Act and before the appointed day as they apply in relation to land compulsorily acquired in pursuance of a notice to treat served after the appointed day; and subsections (3) and (4) of section fifty-three of this Act shall apply in relation to land acquired by agreement in pursuance of a contract made after the passing of this Act as they apply in relation to land acquired by agreement in pursuance of a contract made after the appointed day.

(2) The value of any interest in land which is compulsorily acquired as aforesaid shall be ascertained by reference to prices current immediately before the seventh day of January, nineteen hundred and forty-seven, and for that purpose the interest shall be deemed to have been subsisting immediately before that day subject to all incidents to which it is subject on the date of the notice to treat, and the land shall be deemed to have been immediately before the said seventh day of January in the same state as it is at the date of the notice to treat.

(3) Subsections (2) to (6) of section fifty-one of this Act shall not apply to any interest in land which is compulsorily acquired as aforesaid, but in calculating the value of any such interest it shall be assumed that the land was, at the time of the notice to treat, subject to a permanent restriction prohibiting the carrying out thereon of any development other than development of the classes specified in the Third Schedule to this Act; and for the purposes of this provision, section twelve of this Act and the said Third Schedule shall have effect as if for the references therein to the appointed day there were substituted references to the date of the notice to treat.

(4) Nothing in subsection (2) of this section shall be construed as affecting the operation of Part VIII of the Requisitioned Land and War Works Act, 1945, in any case to which that Part applies; and where any land the value of an interest in which falls to be ascertained in accordance with the provision of subsection (3) of this section is requisitioned land—

- (a) the Third Schedule to this Act, as applied for the purposes of the said subsection (3), shall have effect as if for the references therein to the appointed day there were substituted references to the beginning of the period of requisition instead of references to the date of the notice to treat; and
- (b) subsection (3) of section fifty-four of this Act shall apply as it applies in relation to the assessment of compensation in accordance with paragraph (a) of subsection (2) of that section.

56.—(1) Where an interest in land which is compulsorily acquired in pursuance of a notice to treat served after the passing of this Act is an interest in a hereditament or part of a hereditament which has sustained war damage, any of which has not been made good at the date of the notice to treat, then if—

- (a) the appropriate payment under the War Damage Act, 1943, would, apart from the compulsory acquisition or apart from any direction given by the Treasury under paragraph (b) of subsection (2) of section twenty of that Act, be a payment of cost of works; and
- (b) the land would, but for the occurrence of the war damage, be devoted to any such purpose as is mentioned in Rule (5) of the rules set out in section two of the Acquisition of Land (Assessment of Compensation) Act, 1919,

the provisions of the said Rule (5) shall have effect for the purposes of the assessment of compensation payable in respect of the compulsory acquisition as if the land were so devoted as aforesaid.

(2) Where any such interest in land as is mentioned in the foregoing subsection is compulsorily acquired as therein mentioned, then if the conditions specified in paragraph (a) of that subsection are satisfied, and the compensation payable in respect of the acquisition falls (whether by virtue of that subsection or otherwise) to be assessed in accordance with the said Rule (5), the reasonable cost of equivalent reinstatement shall be ascertained for the purposes of the said Rule (5) by reference to the state of the land immediately before

PART V.
—cont.

the occurrence of the war damage, and the right to receive any value payment or share of a value payment which, under the War Damage Act, 1943, is payable in respect of the interest which is compulsorily acquired (including interest thereon) shall, notwithstanding anything in that Act, vest in the person by whom the interest is so acquired.

(3) Where any such interest in land as aforesaid is acquired by agreement in pursuance of a contract made after the passing of this Act by a person authorised by virtue of any enactment to acquire it compulsorily, then if the conditions specified in paragraph (a) of subsection (1) of this section are satisfied in relation to the land, and the compensation which would be payable in respect of the acquisition, if the acquisition were compulsory, would fall (whether by virtue of the said subsection (1) or otherwise) to be assessed in accordance with the said Rule (5), the right to receive any value payment or share of a value payment which, under the War Damage Act, 1943, is payable in respect of the interest acquired (including interest thereon) shall vest in the person by whom the interest is so acquired.

(4) Subsection (4) of section sixty-nine of the War Damage Act, 1943 (which makes special provision with respect to payments under that Act in respect of war damage sustained by hereditaments held for charitable purposes) shall not apply to any payment which by virtue of this section vests in the person by whom an interest in land is acquired.

Amendments
of 9 & 10
Geo. 5. c. 57.
&c.

57.—(1) The Acquisition of Land (Assessment of Compensation) Act, 1919, shall apply in relation to the compulsory acquisition of land under this or any other Act by the Central Land Board or any statutory undertakers as it applies in relation to the compulsory acquisition of land by a government department or a local or public authority, and references in this Act to any such department or authority shall be construed accordingly.

(2) The rate of interest for any period after the passing of this Act on compensation which fell or falls, in default of agreement, to be ascertained in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919 (whether as originally enacted or as amended by any subsequent enactment including this Act), in respect of land compulsorily purchased on which entry has been made before the payment of the compensation shall, in lieu of being the rate of five per cent. specified under section eighty-five of the Lands Clauses (Consolidation) Act, 1845, be such other rate as may from time to time be prescribed by regulations made by the Treasury under this Act.

(3) Any regulations made by the Treasury under section sixty-two of the Act of 1944 which are in force at the date of the passing of this Act shall continue in force and have effect as if they had been made under this Act and shall accordingly apply to any compensation which falls, in default of agreement, to be ascertained in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919, as amended by this Act.

PART V.
—cont.

PART VI.

PAYMENTS OUT OF CENTRAL FUNDS IN RESPECT OF DEPRECIATION OF LAND VALUES.

Payments for depreciation.

58.—(1) Subject to the provisions of this Part of this Act, payments shall be made in accordance with a scheme to be made by the Treasury under this section, in respect of interests in land which are depreciated in value by virtue of the provisions of this Act. Payments
for
depreciation
of land
values.

(2) The aggregate amount of the payments to be made by virtue of this section and of any corresponding provisions which may be enacted in relation to Scotland shall be the sum of three hundred million pounds, and that amount shall be apportioned, as between land in England and Wales and land in Scotland, in such manner as the Treasury may by order determine after they are sufficiently informed as to the development values of land in those countries respectively as ascertained for the purposes of this Part of this Act and of any such corresponding provisions as aforesaid.

(3) As soon as may be after they are sufficiently informed as to the development values of interests in land in respect of which claims are made for payments under this Part of this Act, the Treasury shall make a scheme providing for the distribution, as between those interests or such of them as may be prescribed by the scheme, of the sum apportioned under the last foregoing subsection to land in England and Wales.

(4) Without prejudice to the generality of the last foregoing subsection, any scheme made by the Treasury thereunder may provide for the ascertainment of the amount of the payments to be made under the scheme in respect of particular interests in land either by reference to the development values of those interests respectively or by reference to such other circumstances affecting those interests as may be prescribed by the scheme, or partly in the one way and partly in the other, and may contain such incidental and consequential provisions

PART VI. as appear to the Treasury to be necessary or expedient, including provision—
—*cont.*

- (a) for applying, in relation to any payment made in accordance with the scheme, all of any of the provisions of sections twenty-four to thirty of the War Damage Act, 1943 (which relate to the rights of mortgagees and certain other persons as to payments for war damage) subject to such adaptations and modifications as may be prescribed by the scheme;
- (b) for enabling any such payment falling to be made in respect of a leasehold interest, or any part of such a payment, to be made, in such cases and subject to such conditions as may be prescribed by the scheme, to the lessor instead of to the lessee, and for any consequential modifications of the liabilities of the lessee under the lease;
- (c) for the determination of questions arising under the scheme as to the right of any person to receive a payment, or any part of a payment, thereunder.

(5) The power of the Treasury to make a scheme under this section shall include power to amend any such scheme by a subsequent scheme made thereunder.

(6) A scheme made by the Treasury under this section shall be of no effect unless it is approved by resolution of each House of Parliament.

Additional payments in respect of certain war-damaged land.

59.—(1) Without prejudice to the provisions of the last foregoing section, the Treasury may make a scheme under this section providing for the making of payments of such amounts, in such cases, and subject to such conditions, as may be prescribed by the scheme, in respect of interests in land which are depreciated in value by virtue of the provisions of this Act, being land in the case of which it is shown—

- (a) that the land sustained war damage in such circumstances that the appropriate payment under the War Damage Act, 1943, in respect of a hereditament within the meaning of that Act which consists of or includes the whole or any part of the land is a value payment;
- (b) that by reason of the prospects of development other than the making good of the war damage, the value of the hereditament in the state in which it was immediately after the occurrence of the damage is higher, and the amount of the value payment is accordingly lower, than it would be apart from the prospect of such development.

(2) For the purposes of this section, a value payment shall be deemed to be the appropriate payment under the War Damage Act, 1943, in respect of a hereditament—

(a) where such a payment would be appropriate thereunder, but no payment falls to be made because the value of the hereditament in the state in which it was immediately after the occurrence of the war damage is equal to or greater than its value in the state in which it was immediately before the occurrence of the damage; and

(b) where a value payment falls to be made under any provision of the said Act in substitution for a payment of cost of works which, but for that provision, would be the appropriate payment.

(3) Any scheme made under this section may contain such incidental and consequential provisions as appear to the Treasury to be necessary or expedient, including provision for the matters specified in paragraphs (a) to (c) of subsection (4) of the last foregoing section.

(4) Any scheme made under this section shall be laid before Parliament immediately after it is made, and if either House within the period of forty days after the scheme is so laid before it, resolves that the scheme be annulled, it shall thereupon cease to have effect, but without prejudice to the validity of anything previously done thereunder or to the making of a new scheme.

(5) In reckoning for the purposes of the last foregoing subsection any such period of forty days no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

60.—(1) Any claim for a payment under a scheme made under this Part of this Act shall be made to the Central Land Board in such manner, within such period, and accompanied by such particulars and verified by such evidence, as may be prescribed by regulations made for the purposes of this section, or as may be required by the Board in accordance with such regulations. Establishment of claims for payments.

(2) Provision may be made by regulations under this Act for regulating the making of claims for payments under a scheme made under this Part of this Act and for the ascertainment, in the case of interests in land in respect of which claims are so made, of the development values of those interests and of such other particulars as may be required for the purposes of the preparation of a scheme under section

PART VI. fifty-eight of this Act or for the purposes of a scheme made
—*cont.* under the last foregoing section; and without prejudice to the
generality of the foregoing provision, such regulations may
provide—

- (a) for requiring the development values of interests in land to be determined by such authority, in such manner and within such period as may be prescribed by the regulations, and for the settlement of any disputes arising in relation to such determinations by an arbitrator appointed in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919, or by a special tribunal constituted in accordance with the regulations;
- (b) for regulating the practice and procedure to be followed in connection with the making of any such determination and the settlement of any such dispute, and the time within which and the manner in which proceedings may be taken in respect of any alleged irregularity in connection therewith;
- (c) for rendering the right to a payment under this Part of this Act conditional upon compliance with the provisions of the regulations with respect to the making of claims;
- (d) for any matters incidental to or consequential on the matters aforesaid.

(3) A claim for a payment under a scheme made under this Part of this Act may be made in respect of any interest in land being an interest in fee simple or a leasehold interest as defined by this Act.

(4) Subject as hereinafter provided, a claim for a payment under a scheme made under this Part of this Act may be made in respect of such land as the claimant thinks fit, and different claims may be made in respect of the interest of the same person in different parcels of land:

Provided that the Central Land Board may direct that any two or more claims in respect of the interest of the same person in different parcels of land shall be dealt with together and treated as if they were one claim in respect of the interest of that person in the whole of the land included in the claims.

Ascertainment of development values of land. 61.—(1) For the purposes of this Part of this Act and of any scheme made thereunder an interest in land shall be deemed to be depreciated in value by virtue of the provisions of this Act if the restricted value of that interest on the appointed day, calculated in accordance with

the provisions of this and the next following section, is less than the unrestricted value of that interest on that day as so calculated; and references in this Part of this Act to the development value of an interest in land shall be construed as references to the difference between those values.

(2) Subject to the following provisions of this section—

(a) the restricted value of an interest in land on the appointed day shall be taken to be the value of that interest as it subsists on that day, calculated on the assumption that planning permission would be granted under Part III of this Act for development of any class specified in the Third Schedule to this Act, but would not be so granted for any other development; and

(b) the unrestricted value of an interest in land on the appointed day shall be taken to be the value which that interest would have had as it subsists on that day if the provisions of this Act (other than this and the next following section) had not passed.

(3) Where land is used on the appointed day for the display of advertisements, no account shall be taken, in calculating the restricted value of any interest therein, of any power to require the discontinuance of that use by virtue of regulations made under the provisions of Part III of this Act with respect to the control of advertisements.

(4) Where any permission to develop land granted on an application made in that behalf under an interim development order has been revoked or modified before the appointed day under section four of the Town and Country Planning ^{6 & 7 Geo. 6.} (Interim Development) Act, 1943, the unrestricted value of ^{c. 29.} any interest in that land shall be calculated without regard to the revocation or modification of that permission:

Provided that—

(a) in calculating the unrestricted value of the interest no account shall be taken of any works in respect of which any compensation has been paid under subsection (2) of section seven of the said Act; and

(b) if any contribution has been paid under subsection (4) of the said section four to the owner of the interest or his predecessor in title, the amount of that contribution shall be deducted from the unrestricted value of the interest.

(5) For the purposes of this section, the restricted and the unrestricted values of interests in land shall be calculated by reference to prices current immediately before the seventh day of January, nineteen hundred and forty-seven, and for that purpose any such interest shall be treated as if it had

PART VI.
—cont.

been subsisting immediately before that date with all incidents to which it is subject on the appointed day (being incidents which are relevant to the calculation of the restricted or unrestricted value of that interest, as the case may be), and the land shall be treated as having been immediately before that date in the same state as it is on the appointed day:

Provided that in computing the restricted value of an interest in land, no account shall be taken of the provisions of this Act except in their application to that land.

(6) In computing the unrestricted value of the interest of any person in land which, on the appointed day, was held by him with other land, there shall be deducted—

(a) an amount equal to the compensation (if any) to which that person would be entitled for the severance of the land from that other land if the first-mentioned land were compulsorily acquired by a government department in pursuance of a notice to treat given on the appointed day; and

(b) in so far as the unrestricted value of the land depends on the prospect of development which would injuriously affect that other land, an amount equal to the compensation (if any) to which that person would be entitled for such injurious affection if the first-mentioned land were compulsorily acquired as aforesaid for the purpose of that development.

(7) In so far as the unrestricted value of an interest in land depends upon the prospect of any development which, if carried out by the owner of that interest, would necessarily involve a loss to him in the nature of disturbance in respect of the purposes for which the land is being used on the appointed day, the amount of that loss shall be deducted from the unrestricted value of that interest.

Supple-
mentary
provisions
as to
development
values.

62.—(1) Rules (2) (3) and (4) of the Rules set out in section two of the Acquisition of Land (Assessment of Compensation) Act, 1919, shall apply in computing the restricted and the unrestricted values of interests in land for the purposes of this Part of this Act as they apply in relation to the compulsory purchase of interests in land.

(2) The restricted and the unrestricted values of an interest in land expectant on the determination of a lease shall be computed on the assumption that the lessee will at all times be able to pay the rent and perform his other obligations under the lease, and the restricted and the unrestricted values of a leasehold interest or of an interest expectant on the determination of a lease shall be computed as aforesaid on the assumption that any option exercisable by either party to

determine or to renew the lease will be exercised by that party if it is in his interest so to do and not otherwise.

PART VI.
—cont.

(3) The restricted and the unrestricted values of an interest in land which is subject to a mortgage shall be computed as if the mortgage had been discharged.

(4) It is hereby declared that the restricted or the unrestricted value, or both the restricted and the unrestricted values, of an interest in land may be a minus quantity.

63.—(1) Without prejudice to any provisions which may be included in a scheme made under section fifty-eight of this Act for prescribing the cases in which payments are to be made thereunder, no such payment shall be made in respect of an interest in land in respect of which a claim is made unless—

Exclusion
of small
claims.

- (a) the development value of that interest, when averaged over the area of the land, exceeds the rate of twenty pounds per acre; and
- (b) the development value of that interest also exceeds one tenth of its restricted value.

(2) In determining for the purposes of paragraph (b) of the foregoing subsection whether the development value of an interest in land exceeds one tenth of its restricted value, those values shall be calculated—

- (a) in the case of a leasehold interest, as if the rent payable under the lease were a rent of a peppercorn;
- (b) in the case of an interest which is subject to a rent-charge, as if the interest were not subject thereto.

64.—(1) Subject to the provisions of any scheme made under this Part of this Act with respect to the disposal of payments made thereunder, the right to receive any such payment in respect of an interest in land shall vest in the person who is on the appointed day the owner of that interest.

Vesting and
assignment
of right to
payments
under Part VI.

(2) The right to receive a payment under any scheme made under this Part of this Act, or a part of such a payment, shall be transmissible by assignment or by operation of law as personal property;

Provided that regulations made under this Act may direct that any such assignment shall be of no effect for the purposes of any such scheme as aforesaid unless notice thereof has been given to the Central Land Board, in the manner prescribed by the regulations, within such period as may be so prescribed.

(3) Subject to the following provisions of this section the reference in this section to the owner of an interest in land shall be construed as a reference to the person in whom the

PART VI.
—cont.

legal estate in respect of the interest is vested or, if the interest is a tenancy under an agreement for a lease, to the person entitled to have vested in him the legal term agreed to be created.

(4) Where the legal estate or the title thereto, as the case may be, in respect of an interest in land is vested in the official trustee of charity lands or other trustee on or for charitable, ecclesiastical or public trusts or purposes not entitled to act in the trust, or in the Public Trustee holding in circumstances in which he is not entitled to act in the trust then,—

(a) in the case of a trustee on or for charitable, ecclesiastical or public trusts or purposes, the managing trustees or committee of management shall be deemed for the purposes of this section to be the owner of the interest;

(b) in the case of the Public Trustee, the person in receipt of the rent incident to the Public Trustee's estate, or, if there is no rent incident thereto, the person in occupation of the land, shall be deemed for those purposes to be the owner of the interest.

15 & 16 Geo. 5.
c. 23.
22 & 23 Vict.
c. 31.

(5) Where under section nine of the Administration of Estates Act, 1925; or section fifteen of the Court of Probate (Ireland) Act, 1859, the estate of a person who died intestate is vested in the Probate Judge, that judge shall not be deemed for the purposes of this section to be the owner of any interest in land comprised in the estate, but upon administration being granted the administrator shall be deemed for those purposes to have been the owner thereof as from the date of the death.

2 & 3 Geo. 6.
c. 75.

(6) In relation to requisitioned land the reference in paragraph (b) of subsection (4) of this section to rent shall be construed as including a reference to compensation payable under the Compensation (Defence) Act, 1939, or under any such agreement as is mentioned in section fifteen of that Act, and the reference in the said paragraph (b) to the person in receipt of rent shall be construed as a reference to the person who is, or, if a claim therefor had been duly made under that Act, would have been, in receipt of such compensation as aforesaid.

Satisfaction of Payments.

Satisfaction of
payments
under Part VI.

65.—(1) All payments falling to be made in accordance with a scheme made under section fifty-eight of this Act shall be satisfied by the issue of government stock, that is to say stock the principal of which and the interest on which shall be charged on the Consolidated Fund; and all payments falling

to be made in accordance with a scheme made under section fifty-nine of this Act shall be made in cash by the Central Land Board.

PART VI.
—cont

(2) Any such stock shall be issued on such date as may be fixed by the Treasury, being a date not later than five years after the appointed day:

Provided that if the amount of any payment required by this section to be satisfied by the issue of stock has not been finally determined on the date so fixed, the stock to be issued in satisfaction of the payment shall be issued on such date not being later than three months after the amount thereof has been so determined as the Treasury may direct.

(3) Interest on the amount of any payment falling to be made in accordance with a scheme made under this Part of this Act shall accrue, at such rate as may from time to time be determined by the Treasury, from the appointed day until the payment is satisfied in accordance with the provisions of this section, and shall be paid in cash by the Central Land Board at the time when the payment is so satisfied.

(4) The amount of the stock to be issued in satisfaction of any payment under this Part of this Act shall be such as, in the opinion of the Treasury, is of a value equal on the date of the issue to the amount of the payment, having due regard to the market values of other government securities existing on that date.

(5) The Treasury may by regulations make provision as to the procedure for the issue of stock in satisfaction of payments under this Part of this Act including provision as to evidence of the amount of stock to be issued in any case, and the person to whom it is to be issued, on which the Banks of England and Ireland respectively are to be authorised or required to act.

66.—(1) Any stock issued in accordance with the last foregoing section (in this section referred to as "the stock") shall bear such rate of interest, and shall be subject to such conditions as to repayment, redemption and other matters (including provision for a sinking fund), as the Treasury may determine. General provisions as to stock.

(2) Any expenses incurred in connection with the issue or repayment of the stock shall be charged on and issued out of the Consolidated Fund.

(3) The Treasury may, for the purpose of providing any sums required by them in order to redeem the stock, raise money in any manner in which they are authorised to raise money under the National Loans Act, 1939, and any 2 & 3 Geo. 6.
c. 117.

PART VI.
—cont.

securities created and issued to raise money under this subsection shall be deemed for all purposes to have been created and issued under that Act.

(4) Interest on the stock shall be paid out of the permanent annual charge for the national debt.

(5) There shall be paid to the Banks of England and Ireland respectively, out of the Consolidated Fund, such sum in respect of the management of the stock in any financial year as may be agreed upon between the Treasury and those banks respectively.

5 & 6 Geo. 6.
c. 21.

(6) Section forty-seven of the Finance Act, 1942 (which empowers the Treasury to make regulations as respects the transfer and registration of stock and registered bonds of the descriptions specified in Part I of the Eleventh Schedule to that Act) and any regulations made under that section which are in force immediately before the passing of this Act, shall have effect as if the stock were included among the stocks mentioned in the said Part I and among the stocks to which the said regulations apply.

33 & 34 Vict.
c. 71.

(7) The stock shall be subject to the provisions of the National Debt Act, 1870, so far as is consistent with the tenor of this Act.

(8) Paragraphs 3, 4 and 5 of the Second Schedule to the National Loans Act, 1939 (which applies certain enactments to securities issued under that Act) shall have effect as if references to securities so issued included references to the stock.

Provision for
payments in
cash.

67.—(1) The Treasury may issue to the Central Land Board out of the Consolidated Fund such sums as are necessary to enable the Board to make any payments which under this Part of this Act are payable by the Board in cash.

(2) For the purpose of providing sums to be issued under the last foregoing subsection, or of providing for the replacement of sums so issued, the Treasury may at any time, if they think fit, raise money in any manner in which they are authorised to raise money under the National Loans Act, 1939, and any securities created and issued to raise money under this section shall be deemed for all purposes to have been created and issued under that Act.

Payments by
Central Land
Board into
Exchequer.

68.—(1) The Central Land Board shall, out of moneys provided by Parliament, pay into the Exchequer in accordance with the following provisions of this section sums equal to the aggregate amount of—

(a) the amount of any payments satisfied by the issue of stock under the foregoing provisions of this Part of this Act; and

(b) the amount of any sums issued to the Board out of the Consolidated Fund under the last foregoing section in respect of interest on such payments, together with interest on the said aggregate amount at such rate as the Treasury may direct from the date of the issue.

(2) The sums required by the foregoing subsection to be paid into the Exchequer by the Central Land Board shall be paid by twenty equal instalments of principal and interest, of which the first shall be paid one year after the date fixed by the Treasury for the issue of the stock, and the remainder annually thereafter:

Provided that where any payment made under this Part of this Act is satisfied, in accordance with the proviso to subsection (2) of section sixty-five of this Act, by the issue of stock at any time after the date fixed as aforesaid, the sums required to be paid into the Exchequer under this section in respect of that payment, and in respect of sums issued to the Board under the last foregoing section in respect of interest thereon, shall be so paid by such number of equal annual instalments of principal and interest as will complete the instalments on the same date as the instalments in respect of payments which are satisfied on the date fixed as aforesaid.

(3) Any sums paid into the Exchequer under the foregoing provisions of this section shall be issued out of the Consolidated Fund at such times as the Treasury may direct, and shall be applied by the Treasury as follows, that is to say—

- (a) so much thereof as represents principal shall be applied in redeeming or paying off debt of such description as the Treasury think fit;
- (b) so much thereof as represents interest shall be applied to the payment of interest which would, apart from this provision, have fallen to be paid out of the permanent annual charge for the national debt.

PART VII.

DEVELOPMENT CHARGES.

69.—(1) Subject to the provisions of this Act, there shall be paid to the Central Land Board in respect of the carrying out of any operations to which this Part of this Act applies, and in respect of any use of land to which this Part of this Act applies, a development charge of such amount (if any) as the Board may determine, and accordingly no such operations shall be carried out, and no such use shall be instituted or continued, except with the consent in writing of the Central Land Board, until the amount of the charge (if any) to be

Levy of
development
charge in
respect of
certain
development.

PART VII.
—cont.

paid in respect of those operations or that use has been determined by the Board in accordance with the provisions of this Part of this Act, and the Board have certified that the amount so determined has been paid or secured to their satisfaction in accordance with those provisions.

(2) This Part of this Act applies to all operations for the carrying out of which planning permission under Part III of this Act is required, and to all uses of land for the institution or continuance of which such permission is so required:

Provided that—

- (a) this Part of this Act does not (except as hereinafter provided) apply to operations of any description specified in the Third Schedule to this Act or to any use of land so specified;
- (b) regulations made under this Act with the consent of the Treasury may provide for exempting from the provisions of this Part of this Act operations or uses of any description specified in the regulations.

(3) Notwithstanding anything in paragraph (a) of the proviso to the last foregoing subsection, where planning permission is granted under Part III of this Act for the carrying out of operations of any class specified in the Third Schedule to this Act, or for the institution of any use so specified, then if—

- (a) compensation has been paid under section twenty of this Act in consequence of a previous refusal of permission for those operations or that use or of the grant of such permission subject to conditions, or in consequence of the revocation or modification of permission so granted; or
- (b) compensation has been paid under section twenty-seven of this Act in consequence of an order requiring the removal of any building or the discontinuance of any use of land, and the planning permission authorises the rebuilding of that building or the resumption of that use,

this Part of this Act shall apply to those operations, or to that use, as the case may be; and where the amount of the development charge to be paid in respect of those operations or that use has been determined by the Central Land Board in accordance with the provisions of this Part of this Act, the Board may pay to any local authority by whom any such compensation as aforesaid has been paid a contribution towards that compensation not exceeding the said amount.

(4) Where, by virtue of any provision of this Act, planning permission under Part III of this Act is granted in respect of the retention on land of any buildings or works erected or

carried out in accordance with planning permission granted for a limited period only, this Part of this Act shall apply to the retention of the buildings or works as it applies to operations for which planning permission under Part III of this Act is required; and references in this Part of this Act to the carrying out of such operations shall be construed accordingly.

PART VII.
—cont.

(5) Regulations made for the purposes of paragraph (b) of the proviso to subsection (2) of this section shall be of no effect unless they are approved by resolution of each House of Parliament.

(6) Any sums required by the Central Land Board for the making of contributions under this section shall be defrayed out of moneys provided by Parliament.

70.—(1) Subject as hereinafter provided, the Central Land Board shall, on application being made to them in the manner prescribed by regulations under this Act by a person having an interest in land sufficient to enable him to carry out any such operations as aforesaid or to make any such use as aforesaid, or by a person who satisfies them that he is able to obtain such an interest, determine whether any and if so what development charge is to be paid in respect of those operations or that use:

Determination
of develop-
ment charge
by Central
Land Board.

Provided that—

- (a) where planning permission under Part III of this Act has not been granted for the carrying out of the said operations or for the institution or continuance of the said use, the Board may postpone the determination of the development charge to be paid in respect thereof until such permission has been granted;
- (b) where the application relates to the carrying out of any operations, the Board may refuse to determine the development charge payable in respect thereof unless they are satisfied, after consultation with the local planning authority, that the applicant is able to carry out those operations, and that he will do so within such period as the Board consider appropriate;
- (c) where the application relates to the institution of any use of land, the Board may refuse to determine the amount of the charge in respect thereof unless they are satisfied, after consultation with the local planning authority, that the use will be instituted within such period as the Board consider appropriate.

PART VII.

—cont.

(2) In determining whether any and if so what development charge is to be paid under this Part of this Act in respect of any operations or any use of land, the Board shall have regard to the amount by which the value of the land with the benefit of planning permission for those operations or that use (calculated without regard to any charge payable in respect thereof under this Part of this Act and on the assumption that the operation or use can lawfully be carried out or made apart from the provisions of this Act) exceeds the value which it would have without the benefit of such permission, and shall not give any undue or unreasonable preference or advantage to one applicant over another.

(3) Subject to the provisions of the last foregoing subsection, regulations made under this Act with the consent of the Treasury may prescribe general principles to be followed by the Central Land Board in determining under this Part of this Act whether any and if so what development charge is to be paid thereunder in respect of any operations or use of land, and without prejudice to the generality of the foregoing provision, such regulations may in particular provide for securing that the amount of the said charge shall be determined on different principles in relation to operations or uses of different classes, or in relation to operations or uses carried out or begun at different periods.

(4) Where planning permission for any operations, or for any use of land, is granted under subsection (6) of section twenty-six of this Act, or directions are given under subsection (2) of section nineteen of this Act requiring such permission to be granted on application made in that behalf, the Board may determine the amount of the development charge (if any) which would be payable under this Part of this Act in respect of those operations or that use, notwithstanding that no such application as is mentioned in this section has been made to them in that behalf.

(5) Regulations made for the purposes of subsection (3) of this section shall be of no effect unless they are approved by resolution of each House of Parliament.

Payment and security for payment of development charges.

71.—(1) The amount of the development charge payable under this Part of this Act in respect of the carrying out of any operations or in respect of any use of land may be determined either as a single capital payment or as a series of instalments of capital, or of capital and interest combined, or as a series of other annual or periodical payments, of such amounts, and payable at such times, as the Central Land Board may determine after taking into account any representations made by the applicant.

(2) Except where the development charge is determined as aforesaid as a single capital payment which is then discharged, the Central Land Board may require the applicant—

- (a) to enter into such covenants as they may direct for the payment of any sums payable by virtue of the determination (whether with or without interest in default of due payment);
- (b) to give such security as they may direct (whether by way of a charge on the interest of the applicant in the land or otherwise) for the payment of any such sums as aforesaid:

Provided that notwithstanding anything in this section or in any requirement of the Board thereunder, any person for the time being interested in the land may at any time discharge any outstanding liability for sums payable by virtue of the determination by the payment of such amount as may be determined by the Board to represent the value of those sums subject to such discount as they consider appropriate.

(3) Where the amount of a development charge as determined by the Board has been discharged or any such requirement as aforesaid has been complied with, or where the Board determine that no such charge is to be paid, the Board shall, if so required by the applicant, issue their certificate to that effect.

(4) The purposes authorised for the application of capital moneys—

- (a) by section seventy-three of the Settled Land Act, 1925, and by that section as applied by section twenty-eight of the Law of Property Act, 1925, in relation to trusts for sale; and 15 & 16 Geo. 5.
c. 20.
- (b) by section twenty-six of the Universities and College Estates Act, 1925, 15 & 16 Geo. 5.
c. 24.

and the purposes authorised by section seventy-one of the Settled Land Act, 1925, by that section as applied as aforesaid, and by section thirty-one of the Universities and College Estates Act, 1925, as purposes for which moneys may be raised by mortgage, shall include the discharge of any sum payable in respect of a development charge under this Part of this Act, being a sum determined by the Board under this section as a capital payment or as an instalment of capital.

(5) Any sums received by the Central Land Board in respect of the payment of a development charge shall be paid into the Exchequer.

72.—(1) Subject as hereinafter provided, a determination of the Central Land Board under this Part of this Act in respect of any operations or use of land shall have effect in relation to the carrying out of those operations, or, as the case may

Scope and
effect of
determinations
of Central
Land Board.

PART VII.
—cont.

be, in relation to that use of the land, by any person for the time being interested therein and the question whether any and if so what development charge is to be paid under this Part of this Act in respect of any such operations or use shall be determined accordingly:

Provided that the Board may, if they think fit, direct that any such determination as aforesaid shall cease to have effect if, before the operations to which the determination relates are carried out or completed, or, as the case may be, before the use to which it relates is instituted, any interest in the land is transferred or created (otherwise than by operation of law), unless the determination is confirmed by the Board with or without modifications, on a subsequent application made to them in that behalf.

(2) Notwithstanding anything in the foregoing subsection, the amount of the development charge payable under this Part of this Act in respect of the use of land for any purpose may be determined in respect of the use of the land for that purpose during such period as may be specified in the determination:

Provided that—

(a) where planning permission for the institution or continuance of the use of land for any purpose has been granted under Part III of this Act for a limited period only, the amount of the said charge shall not be determined in respect of the use of the land for that purpose during any longer period; and

(b) where application is made to the Central Land Board to determine the amount of the said charge in respect of the use of the land for any purpose during any period specified in the application, the said amount shall not be so determined in respect of the use of the land for that purpose during any period longer than the period so specified.

(3) Where a determination of the Central Land Board is made, under the last foregoing subsection, in respect of the use of land for any purpose during a period specified in the determination, the provisions of this Part of this Act shall apply in relation to the use of the land for that purpose by any person after the expiration of that period as if the determination had not been made.

Variation of determinations and repayment of development charges in certain cases.

73.—(1) The Central Land Board may at any time, on application made to them in that behalf in accordance with regulations under this Act by the person entitled to an interest in land to which a determination under this Part of this Act relates, vary their determination in such manner as appears to them to be appropriate having regard to any change

of circumstances since the determination was made, including the development, after the determination, of adjacent land in accordance with planning permission granted otherwise than in accordance with the provisions of the development plan, and may amend, discharge or release any covenants or charges made or given in respect of the determination, or repay any sums previously paid thereunder, so far as may be required in order to give effect to the variation:

Provided that, except in a case where application is made to them to confirm a previous determination on the transfer or creation of any interest in land, the Board shall not have power to vary any determination under this Part of this Act so as to increase the amount of the development charge payable thereunder.

(2) Where, after the amount of the development charge has been determined under this Part of this Act in respect of any operations or in respect of any use of land, and before the amount so determined has been fully discharged—

- (a) planning permission for the carrying out of those operations or for the institution or continuance of that use is revoked by an order made under section twenty-one of this Act; or
- (b) an order is made under section twenty-six of this Act requiring the removal of any buildings or works erected or constructed in carrying out those operations, or requiring the discontinuance of that use; or
- (c) the whole of the land to which the determination relates is compulsorily acquired under this or any other Act,

the determination, and any covenants or charges made or given in respect thereof, shall thereupon cease to have effect, but without prejudice to the validity of anything previously done thereunder.

(3) Where, after the amount of the development charge has been determined as aforesaid, and before the amount so determined has been fully discharged,—

- (a) planning permission for the carrying out of the operations, or for the institution or continuance of the use, to which the determination relates, is modified by an order made under the said section twenty-one; or
- (b) an order is made under the said section twenty-six requiring the alteration of any buildings or works erected or constructed in the carrying out of those operations, or imposing conditions on the continuance of that use; or

PART VII.
—cont.

- (c) any part of the land to which the determination relates is compulsorily acquired under this or any other Act,

the Board shall, on application made to them in accordance with regulations under this Act, vary the determination and amend, discharge or release any covenants or charges made or given in respect thereof, so far as may be just in consequence of the modification, order or purchase, as the case may be.

(4) Where compensation is payable under Part III of this Act in consequence of any such order as mentioned in paragraph (a) or paragraph (b) of subsection (2) or subsection (3) of this section, then in calculating for the purposes of the compensation any depreciation in the value of the land to which the order relates, or any other loss or damage sustained by a person interested in that land, regard shall be had to the foregoing provisions of this section and to anything done by the Board thereunder.

(5) Where compensation is payable under the said Part III in consequence of any such order as aforesaid, or where land is compulsorily acquired as mentioned in paragraph (c) of subsection (2) or subsection (3) of this section, then if any sums have been paid to the Central Land Board by way of development charge in accordance with the determination referred to in those subsections, the Board shall pay to the authority or person by whom compensation is payable in consequence of the order or, as the case may be, in respect of the compulsory acquisition, a contribution towards that compensation representing such proportion of the sums so paid by way of development charge as may be agreed between the Board and that authority or person, or, failing agreement, as may be determined by the Minister, to be appropriate in all the circumstances of the case.

(6) Subsection (3) of section twenty-two of this Act shall apply for the purposes of this section as it applies for the purposes of that section, and shall accordingly have effect as if the reference therein to the foregoing provisions of that section included a reference to the foregoing provisions of this section; and any reference in this section to the compulsory acquisition of land shall be construed as including a reference to the acquisition of land by agreement by any authority or person who has power or can be authorised to acquire it compulsorily.

(7) Any sums required by the Central Land Board for the repayment of sums under this section, or for the making of contributions thereunder, shall be defrayed out of moneys provided by Parliament.

74.—(1) If any operations to which this Part of this Act applies are carried out, or any use of land to which this Part of this Act applies is instituted or continued, in contravention of the foregoing provisions of this Part of this Act, the Central Land Board may, without any application being made to them in that behalf, by order determine whether any and if so what development charge is to be paid in respect of those operations or in respect of that use:

PART VII.
—cont.
Powers of
Central Land
Board as
to develop-
ment carried
out in
contravention
of Part VII.

Provided that, subject to the following provisions of this section, the amount of the development charge so determined shall not exceed the amount which, in the opinion of the Board, would have been so determined if application had been duly made to them in that behalf under this part of this Act.

(2) Any order made under this section may require the payment to the Board, by such persons as may be specified in the order (being persons by whom the operations were carried out, or by whom the use was instituted or continued, as the case may be), of such sums in respect of the charge and interest thereon as may be so specified, and may charge the interest of any person in the land with the payment of any sums so payable by that person or by any of his predecessors in title.

(3) Subject as hereinafter provided, the Central Land Board may, if it appears to them to be just so to do, include in the amount of the development charge determined by an order under this section such additional sum by way of penalty as they consider appropriate, not exceeding twice the amount of the development charge determined as aforesaid, and the provisions of subsection (2) of this section shall apply in relation to any such penalty as they apply in relation to the amount determined as aforesaid:

Provided that any person who is aggrieved by the inclusion of any such penalty in an order under this section may appeal to the appropriate court, and that court may, if they think fit, modify the order by omitting the penalty or by reducing the amount thereof to such extent as they consider appropriate.

(4) The provisions of this section shall apply in relation to any such operations or uses of land as are mentioned in subsection (1) of this section whether or not planning permission was granted in respect thereof under Part III of this Act; but where proceedings are taken under section twenty-three of this Act for the enforcement of planning control in relation to any such operations or use, regard shall be had to those proceedings in determining the amount of the development charge under this section.

(5) A charge on land created by virtue of an order under this section shall be deemed to be a land charge of Class A

PART VII.
—cont.

within the meaning of the Land Charges Act, 1925, and the Board shall, for the purposes of enforcing it, have the same powers and remedies under the Law of Property Act, 1925, and otherwise as they would have if they were mortgagees by deed having powers of sale and lease and of appointing a receiver.

(6) For the purposes of subsection (3) of this section, the expression "the appropriate court" means, in relation to a penalty exceeding five hundred pounds, the High Court, and in relation to any other penalty, the county court for the district in which the land or any part thereof is situated.

PART VIII.

APPLICATION TO SPECIAL CASES.

Existing
development
contravening
previous
planning
control.

75.—(1) Where any works on land existing at the appointed day were carried out, or any use to which land is put on that day was begun, in contravention of previous planning control, then, subject to the provisions of this section, the provisions of Part III of this Act with respect to enforcement notices shall apply in relation thereto as they apply in relation to development carried out after the appointed day without the grant of permission in that behalf under the said Part III:

Provided that an enforcement notice shall not be served by virtue of the provisions of this section in respect of any works or use (not being works or a use carried out or begun during the war period as defined by the Building Restrictions (War-Time Contraventions) Act, 1946) at any time after three years from the appointed day.

(2) Where any such works as aforesaid were carried out, or any such use as aforesaid was begun, during the war period as defined by the Building Restrictions (War-Time Contraventions) Act, 1946, then—

9 & 10 Geo. 6.
c. 35.

(a) if by virtue of the provisions of that Act, or of any determination effected thereunder (whether before or after the appointed day), the works or use are deemed to comply with planning control within the meaning of that Act, the provisions of this section shall not apply, or, as the case may be, shall cease to apply to those works or that use; and

(b) if it has been determined under that Act (whether before or after the appointed day) that the works or use shall not be deemed to comply with planning control within the meaning of that Act, subsection (3) of section twenty-three of this Act shall have effect, in relation to any enforcement notice served

in respect of the works or use by virtue of the provisions of this section, as if the proviso to that subsection were omitted.

PART VIII.
—cont.

(3) Where, by virtue of this section, an enforcement notice is served in respect of any works being government war works within the meaning of the Requisitioned Land and War Works Act, 1945, then, subject as hereinafter provided—

- (a) if the steps required by the notice are taken by the owner or occupier of the land, any expenses reasonably incurred in that behalf shall be recoverable from the authority by whom the notice was served;
- (b) if the steps required by the notice are taken by the said authority, that authority shall not be entitled, under section twenty-four of this Act, to recover the expenses incurred by them in that behalf:

Provided that where, under paragraph (b) of subsection (1) of section two of the Compensation (Defence) Act, 1939, compensation has been paid equal to the full cost (as estimated for the purposes of that compensation) of taking the steps required by the enforcement notice, the foregoing provisions of this subsection shall not apply; and where compensation has been paid under the said paragraph (b) (otherwise than as aforesaid), or under subsection (4) of section three of the said Act, in respect of the land, the amount which, by virtue of this subsection, is recoverable from the authority by whom the enforcement notice was served or, as the case may be, is not recoverable by that authority, shall be reduced so far as may be just having regard to the compensation so paid.

(4) The power of the local planning authority under Part III of this Act to grant permission for the retention on land of buildings or works constructed or carried out before the date of application, or for the continuance of any use of land instituted before that date, shall include power to grant such permission in respect of any buildings or other works or use of land in respect of which that authority are empowered to serve an enforcement notice by virtue of the provisions of this section; and where permission is so granted, the foregoing provisions of this section shall cease to apply to the works or use to which the permission relates, but without prejudice to the application thereto of any provisions of the said Part III with respect to the contravention of conditions subject to which permission for development has been granted thereunder.

(5) In relation to an enforcement notice served by virtue of this section, subsection (4) of section twenty-three of this

PART VIII.
—cont.

Act shall have effect as if for paragraph (a) thereof there were substituted the following paragraph:—

“(a) if satisfied that the works or use to which the notice relates are not works or a use to which section seventy-five of this Act applies, shall quash the notice to which the appeal relates”.

(6) Where an enforcement notice served by virtue of this section in relation to any land takes effect—

(a) the value of any interest therein for the purposes of the assessment of the compensation payable under Part V of this Act on the compulsory acquisition thereof; and

(b) the development value of any interest therein for the purposes of Part VI of this Act

shall be calculated having regard to the requirements of the notice, and the assumptions required to be made for those purposes shall be modified accordingly.

(7) Where, under Part III of this Act, planning permission is granted for the continuance of any such use as is mentioned in subsection (1) of this section, then, notwithstanding anything in subsection (2) of section sixty-nine of this Act, no development charge shall be payable under Part VII of this Act in respect of the continued use of the land, in accordance with permission so granted.

(8) Provision may be made by regulations under this Act for applying the foregoing provisions of this section, subject to such adaptations and modifications as may be specified in the regulations, to works on land carried out, or uses of land begun, at any time before the appointed day, in contravention of any restriction in force under any enactment repealed by this Act (other than the enactments relating to town and country planning); and any such regulations may make such consequential provisions as the Minister considers expedient, including provision for amending the Building Restrictions (War-Time Contraventions) Act, 1946, in its application to any such restriction as aforesaid:

Provided that where provision is made by such regulations for amending the said Act of 1946, the regulations shall be of no effect unless they are approved by resolution of each House of Parliament.

(9) For the purposes of this section, works on land shall be deemed to have been carried out, and uses of land to have been begun, in contravention of previous planning control—

(a) where at the material time the land was subject to a resolution to prepare a planning scheme, if carried out or begun otherwise than in accordance with permission granted in that behalf by or under the interim development order;

- (b) where at the material time the land was subject to a planning scheme, if carried out or begun otherwise than in conformity with the provisions of the scheme or of permission granted thereunder;

PART VIII.
—cont.

and where permission for any works or use was granted as aforesaid subject to conditions (in whatever form) restricting the period during which the works or use could be continued on the land, and that period has expired before the appointed day, the provisions of this section shall apply as if the works or use had been carried out or begun in contravention of previous planning control.

76.—(1) Where any works on land existing at the appointed day, or any use to which land is put on that day, has been authorised by a permission granted subject to conditions under a planning scheme or under an interim development order, the provisions of Part III of this Act shall apply in relation to those works or that use as if the conditions had been imposed on the grant of planning permission under the said Part III.

Existing
development
authorised
subject to
conditions.

(2) Without prejudice to the generality of the foregoing subsection, where any such permission as aforesaid was granted subject to conditions (in whatever form) restricting the period for which the works or use may be continued on the land, then, if that period has not expired at the appointed day and the works are not removed, or the use discontinued, at the expiration of that period, the provisions of Part III of this Act with respect to enforcement notices shall apply in relation thereto as if the works had been carried out, or the use begun, as the case may be, at the expiration of that period and without the grant of permission in that behalf under the said Part III.

(3) The power of a local planning authority under Part III of this Act to grant permission for the retention on land of buildings or works constructed or carried out before the date of the application, or the continuance of any use of land instituted before that date, shall include power to grant such permission in respect of any works or use authorised by a permission granted subject to any such conditions as are mentioned in the last foregoing subsection; and where permission is so granted—

- (a) the last foregoing subsection shall cease to apply to the works or use to which the permission relates, but without prejudice to the application thereto of any provisions of the said Part III with respect to the contravention of conditions subject to which permission for development has been granted thereunder;

PART VIII.
—cont.

(b) in a case where the permission authorises the retention of any works, subsection (4) of section sixty-nine of this Act shall apply in relation to the retention of those works as if they had been erected or carried out in accordance with planning permission granted for a limited period only.

(4) The value of any interest in land to which any such permission as is mentioned in subsection (1) of this section relates for the purposes of the assessment of compensation payable under Part V of this Act on the compulsory acquisition thereof, and the development value of any such interest for the purposes of Part VI of this Act, shall be calculated having regard to the conditions subject to which the permission was granted and to the provisions of this section, and the assumptions required to be made for those purposes shall be modified accordingly.

(5) Where at any time before the appointed day, it has been determined under the Building Restrictions (War-time Contraventions) Act, 1946, that any works on land or any use of land shall be deemed to comply with planning control within the meaning of that Act subject to any conditions specified in the determination, the provisions of this section shall apply in relation to those works or that use, and in relation to any interest in the land in question, as if the said conditions had been imposed on the grant of permission under a planning scheme or under an interim development order; and notwithstanding any breach of those conditions, the provisions of the last foregoing section shall not apply thereto.

(6) Provision may be made by regulations under this Act for applying the foregoing provisions of this section, subject to such adaptations and modifications as may be specified in the regulations, to works on land carried out, or uses of land begun, at any time before the appointed day, in accordance with permission granted subject to conditions under any enactment repealed by this Act (other than the enactments relating to town and country planning); and for the purposes of this provision any works or use in respect of which a notice has been served under subsection (1) of section one of the Restriction of Ribbon Development (Temporary Development) Act, 1943, or is deemed by virtue of subsection (4) of that section to have been so served, shall be treated as carried out or begun in accordance with permission granted subject to a condition restricting the period for which the works or use may be continued on the land.

6 & 7 Geo. 6.
c. 34.

General provisions as to development authorised under interim

77.—(1) Where permission for any development of land has been granted, at any time after the twenty-first day of July, nineteen hundred and forty-three, and before the appointed day, on an application in that behalf made under

an interim development order, then if and so far as that development has not been carried out before the appointed day and the permission granted as aforesaid is in force immediately before that day, planning permission shall be deemed by virtue of this section to be granted in respect thereof under Part III of this Act, subject to the like conditions, if any, as were imposed by the permission under the interim development order as in force as aforesaid:

PART VIII.
cont.
development
orders after
21st July,
1943.

Provided that this subsection shall not apply in relation to any development for which permission was required before the appointed day under the Restriction of Ribbon Development Act, 1935, unless that permission has also been granted.

(2) Subject to the provisions of the next following section, in any case to which those provisions apply, no account shall be taken of the provisions of this section in calculating for the purposes of Part VI of this Act the development value of any interest in land for the development of which permission is deemed to be granted by virtue of this section; and nothing in this section shall be construed as affecting the operation of Part VII of this Act in relation to any development in respect of which permission is deemed to be so granted.

(3) The provisions of section twenty-one of this Act shall apply in relation to permission which is deemed to be granted by virtue of this section as if it had been granted on an application made in that behalf under Part III of this Act, and in relation to any order made under that section for the revocation or modification of any such permission any reference in subsection (2) of section twenty-two of this Act to the grant of permission shall be construed as a reference to the grant of the permission under the interim development order.

(4) Where permission for any development of land has been granted as mentioned in subsection (1) of this section, and permission for that development has also been granted under the Restriction of Ribbon Development Act, 1935, then if the permission so granted under the said Act of 1935 was granted subject to conditions, those conditions shall be treated for the purposes of this section as conditions imposed by the permission granted under the interim development order.

78.—(1) Subject to the provisions of this section, where any works for the erection or alteration of a building have been begun but not completed before the appointed day, then if immediately before that day those works could have been completed in conformity with the provisions of a planning scheme or of permission granted thereunder, or in accordance with permission granted by or under an interim development

Unfinished
buildings.

PART VIII.
—cont.

order, and if any permission required under the Restriction of Ribbon Development Act, 1935, for the carrying out of those works was granted, planning permission shall, by virtue of this section, be deemed to be granted under Part III of this Act in respect of the completion of those works.

(2) The permission deemed to be granted by virtue of this section shall be deemed to be so granted subject to any conditions applicable thereto by or under the scheme or the permission granted by or under the interim development order, as the case may be, and to any conditions imposed by the permission granted under the Restriction of Ribbon Development Act, 1935, and shall include permission to use the building when erected or altered—

- (a) where the purpose for which it could be so used was prescribed by or under the planning scheme, or by the permission granted by or under the interim development order, as the case may be, for that purpose;
- (b) in any other case, for the purpose for which the building, or the building as altered, is designed.

(3) The development value of land for the development of which permission is deemed to be granted by virtue of this section shall be calculated for the purposes of Part VI of this Act as if that development had been completed immediately before the appointed day, and no development charge shall be payable under Part VII of this Act in connection with that development.

(4) In relation to any such works as are mentioned in subsection (1) of this section, being works in respect of which permission was granted after the twenty-first day of July, nineteen hundred and forty-three, on an application in that behalf made under an interim development order, the provisions of this section shall have effect in substitution for the provisions of the last foregoing section.

Compensation for abortive expenditure on refusal of permission for other development authorised before appointed day.

79.—(1) Where an application is made under Part III of this Act within six months after the appointed day for permission to complete or carry out any buildings or works begun or contracted for before that day, and that permission is refused by the Minister, either on appeal or on the reference of the application to him for determination, or is so granted by the Minister subject to conditions, then if, on a claim made to the local planning authority within the time and in the manner prescribed by regulations under this Act, it is shown—

- (a) that the buildings or works in question were begun or contracted for in conformity with the provisions of a

planning scheme or of permission granted thereunder, or in accordance with permission granted, at any time before the twenty-second day of July, nineteen hundred and forty-three, by or under an interim development order; or

- (b) that the buildings or works in question were begun or contracted for at a time when no resolution to prepare or adopt such a scheme had taken effect; and
- (c) that the applicant has incurred expenditure in carrying out work which is rendered abortive by the refusal or conditions, or has entered into a contract for any work which is abandoned in consequence thereof,

that authority shall pay to the applicant compensation equal to the expenditure so incurred or, as the case may be, to any sum reasonably paid by him in the discharge of any liability arising under the contract in respect of the abandonment of the work.

(2) For the purposes of the last foregoing subsection, any expenditure incurred in the preparation of plans for the purposes of any work or upon any similar matters preparatory thereto shall be deemed to be included in the expenditure incurred in carrying out that work, but except as aforesaid no compensation shall be paid under the said subsection in respect of anything done for the purposes of any such buildings or works as are mentioned in paragraph (a) of subsection (1) of this section if it was done before the following date, that is to say—

- (a) where the building or work was authorised by permission granted under a planning scheme or by or under an interim development order, the date on which permission was so granted;
- (b) where the building or work was otherwise begun or contracted for in conformity with a planning scheme, the date on which that scheme came into force.

(3) Any compensation payable under this section in respect of an interest in land shall be payable in addition to any compensation payable under Part III of this Act in respect of that interest in consequence of the refusal of the permission or the grant thereof subject to conditions:

Provided that no account shall be taken, in assessing the compensation payable as aforesaid under the said Part III (whether in respect of the compulsory acquisition of the said interest or otherwise), of the value of any works in respect of which compensation is payable under this section.

PART VIII.
—cont.

(4) The reference in subsection (3) of section thirty-four of this Act to compensation under Part III of this Act shall be construed as including a reference to compensation payable under this section.

Land ripe for development before the appointed day.

80.—(1) Where planning permission is granted under Part III of this Act in respect of any development consisting of the erection, extension or alteration of buildings, or is deemed by virtue of section seventy-seven of this Act to be so granted, then if the Minister is satisfied, on application made to him within one year after the appointed day or within such extended period as the Minister may in any particular case allow—

- (a) that the development values of interests in the land, as required to be ascertained in accordance with the provisions of Part VI of this Act and without regard to the provisions of this section would be wholly or mainly attributable to the prospects of that development at the appointed day; and
- (b) that a building contract made in relation to that development within the period of ten years before the seventh day of January, nineteen hundred and forty-seven, was in force on the appointed day, or that a byelaw submission or a building application had been made in respect thereof within that period,

he shall certify accordingly:

Provided that if it appears to the Minister that proceedings should be taken with a view to the revocation of the permission granted or deemed to be granted as aforesaid, he may postpone the issue of a certificate pending the taking of such proceedings, and if the permission is revoked he shall not be required to issue the certificate.

- (2) Where a certificate is issued under this section, then—
 - (a) in calculating for the purpose of Part VI of this Act the development value of any interest in the land to which the certificate relates, no account shall be taken of any value attributable to the prospects of the development specified in the certificate; and
 - (b) no development charge shall be payable under Part VII of this Act in respect of that development if carried out within such period, if any, as may be prescribed by the certificate.
- (3) For the purposes of this section
 - (a) the expression “ building contract ”, in relation to any development, means a contract made between a person for the time being interested in the land and any other person, under which that other person

- undertakes to carry out the whole or substantially the whole of the building operations to be carried out in the course of that development;
- (b) the expression “byelaw submission”, in relation to any development, means the submission by a person for the time being interested in the land of plans of the buildings proposed to be erected, extended or altered in the course of the development to the proper local or other authority in order to comply with the requirements of any byelaws or other enactment requiring plans to be so submitted, and
- (c) the expression “building application” in relation to any development means an application including such plans as aforesaid and made by any such person as aforesaid to a local or other authority under the Town and Country Planning Acts, 1932 and 1943, or under any byelaws or other enactment requiring the consent of that authority to be obtained for the construction, extension or alteration of buildings.

81.—(1) In relation to development consisting of the winning and working of minerals, the provisions of this Act shall have effect subject to such adaptations and modifications as may be prescribed by regulations made under this Act with the consent of the Treasury. Mineral workings.

(2) Without prejudice to the generality of the foregoing provision, any such regulations as aforesaid may provide for securing—

- (a) that in the case of such land as may be prescribed by or under the regulations, no development charge shall be payable under Part VII of this Act in respect of the winning and working of any minerals in the land during a period of three years after the appointed day;
- (b) that the restricted and the unrestricted values of any interest in such land as is mentioned in the foregoing paragraph shall be calculated for the purposes of Part VI of this Act as if any operations carried out for the winning and working of minerals during the said period of three years had been carried out before the appointed day;
- (c) that the amount of any development charge payable under Part VII of this Act in respect of the winning and working of minerals in accordance with planning permission granted or deemed to have been granted

PART VIII.
—cont.

under Part III of this Act shall be calculated by reference to the amount of minerals got from time to time in accordance with such permission.

(3) Regulations made for the purposes of this section shall provide for securing—

- (a) that where a development charge is payable under Part VII of this Act in respect of the winning and working of minerals comprised in a mining lease which was in force on the appointed day, the royalty or other payment required to be made under the lease may be varied, by such tribunal as may be prescribed by the regulations, so far as may be just having regard to the amount of the charge;
- (b) that where a development charge is payable under the said Part VII in respect of the winning and working of minerals authorised by an order made under Part I of the Mines (Working Facilities and Support) Act, 1923, the provisions of the order may be varied by the Railway and Canal Commission so far as may be just having regard to the amount of the charge.

13 & 14 Geo. 5.
c. 20.

(4) Where a development plan provides that any land is to be used for the purpose of securing the winning and working of any minerals comprised therein, then, without prejudice to the powers conferred by Part IV of this Act in relation to land designated by such a plan as subject to compulsory acquisition, the provisions of the Mines (Working Facilities and Support) Act, 1923, shall have effect in relation to the land subject to such modifications as may be prescribed by regulations made under this Act by the Minister and the Minister of Fuel and Power, and such regulations may in particular provide for securing—

- (a) that a right to work any minerals in the land may be granted by the Railway and Canal Commission under the said Act to any person who is desirous of working them, either by himself or through his lessees, and who is unable to obtain the necessary rights by agreement on reasonable terms;
- (b) that for the purposes of the determination by the Commission of an application for any such right, it shall be assumed that the winning and working of the minerals is expedient in the national interest; and
- (c) that the compensation or consideration in respect of any such right which is granted by the Commission shall be assessed having regard to the amount of

the compensation which would be payable in respect of a compulsory acquisition of the minerals under Part IV of this Act.

PART VIII.
—cont.

(5) Regulations made for the purposes of this section shall be of no effect unless they are approved by resolution of each House of Parliament.

(6) The provisions of this section and of any regulations made thereunder shall not apply to the winning and working of any such minerals as are mentioned in paragraph 5 of the Third Schedule to this Act, or to the winning and working of any minerals vested in the National Coal Board, and nothing in this section shall be construed as affecting the prerogative right of His Majesty (whether in right of the Crown or of the Duchy of Lancaster) or of the Duke of Cornwall to any gold or silver mine.

82.—(1) This section applies to land for the time being held by a local authority for the purposes of any of their functions as such, not being—

Land held by local authorities for general statutory purposes

- (a) land to which the next following section applies;
- (b) land held by the local authority for the purpose of any statutory undertaking carried on by them; or
- (c) land of any class excepted from the provisions of this section by regulations made under this Act.

(2) No payment shall be made under Part VI of this Act to a local authority in respect of any interest in land which, on the appointed day, is land to which this section applies.

(3) In the case of land which, on the appointed day, was land to which this section applies, no development charge shall be payable under Part VII of this Act in respect of any operations carried out on the land, or in respect of any use of the land, while the land remains land to which this section applies.

(4) If by reason of an appropriation, sale or lease, any land which on the appointed day was land to which this section applies ceases to be such land, no development charge shall be payable under the said Part VII in respect of any development of the land for which planning permission had been granted under Part III of this Act at the time of the appropriation, sale or lease.

(5) Where any land to which this section applies is compulsorily acquired under this or any other Act, in pursuance of a notice to treat served on or after the appointed day, then, in assessing the compensation payable in respect of the acquisition, it shall be assumed—

- (a) that planning permission would be granted under Part III of this Act for any development by virtue of

PART VIII.
—cont.

which the use of the land would be made to correspond with the use which prevails generally in the case of contiguous or adjacent land; and

- (b) that no development charge would be payable under Part VII of this Act in respect of any such development.

Land acquired by local authorities and development corporations for comprehensive development or re-development.

83.—(1) No payment shall be made under Part VI of this Act in respect of any interest in land, being—

- (a) the interest of a local authority in land acquired or appropriated by that authority under Part I of the Act of 1944 for the purposes of the development or re-development of any area as a whole; or
- (b) the interest of a development corporation in land acquired by the corporation under the New Towns Act, 1946;

and where a local authority or a development corporation have before the appointed day disposed of an interest in any such land, no payment shall be made under the said Part VI in respect of that interest.

(2) No development charge shall be payable under Part VII of this Act in respect of the following operations or uses of land, that is to say:—

- (a) any operations carried out by a local authority on any such land as is mentioned in paragraph (a) of the foregoing subsection or on any land acquired or appropriated by that authority under Part IV of this Act for the purposes of the development or re-development of any area as a whole, or any use by a local authority of any such land as aforesaid;
- (b) any operations carried out by a development corporation on land acquired by the corporation under the New Towns Act, 1946, whether before or after the appointed day, or any use by a development corporation of any such land;

and where any such land as aforesaid has been disposed of by the local authority or development corporation, whether before or after the appointed day, no development charge shall be payable as aforesaid in respect of the carrying out of any operations on the land or the institution of any use of the land, for which planning permission under Part III of this Act had been granted at the time of the disposal or, in the case of land disposed of before the appointed day, in respect of the carrying out of any operations on the land or the institution of any use of the land carried out or instituted in accordance with the terms of the instrument by which the land was disposed of.

(3) In respect of any such operations or uses of land as are mentioned in the last foregoing subsection, the local authority or development corporation shall from time to time pay to the Central Land Board such sums, if any, in lieu of development charges, as the Minister may, with the consent of the Treasury, determine:

PART VIII.
—cont.

Provided that the Minister may, with the like consent, direct the Board to repay from time to time the whole or any part of any sums so paid.

(4) Any sums received by the Central Land Board under the last foregoing subsection shall be paid into the Exchequer, and any sums required by the Central Land Board for the repayment of sums so received shall be defrayed out of moneys provided by Parliament.

84.—(1) No payment shall be made under Part VI of this Act in respect of the interest of any statutory undertakers in land which, on the appointed day, is operational land.

Operational
land of
statutory
undertakers.

(2) In the case of land which, on the appointed day, was operational land, no development charge shall be payable under Part VII of this Act in respect of any operations carried out on the land by the statutory undertakers, or in respect of any use of the land by them, while the land remains operational land.

(3) Where any land which on the appointed day was operational land ceases at any time thereafter to be operational land, no development charge shall be payable under the said Part VII in respect of—

- (a) the use of that land for the purpose which prevails generally in the case of contiguous or adjacent land;
- (b) the carrying out of any operations necessary for the purpose of making that use of that land,

if the use is instituted, or the operations carried out, as the case may be, within such period after the cessation as may be prescribed by regulations under this Act.

(4) Where any operational land of statutory undertakers is compulsorily acquired, under this or any other Act, in pursuance of a notice to treat served on or after the appointed day, then if the compensation payable in respect of the acquisition is assessed in accordance with section two of the Acquisition of Land (Assessment of Compensation) Act, 1919, it shall be assumed—

- (a) that planning permission would be granted under Part III of this Act for any development by virtue of which the use of the land would be made to correspond with the use which prevails generally in the case of contiguous or adjacent land; and

PART VIII
—cont.

- (b) (whether or not the provisions of the last foregoing subsection are applicable to the land in question) that no development charge would be payable under Part VII of this Act in respect of any such development.

Land held on charitable trusts.

85.—(1) This section applies to land an interest in which is held on charitable trusts or for ecclesiastical or other charitable purposes of any description if the land, as distinct from the rents and profits thereof, is used in any manner (including use in a manner involving the beneficial occupation of the land by any person) for or in connection with the purposes for which the said interest is held, and not otherwise, or if the land would be so used but for the occurrence of war damage or but for the fact that the land is for the time being requisitioned land.

(2) No payment shall be made under Part VI of this Act in respect of any such interest as aforesaid in land which, on the appointed day, is land to which this section applies; and no development charge shall be payable under Part VII of this Act in respect of any operations carried out on such land by the person entitled to any such interest for or in connection with the purposes for which that interest is held or in respect of any use of the land by that person for those purposes.

(3) Where any land which, on the appointed day, was land to which this section applies ceases at any time thereafter to be such land, no development charge shall be payable under Part VII of this Act in respect of any development by virtue of which the use of the land is made to correspond with the use which prevails generally in the case of contiguous or adjacent land, if planning permission for that development has been granted under Part III of this Act before the land ceases to be land to which this section applies.

(4) Where any such interest as is mentioned in subsection (1) of this section in land to which this section applies is compulsorily acquired under this or any other Act in pursuance of a notice to treat served on or after the appointed day, then if—

- (a) the land was land to which this section applies on the appointed day; or
(b) the land is being used at the time of the notice to treat for a purpose of such a nature that there is no general demand or market for land for that purpose,

it shall be assumed, in assessing the compensation payable in respect of the acquisition of the said interest, that planning permission would be granted under Part III of this Act for any development by virtue of which the use of the land would

be made to correspond with the use which prevails generally in the case of contiguous or adjacent land, and that no development charge would be payable under Part VII of this Act in respect of any such development.

PART VIII.
—cont.

(5) If, upon application made to him at any time within three years after the appointed day, the Minister is satisfied—

(a) that any interest in land was held on that day on charitable trusts or for ecclesiastical or other charitable purposes of any description, but that the land was not then used in any such manner as is mentioned in subsection (1) of this section; and

(b) that it is reasonable, having regard to any proposals for its future use, that the land should be treated for the purposes of this section as if it had been so used,

he may, if he thinks fit, direct that the foregoing provisions of this section shall have effect in relation to the land, so long as that interest is so held, as if the land was land to which this section applies and had been such land on the appointed day:

Provided that subsection (3) of this section shall not apply by virtue of any such direction if the interest in question ceases to be held on charitable trusts or for ecclesiastical or other charitable purposes before the land has been actually used in the manner aforesaid.

(6) For the purposes of subsection (1) of this section any interest in land which is held by the National Trust shall be deemed to be used for the purposes for which that interest is held, and not otherwise, if, and only if, that interest is held by the Trust inalienably.

86. Where, on the carrying out of any development after the appointed day, any payment falls to be made to a local authority by virtue of the provisions of section forty-eight of this Act or of any Act passed before the passing of this Act, in respect of any works carried out (whether before or after the passing of this Act) by that authority, then—

Land subject
to claims for
betterment
under other
Acts.

(a) if the amount of any such payment is required to be calculated by reference to any increase in the value of the land in respect of which the payment is made, the amount of that increase shall be calculated as if Part VII of this Act had not been enacted;

(b) whether or not the amount of any such payment falls to be calculated as aforesaid, the payment, or the liability therefor, shall be taken into account in determining under the said Part VII whether any and if so what development charge is to be paid in respect of that development.

PART VIII.
—cont.
Crown Land.

87.—(1) In this and the next following section the expression “Crown land” means land an interest in which belongs to His Majesty in right of the Crown or of the Duchy of Lancaster, or to the Duchy of Cornwall, and land an interest in which belongs to a government department or is held in trust for His Majesty for the purposes of a government department.

(2) Notwithstanding any interest of the Crown in land being Crown land as defined by this section but subject to the following provisions of this section,—

- (a) a development plan approved or made under Part II of this Act may include proposals relating to the use of the land and may designate the land as subject to compulsory acquisition, and any power to acquire land compulsorily under Part IV of this Act may be exercised in relation to any interest therein which is for the time being held otherwise than by or on behalf of the Crown;
- (b) any restrictions and powers imposed and conferred by the said Part III, shall apply and be exercisable in relation to the land, to the extent of any interest therein for the time being held otherwise than by or on behalf of the Crown, and the provisions of that Part, and of Parts VI, VII and VIII of this Act shall have effect accordingly.

(3) Except with the consent of the appropriate authority as defined by this section—

- (a) no notice or order shall be served or made under section twenty-three, twenty-six, twenty-eight, twenty-nine or thirty-three of this Act (or under any of those provisions as applied by any order or regulations made under Part III of this Act) in relation to land which for the time being is Crown land;
- (b) no building which is for the time being Crown land shall be included in any list compiled or approved under section thirty of this Act;
- (c) no interest in land which is for the time being Crown land shall be acquired compulsorily under Part IV of this Act.

(4) No purchase notice shall be served under section nineteen of this Act in relation to any interest in Crown land unless an offer has been previously made by the owner of that interest to dispose thereof to the appropriate authority on terms that the price payable therefor shall be equal to (and shall be determined, in default of agreement, in like manner as) the compensation which would be payable in respect of that interest if it were acquired in pursuance of such a notice, and that offer has been refused by that authority.

(5) No notice shall at any time be served under section twenty-three of this Act in respect of development carried out by or on behalf of the Crown after the appointed day on land which was Crown land at the time when the development was carried out.

(6) For the purposes of this and the next following section, the expression "the appropriate authority", in relation to any land, means—

- (a) in the case of land belonging to His Majesty in right of the Crown, the Commissioners of Crown Lands or other government department having the management of the land in question;
- (b) in the case of land belonging to His Majesty in right of the Duchy of Lancaster, the Chancellor of the Duchy;
- (c) in the case of land belonging to the Duchy of Cornwall, such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints; and
- (d) in the case of land belonging to a government department or held in trust for His Majesty for the purposes of a government department, that department;

and, if any question arises as to what authority is the appropriate authority in relation to any land, that question shall be referred to the Treasury, whose decision shall be final.

88.—(1) The appropriate authority and the local planning authority for the district in which any Crown land is situated may make agreements for securing the use of the land, so far as may be prescribed by any such agreement, in conformity with the provisions of the development plan applicable thereto (or, during any period before such a plan has become operative with respect to the land, in conformity with the requirements of the proper planning of that district), and any such agreement may contain such consequential provisions, including provisions of a financial character, as may appear to be necessary or expedient having regard to the purposes of the agreement:

Agreements
and
arrangements
relating to
Crown land

Provided that—

- (a) an agreement made under this subsection by the Commissioners of Crown Lands or by any government department shall be of no effect unless it is approved by the Treasury; and
- (b) in considering whether to make or approve an agreement under this section relating to land belonging to a government department, or held in trust for His Majesty for the purposes of a government

PART VIII.
—cont.

department, the department and the Treasury shall have regard to the purposes for which the land is held by or for the department.

(2) In relation to land belonging to His Majesty in right of the Duchy of Lancaster, or to the Duchy of Cornwall, arrangements may be made, with the approval of the Treasury, between the appropriate authority and the Central Land Board—

(a) for the inclusion among the interests in land in respect of which payments may be made under Part VI of this Act of any interest of the Crown in the land;

(b) for the payment by the appropriate authority to the Board of such sums as may be determined in accordance with the arrangements to be appropriate in substitution for any development charge which would have become payable in respect of any development of the land under Part VII of this Act if that development had not been carried out on behalf of the Crown.

(3) Any sums received by the Central Land Board under any such arrangements as aforesaid shall be paid into the Exchequer.

(4) The purposes authorised by section twenty-five of the Act of the fifty-seventh year of King George the Third, chapter ninety-seven, for the application of moneys arising by any such sale of annuities standing in the name or to the account of the Duchy of Lancaster as is therein mentioned shall include the payment of any sums payable in respect of land belonging to the Duchy in accordance with arrangements made under this section.

26 & 27 Vict.
c. 49.

(5) The purposes authorised by section eight of the Duchy of Cornwall Management Act, 1863, as amended by section one of the Act of the thirty-first and thirty-second years of Queen Victoria, chapter thirty-five, for the advancement of parts of such gross sums as are therein mentioned shall include the payment of any sums payable in respect of land belonging to the Duchy of Cornwall in accordance with arrangements made as aforesaid.

Requisitioned
land.

89.—(1) For the purposes of Part VI of this Act, the development value of any interest in land which is requisitioned land on the appointed day shall be calculated as if the land had been on that day in the state in which it was immediately before the beginning of the period of requisition, and accordingly, in relation to any such interest, the second reference to the appointed day in subsection (5) of section sixty-one of this Act, and any reference to that day in the Third Schedule to this Act, shall be construed as a reference to the beginning of the period of requisition:

Provided that—

PART VIII
—cont.

(a) where a payment in respect of the value of any buildings or works erected or constructed on the land during the period of requisition has been or is required to be made to a Minister by any person interested in the land in pursuance of an agreement made between them, or where any such buildings or works were otherwise erected or constructed wholly or partly at the expense of any such person, those buildings or works shall be treated for the purposes of this subsection as having been erected or constructed immediately before the beginning of the period of requisition; and

(b) in calculating the development value of any interest in the land, such adjustment as may be appropriate shall be made in respect of any development carried out during the period of requisition, being development in respect of which compensation is payable under the Compensation (Defence) Act, 1939, or under regulations made under the Emergency Powers (Defence) Act, 1939.

2 & 3 Geo. 6.
c. 62.

(2) Where any payment falls to be made under section fifty-eight of this Act in respect of any interest in land which is requisitioned land on the appointed day, any payment in respect of the value of any works on the land made to a Minister under Part II of the Requisitioned Land and War Works Act, 1945, in pursuance of a report of the War Works Commission, may include such sum as that Commission may think just, not exceeding the amount of the payment to be made under the said section fifty-eight in respect of any increase in the value of the interest in the land which is attributable to the carrying out of the works.

(3) In this section the expression "requisitioned land" means land of which possession has been taken on behalf of His Majesty in the exercise or purported exercise of emergency powers (that is to say powers conferred by regulations made under the Emergency Powers (Defence) Act, 1939, by section fifty-two of the Telegraph Act, 1863, or by section seven of the Air Navigation Act, 1920, or exercisable by virtue of the prerogative of the Crown); and the expression "period of requisition" in relation to requisitioned land means the period during which possession of the land under such powers taken as aforesaid continues.

26 & 27 Vict.
c. 112.
10 & 11 Geo. 5.
c. 80.

90.—(1) Regulations made under this Act by the Minister and the Minister of Fuel and Power with the consent of the Treasury may direct that any of the provisions of this Act relating to statutory undertakers and to land of such undertakers shall apply, subject to such adaptations, modifications

Property of
National Coal
Board.

PART VIII.
—cont.

and exceptions as may be specified in the regulations, in relation to the National Coal Board, and in relation to land (including mines) of that Board of any such class as may be specified in the regulations, as if the Board were statutory undertakers and as if the land of any class so specified were operational land within the meaning of this Act.

(2) Without prejudice to the generality of the foregoing subsection, any regulations made for the purposes of that subsection may in particular provide that any compensation payable to the National Coal Board by virtue of any of the provisions applied by those regulations, being compensation which, in the case of statutory undertakers, would be assessable in accordance with the provisions of the Fourth Schedule to the Act of 1944, shall, in lieu of being so assessed, be assessed in accordance with the provisions of the regulations.

Land in
process of
compulsory
acquisition,
etc.

91.—(1) Where any interest in land is compulsorily acquired on or after the appointed day by any authority or person in pursuance of a notice to treat served before the passing of this Act, the provisions of this Act and of any scheme made under Part VI of this Act shall apply in relation to that interest as if the purchase had been completed immediately before the appointed day.

(2) Where any interest in land is compulsorily acquired before the appointed day by any government department or local or public authority within the meaning of the Acquisition of Land (Assessment of Compensation) Act, 1919, in pursuance of a notice to treat served after the passing of this Act, then—

- (a) the provisions of Part VI of this Act and of any scheme made thereunder shall have effect in relation to the land as if that interest had been subsisting on the appointed day with all incidents to which it was subject immediately before the date of the notice to treat, as if the land had been on the appointed day in the same state as it was immediately before the date of the notice to treat, and as if the person who was entitled thereto immediately before the date of the notice to treat had been entitled thereto on the appointed day;
- (b) except as aforesaid, no payment shall be made under the said Part VI in respect of the interest so acquired, or in respect of any interest derived therefrom; and
- (c) subject as hereinafter provided, nothing in this Part of this Act shall be construed as exempting from the payment of a development charge any operations carried out on the land by the person entitled to any such interest, or any use of the land by any such person:

Provided that paragraph (c) of this subsection shall not apply to any operations or uses of land which are exempted from the payment of a development charge by virtue of any of the provisions of section eighty-three of this Act.

PART VIII.
—cont.

(3) Where any interest in land is compulsorily acquired (whether before, on or after the appointed day) in pursuance of a notice to treat served after the passing of this Act, then—

(a) where the compensation payable in respect thereof falls to be calculated in accordance with any of the provisions of sections fifty-two to fifty-four of this Act, that provision shall apply, subject to any necessary modifications, for the purpose of calculating under Part VI of this Act the restricted and the unrestricted values of that interest;

(b) where the compensation so payable falls to be assessed in accordance with Rule (5) of the rules set out in section two of the Acquisition of Land (Assessment of Compensation) Act, 1919, as amended by subsection (2) of section fifty-six of this Act, the provisions of the said Rule (5), as so amended, shall apply, subject to any necessary modifications, for the purpose of calculating under the said Part VI the restricted value of that interest,

and any calculation of those values previously made under the said Part VI shall be adjusted accordingly.

(4) Subject as hereinafter provided, the foregoing provisions of this section shall apply where an interest in land is acquired by agreement by any authority or person who have power or could be authorised to acquire that interest compulsorily under any enactment, as they apply where an interest in land is compulsorily acquired, and in relation to any such acquisition any reference in those provisions to the service of notice to treat shall be construed as a reference to the making of the contract, and the reference in the last foregoing subsection to compensation payable in respect of the compulsory acquisition shall be construed as a reference to the compensation which would be so payable if the land were compulsorily acquired:

Provided that—

(a) the provisions of section fifty-three of this Act shall not apply for the purpose of calculating the restricted and the unrestricted values of any interest acquired as aforesaid except in the cases provided by subsection (2) of that section, or by that section as extended by subsection (1) of section fifty-five of this Act;

(b) the provisions of Rule (5) of the rules set out in section two of the Acquisition of Land (Assessment of Compensation) Act, 1919, as amended by subsection

PART VIII.

—cont.

(2) of section fifty-six of this Act, shall not apply for the purpose of calculating the restricted value of any interest acquired as aforesaid except in the cases provided by subsection (3) of the said section fifty-six; and

(c) where any interest in land is acquired as aforesaid before the appointed day in pursuance of a contract made after the passing of this Act, the contract may provide that subsections (2) and (3) of this section shall not apply.

Determination of questions under Part VIII.

92.—(1) Any question whether land is land to which section eighty-two, eighty-three or eighty-five of this Act applies shall be determined by the Minister.

(2) Any question of law arising in connection with any such determination as aforesaid, being a question relating to the application of the said section eighty-five, may, if the Minister thinks fit, be referred for decision to the High Court; and any person aggrieved by the decision of the Minister on any such question of law which is not so referred may appeal from that decision to the High Court.

(3) Provision shall be made by rules of court for regulating references and appeals to the High Court under this section and those rules shall provide for limiting the time within which such appeals may be brought.

15 & 16 Geo. 5.
c. 49.

(4) So much of subsection (1) of section sixty-three of the Supreme Court of Judicature (Consolidation) Act, 1925, as requires an appeal from any person to the High Court to be heard and determined by a divisional court shall not apply to appeals under this section.

PART IX.

FINANCES OF LOCAL AUTHORITIES.

Exchequer grants to local authorities in respect of acquisition and clearance of land in re-development areas.

93.—(1) Provision may be made by regulations made under this Act with the consent of the Treasury for the payment by the Minister to local authorities of grants of such amounts, and payable over such periods and subject to such conditions, as may be determined by or under the regulations in respect of expenditure incurred by those authorities, in the exercise of powers conferred in that behalf by this Act, in connection with the acquisition and clearing of land approved by the Minister for the purposes of the regulations, being land acquired for the re-development as a whole of areas of extensive war damage or areas of bad lay-out or obsolete development, or for the relocation of population or industry, or the replacement of open space, in the course of such redevelopment, or derelict land acquired for the purpose of bringing it into use.

PART IX.
—cont.

(2) For the purposes of this section, any expenditure incurred by a local authority before the passing of this Act, under powers in that behalf conferred by the Act of 1944, in the acquisition or clearing of any such land as is mentioned in the foregoing subsection shall be treated as incurred in the exercise of the corresponding powers conferred in that behalf by this Act, and no grant shall be payable under the Act of 1944 in respect of the acquisition or clearing of any such land.

(3) Regulations made under this section may provide for the payment of grants thereunder, in such cases and subject to such conditions as may be prescribed by or under the regulations, in respect of land appropriated by local authorities (whether before or after the passing of this Act) for any of the purposes specified in subsection (1) of this section as if the land had been acquired for those purposes at a cost of such amount, and defrayed in such manner, as may be determined by or under the regulations.

(4) Without prejudice to the generality of the foregoing provisions of this section, any regulations made thereunder may provide—

- (a) for the inclusion in the expenditure incurred by local authorities in the acquisition of land for any of the purposes specified in subsection (1) of this section of any sums, or any part of sums, paid by those authorities in connection with any restriction imposed on the development or use of the land by or under any enactment (whether by way of compensation or by way of contribution towards damage or expense incurred in consequence of the restriction);
- (b) for the calculation of grants payable under the regulations by reference to the amount of the annual costs incurred or treated as being incurred by local authorities in respect of the borrowing of money to defray expenditure in respect of which the grants are made;
- (c) for the payment of such grants at different rates in respect of different parts of the period during which they are payable;
- (d) for the payment of such grants at different rates to different local authorities according to the general financial position of those authorities respectively, and to the financial burdens assumed by them respectively in respect of the matters specified in subsection (1) of this section.

PART IX.
—cont.

(5) Grants payable under regulations made for the purposes of this section shall not exceed the following amounts:—

(a) in the case of land acquired or appropriated for the re-development as a whole of areas of extensive war damage, or for the relocation of population or industry or the replacement of open space in the course of such re-development, an amount equal to ninety per cent. of the annual costs incurred or treated as being incurred by local authorities in respect of the borrowing of money to defray expenditure in respect of which the grants are made;

(b) in the case of any other land, an amount equal to eighty per cent. of the said annual costs.

(6) Any expenses incurred by the Minister in the making of grants in accordance with regulations made for the purposes of this section shall be defrayed out of moneys provided by Parliament.

Other
Exchequer
grants to
local
authorities.

94.—(1) Provision may be made by regulations made under this Act with the consent of the Treasury for the payment by the Minister to local planning authorities and other local authorities of grants of such amounts, and payable in such cases and subject to such conditions, as may be determined by or under the regulations—

(a) in respect of expenditure incurred by those authorities in the payment of compensation under Part III or Part VIII of this Act, other than compensation payable in respect of land compulsorily acquired by virtue of section nineteen of this Act, and in respect of expenditure incurred by those authorities in taking any action under section twenty-six of this Act;

(b) in respect of loss incurred by those authorities in connection with the acquisition and clearing of land approved by the Minister for the purposes of the regulations, including land compulsorily acquired by virtue of the said section nineteen, but excluding any such land as is mentioned in subsection (1) of the last foregoing section.

(2) Paragraphs (a), (b) and (d) of subsection (4) and subsection (6) of the last foregoing section shall apply in relation to regulations made under this section and to expenses incurred by the Minister in the making of grants under such regulations as they apply in relation to regulations made under the last foregoing section and to expenses incurred by the Minister in the making of grants under those regulations.

(3) Grants payable under regulations made for the purposes of this section shall not exceed an amount equal to fifty per cent. of the amount of the expenditure or loss in respect of which the grants are made.

PART IX.
—cont.

95.—(1) It shall be a condition of the making of grants under regulations made for the purposes of section ninety-three of this Act, in respect of expenditure incurred by a local authority in connection with the acquisition and clearing of any land—

General provisions as to Exchequer grants to local authorities.

- (a) that there shall have been submitted to the Minister such information as to the proposals of the local authority for the lay-out and redevelopment of the land as the Minister may require in order to enable a comparison to be made between the annual return to the authority from the carrying out of the redevelopment and the annual equivalent of the cost thereof; and
- (b) that those proposals shall have been approved by the Minister with the consent of the Treasury as being likely to result in an annual return and an annual equivalent such as are mentioned in the foregoing paragraph which are reasonable in relation to one another having regard to the circumstances of the land and the requirements of a proper lay-out and redevelopment.

(2) Any approval of the Minister required for the purposes of the payment of grant under section ninety-three or section ninety-four of this Act in connection with the acquisition of land may be given subject to compliance with requirements imposed by the Minister for securing that any negotiations for the acquisition of the land by the local authority will be carried out by the Valuation Office, and that any valuation of such land for the purposes of such acquisition or for any purposes of the regulations, will be made by that office.

(3) Subject to the foregoing provisions of this section, any regulations made for the purposes of either of the two last foregoing sections may make provision whereby the payment of grants in pursuance of the regulations is dependent upon the fulfilment of such conditions as may be determined by or in accordance with the regulations; and may also make provision for requiring local authorities to whom grants have been so made to comply with such requirements as may be so determined.

96.—(1) Provision may be made by regulations made under this Act with the consent of the Treasury for the payment by the Minister to local authorities who were interim development

Grants in respect of certain compensation paid by planning

PART IX.
—cont.
authorities
before
appointed day.

authorities for the purposes of the Act of 1932 of grants of such amounts, and payable in such cases, as may be determined by or under the regulations in respect of expenditure incurred by those authorities—

- (a) in the payment of contributions under subsection (4) of section ten of the Act of 1932 in connection with applications for permission to develop land dealt with after the eleventh day of May, nineteen hundred and forty-three;
- (b) in the payment of contributions under the said subsection (4) as applied by section four of the Town and Country Planning (Interim Development) Act, 1943, or of compensation under subsection (2) of section seven of that Act, in respect of the revocation or modification, after the date aforesaid, of any permission to develop land, whether granted before or after that date,

being contributions or compensation payable in respect of loss or damage which operated to reduce the development value on the appointed day of any interest in the land.

(2) The reference in the foregoing subsection to local authorities who were interim development authorities for the purposes of the Act of 1932 shall be construed as including a reference to local authorities being the constituent authorities of a joint committee who were such an interim development authority, and in relation to any such local authority the reference in that subsection to expenditure incurred by that authority shall be construed as a reference to expenditure incurred by the joint committee.

(3) Any expenses incurred by the Minister in the making of grants in accordance with regulations made for the purposes of this section shall be defrayed out of moneys provided by Parliament.

Power of
Ministers to
contribute
towards
compensation
paid by local
authorities.

97. Where compensation is payable by a local authority under this Act in consequence of any decision or order given or made under Part III of this Act (including compensation payable in respect of land compulsorily acquired by virtue of section nineteen of this Act) then if that decision or order was given or made wholly or partly in the interest of any service which is provided by a government department and the cost of which is defrayed out of moneys provided by Parliament or out of the road fund, the Minister responsible for the administration of that service may pay to that authority, out of moneys so provided, a contribution of such amount as he may, with the consent of the Treasury, determine.

98.—(1) Any local authority and any statutory undertakers may contribute towards—

PART IX.

—cont.

(a) any expenses incurred by a local planning authority in or in connection with the carrying out of a survey or the preparation of a development plan under Part II of this Act;

Power of local authorities and statutory undertakers to contribute towards expenses of local planning authorities, etc.

(b) any expenses incurred by a local planning authority, or by the council of any county district, in or in connection with the performance of any of their functions under Part III or Part IV of this Act.

(2) Where any expenses are incurred by a local authority in the payment of compensation payable in consequence of anything done under Part III of this Act (including any compensation payable in respect of land compulsorily acquired by virtue of section nineteen of this Act), the Minister may, if it appears to him to be expedient so to do, require any other local authority to contribute towards those expenses such sum as appears to him to be reasonable having regard to any benefit accruing to that authority by reason of the proceeding giving rise to the compensation.

(3) The provisions of the last foregoing subsection shall apply in relation to payments made by a local authority to any statutory undertakers in accordance with financial arrangements to which effect is given under paragraph (c) of subsection (2) of section twenty-six of the Act of 1944, as they apply in relation to compensation payable by such an authority in consequence of anything done under Part III of this Act, and the reference in that subsection to the proceeding giving rise to the compensation shall be construed accordingly.

(4) For the purposes of this section, contributions made by a local planning authority towards the expenditure of a joint advisory committee shall be deemed to be expenses incurred by that authority for the purposes for which that expenditure is incurred by the committee.

99. The council of any county may direct that any expenses incurred by them under this Act shall be treated as expenses for special county purposes chargeable upon such part of the county as may be specified in the directions.

Expenses of county councils.

PART X.

SUPPLEMENTAL.

Supplementary provisions as to local planning authorities.

100.—(1) If it appears to the Minister, after consultation with the local planning authority, to be expedient that an enforcement notice should be served under section twenty-three

Default powers of Minister.

PART X.
—cont.

of this Act, or under that section as applied by any order or regulations under Part III of this Act, or that a notice should be served under section thirty or section thirty-three of this Act, in respect of any land, he may give directions to the local planning authority requiring them to serve such a notice, or may himself serve such a notice, and any notice so served by the Minister shall have the like effect as a notice served by the local planning authority:

Provided that in relation to an enforcement notice so served by the Minister, section twenty-four of this Act shall have effect as if for any reference therein to the local planning authority there were substituted a reference to the Minister.

(2) If it appears to the Minister, after consultation with the local planning authority, to be expedient that any of the following orders should be made under Part III of this Act, that is to say:—

- (a) an order under section twenty-one of this Act revoking or modifying any permission to develop land;
- (b) an order under the said section twenty-one as applied by any order or regulations under Part III of this Act;
- (c) an order under section twenty-six of this Act requiring any use of land to be discontinued, or imposing conditions on the continuance thereof, or requiring any buildings or works on land to be altered or removed;
- (d) a tree preservation order, or an order amending or revoking a tree preservation order; or
- (e) a building preservation order, or an order amending or revoking a building preservation order,

he may give directions to the local planning authority requiring them to submit to him such an order for his confirmation, or may himself make such an order, and any order so made by the Minister shall have the like effect as if it had been made by the local planning authority and confirmed by the Minister under Part III of this Act.

(3) In relation to the making by the Minister of any order under the last foregoing subsection, the provisions of Part III of this Act, and of any regulations made thereunder, with respect to the procedure to be followed in connection with the submission of such an order by the local planning authority, the confirmation thereof by the Minister, and the service of copies thereof as so confirmed, shall have effect, subject to any necessary modifications, in relation to any proposal by the Minister to make the order, to the making thereof by the Minister and to the service of copies thereof as so made.

(4) If the Minister is satisfied, after holding a local inquiry,—

PART X.
—cont.

- (a) that the council of any county borough or county district have failed to take steps for the acquisition of any land which in the opinion of the Minister ought to be acquired by that council under section thirty-eight of this Act for the purpose of securing its use in the manner proposed by the development plan or, during the period before a development plan has become operative under this Act with respect to the area of that council, for the purpose of securing the proper planning of that area; or
- (b) that any local authority have failed to carry out, on land acquired by them under the said section thirty-eight, or appropriated by them under section forty-two of this Act, any development which in the opinion of the Minister ought to be carried out;

the Minister may by order require the council or authority to take such steps as may be specified in the order for acquiring the land or carrying out the development, as the case may be.

(5) Any order under the last foregoing subsection shall be enforceable, on the application of the Minister, by mandamus.

101.—(1) Regulations under this Act may make such provision consequential on or supplementary to the provisions of section four of this Act as appears to the Minister to be necessary or expedient, and in particular, but without prejudice to the generality of this section, such regulations may provide—

Transfer of property and officers to local planning authorities under this Act.

- (a) for the transfer to local planning authorities of property and liabilities of councils of county districts, being property and liabilities held or incurred for the purposes of the exercise, under the enactments relating to town and country planning in force before the appointed day, of functions corresponding with the functions of local planning authorities under this Act;
- (b) for the transfer to local planning authorities, or to the constituent authorities of joint planning committees, of property and liabilities of such committees;
- (c) for the transfer to local planning authorities of officers employed by councils of county districts immediately before the appointed day, being officers so employed solely or mainly for the purposes of any such functions as aforesaid, and of officers employed by joint planning committees;
- (d) for enabling any proceedings pending on the appointed day with respect to any such functions as

PART X.
—cont.

aforesaid, or with respect to any property or liabilities transferred by virtue of the regulations, to be carried on by or against local planning authorities or the constituent authorities of joint planning committees, as the case may be;

- (e) for the making of adjustments between local planning authorities or the constituent authorities of joint planning committees, on the one hand, and the councils of county districts or joint planning committees on the other hand in relation to property and liabilities transferred by virtue of the regulations, including the making of payments by such authorities, councils and committees; and
- (f) for the determination of questions arising in relation to the matters to which the regulations relate.

(2) Regulations made for the purposes of this section shall provide for the payment of compensation, subject to such exceptions and conditions as may be prescribed by the regulations, by such authorities as may be so prescribed—

- (a) to officers who, immediately before the appointed day, were employed by local planning authorities, by the councils of county districts, and by joint planning committees, and who suffer loss of employment or loss or diminution of emoluments which is attributable to the provisions of this Act or of the regulations; and
- (b) to officers who, having before the appointed day been employed in any such employment as aforesaid, would have been in that employment immediately before that day but for any war service in which they have been engaged.

(3) In this section the expression "joint planning committee" means a joint committee appointed or constituted under the Act of 1932 or under any previous enactment relating to town planning; the expression "officer" includes servant; and the expression "war service" means service in any of His Majesty's forces and such other employment as may be prescribed by regulations made for the purposes of this section.

General Provisions.

Applications for planning permission, determination of development charges, etc.

102.—(1) An application to a local planning authority for planning permission under Part III of this Act, and an application to the Central Land Board for the making or confirmation of any determination under Part VII of this Act, shall be made in such manner as may be prescribed by regulations

under this Act and shall include such particulars and shall be verified by such evidence as may be required by the regulations or by any directions given by the local planning authority or the Board thereunder.

PART X.
—cont.

(2) Subject to the following provisions of this section, regulations made under this Act may provide for the combination in a single document, made in such form and transmitted to such authority as may be prescribed by the regulations, of—

- (a) an application for planning permission in respect of any development;
- (b) an application for a determination of the Central Land Board in respect of that development;
- (c) any submission or application required to be made to a local authority in respect of that development under any enactment specified in the regulations.

(3) Any regulations made for the purposes of this section which relate to any such application or submission as is mentioned in paragraph (c) of the last foregoing subsection shall be made by the Minister and the Minister of Health, after consultation with such local authorities or associations of local authorities as appear to them to be concerned; and different provision may be made by such regulations in relation to areas in which different enactments are in force.

(4) An application or submission required to be made to a local authority under any enactment specified in such regulations as aforesaid shall, if made in accordance with the provisions of the regulations, be deemed to be valid notwithstanding anything in that enactment prescribing or enabling any authority to prescribe the form in which or the manner in which such an application or submission is to be made, but without prejudice to the validity of any application or submission made in accordance with that enactment, and without prejudice to any provision of that enactment enabling any such authority to require further particulars of the matters to which the application or submission relates.

103.—(1) Any person duly authorised in writing by the Minister or by a local planning authority may, at any reasonable time, enter upon any land for the purpose of surveying it in connection with—

- (a) the preparation, approval, making or amendment of a development plan relating to the land under Part II of this Act, including the carrying out of any survey under the said Part II;

PART X
—cont.

- (b) any application under Part III of this Act, or under any order or regulations made thereunder, for any permission, consent or determination to be given or effected in relation to that or any other land under the said Part III or under any such order or regulations;
- (c) any proposal by the local planning authority or by the Minister to serve or make any notice or order under the said Part III or under any such order or regulations as aforesaid;

and any person being an officer of the Valuation Office or a person duly authorised in writing by a local planning authority may, at any reasonable time, enter upon any land for the purpose of surveying it or estimating its value in connection with any claim for compensation payable by that authority in respect of that or any other land under Part III or Part VIII of this Act.

(2) Any officer of the Valuation Office, or any person duly authorised in writing by a Minister having power to acquire land designated by a development plan under this Act as subject to compulsory acquisition, or to authorise the acquisition of land so designated, and any person being an officer of the Central Land Board or a person duly authorised in writing by a local authority having power to acquire land under Part IV of this Act, may, at any reasonable time, enter upon any land for the purpose of surveying it or estimating its value in connection with any proposal to acquire that or any other land or in connection with any claim for compensation in respect of any such acquisition.

(3) Any officer of the Valuation Office or of the Central Land Board may, at any reasonable time, enter upon any land for the purpose of surveying it or estimating its value in connection with—

- (a) any claim for a payment in respect of that or any other land under Part VI of this Act;
- (b) any determination of the Board in respect of that or any other land under Part VII of this Act.

(4) A person authorised under this section to enter upon any land shall, if so required, produce evidence of his authority before so entering, and shall not demand admission as of right to any land which is occupied unless twenty-four hours notice of the intended entry has been given to the occupier.

(5) Any person who wilfully obstructs a person acting in the exercise of his powers under this section shall be liable on summary conviction to a fine not exceeding twenty pounds.

PART X.
—cont.

(6) If any person who, in compliance with the provisions of this section, is admitted into a factory, workshop or work-place discloses to any person any information obtained by him therein as to any manufacturing process or trade secret, he shall, unless the disclosure is made in the course of performing his duty in connection with the survey or estimate for which he was authorised to enter the premises, be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months.

(7) Where any land is damaged in the exercise of a power of entry conferred under this section, or in the making of any survey for the purpose of which any such power of entry has been so conferred, compensation in respect of that damage may be recovered by any person interested in the land from the Minister, Board or authority on whose behalf the entry was effected.

(8) Any expenses incurred by a Minister or the Central Land Board under the last foregoing subsection shall be defrayed out of moneys provided by Parliament.

(9) Any power conferred by this section to survey land shall be construed as including power to search and bore for the purpose of ascertaining the nature of the subsoil or the presence of minerals therein:

Provided that a person shall not carry out any works authorised by this subsection unless notice of his intention so to do has been included in the notice required by subsection (4) of this section, and if the land in question is held by any statutory undertakers and those undertakers object to the proposed works on the ground that the carrying out thereof would be seriously detrimental to the carrying on of their undertaking, the works shall not be carried out except with the authority of the appropriate Minister.

104. The Minister may cause a local inquiry to be held for the purpose of the exercise of any of his functions under this Act; and the provisions of subsections (2) to (5) of section two hundred and ninety of the Local Government Act, 1933 (which relate to the giving of evidence at, and defraying the cost of, local inquiries) shall have effect with respect to any such inquiry as if the Minister were a department for the purposes of that section.

Local
inquiries

PART X.

—cont.

Service of notices.

105.—(1) Subject to the provisions of this section, any notice or other document required or authorised to be served or given under this Act may be served or given either—

- (a) by delivering it to the person on whom it is to be served or to whom it is to be given; or
- (b) by leaving it at the usual or last known place of abode of that person, or, in a case in which an address for service has been furnished by that person, at that address; or
- (c) by sending it in a prepaid registered letter addressed to that person at his usual or last known place of abode, or, in a case in which an address for service has been furnished by that person, at that address; or
- (d) in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office, or sending it in a prepaid registered letter addressed to the secretary or clerk of the company or body at that office.

(2) Where the notice or document is required or authorised to be served on any person as having an interest in premises, and the name of that person cannot be ascertained after reasonable inquiry, or where the notice or document is required or authorised to be served on any person as an occupier of premises, the notice shall be deemed to be duly served if—

- (a) being addressed to him either by name or by the description of "the owner" or "the occupier", as the case may be, of the premises (describing them) it is delivered or sent in the manner prescribed by paragraph (a), (b) or (c) of the last foregoing subsection; or
- (b) being addressed as aforesaid and marked in such manner as may be prescribed by regulations under this Act for securing that it shall be plainly identifiable as a communication of importance, it is sent in a prepaid registered letter to the premises and is not returned to the authority sending it, or is delivered to some person on those premises or is affixed conspicuously to some object on those premises.

(3) Where the notice or other document is required to be served on or given to all persons having interests in, or being occupiers of, premises comprised in any land, and it appears to the authority required or authorised to serve or give the notice or other document that any part of that land

is unoccupied, the notice shall be deemed to be duly served on all persons having interests in, and on any occupiers of, premises comprised in that part of the land (other than a person who has furnished that authority with an address for the service of the notice on him) if it is addressed to "the owners and any occupiers" of that part of the land (describing it), and is affixed conspicuously to some object on the land.

106. The Minister, the Central Land Board or a local authority may, for the purpose of enabling them to make any order or serve any notice or other document which they are by this Act authorised or required to make or serve, require the occupier of any premises and any person who, either directly or indirectly, receives rent in respect of any premises, to state in writing the nature of his interest therein and the name and address of any other person known to him as having an interest therein, whether as freeholder, mortgagee, lessee or otherwise; and any person who, having been required in pursuance of this section to give any information, fails to give that information, or knowingly makes any misstatement in respect thereof, shall be liable on summary conviction to a fine not exceeding five pounds.

Power to
require
information
as to
ownership
of land.

107.—(1) Without prejudice to the provisions of the Acquisition of Land (Authorisation Procedure) Act, 1946, with respect to notices served under that Act, where under this Act any notice is required to be served on an owner of land, and the land is ecclesiastical property, a like notice shall be served on the Ecclesiastical Commissioners.

Provisions as to
Ecclesiastical
property.

(2) Where the fee simple in any ecclesiastical property is in abeyance, it shall be treated for the purposes of a compulsory purchase of the property under Part IV of this Act as being vested in the Ecclesiastical Commissioners, and any notice to treat shall be served, or be deemed to have been served, accordingly.

(3) Any compensation payable under Part III or Part VIII of this Act in respect of land which is ecclesiastical property, and any payment falling to be made in respect of such land under Part VI of this Act, shall be paid to the Ecclesiastical Commissioners to be applied for the purposes for which the proceeds of a sale by agreement of the land would be applicable under any enactment or Measure authorising such a sale or disposing of the proceeds of such a sale.

(4) Where a development charge is payable under Part VII of this Act in respect of land which is ecclesiastical property, the Ecclesiastical Commissioners may apply any money or securities held by them in the payment of that charge.

PART X.
—cont.

(5) In this section the expression "ecclesiastical property" means land belonging to any ecclesiastical benefice, or being or forming part of a church subject to the jurisdiction of a bishop of any diocese or the site of such a church, or being or forming part of a burial ground subject to such jurisdiction.

Expenses of
tribunals, etc.

108.—(1) The Minister may pay to the chairman and members of any tribunal established for the purposes of this Act, or of regulations made thereunder, such remuneration (whether by way of salaries or by way of fees) and such reasonable allowances in respect of expenses properly incurred in the performance of their duties, as the Treasury may determine.

(2) Any expenditure incurred by the Minister under the last foregoing subsection, or in the payment of the expenses of any committee established under section thirty-one of this Act, shall be defrayed out of moneys provided by Parliament.

Expenses of
Ministers.

109. There shall be paid out of moneys provided by Parliament—

- (a) any expenses incurred by a Minister in the acquisition of land under Part IV of this Act, other than expenses so incurred which are required to be defrayed out of the road fund;
- (b) any sums payable into the road fund for the purpose of defraying expenses of the Minister of Transport under this Act;
- (c) any sums authorised or required to be paid out of moneys provided by Parliament by virtue of any of the provisions of the Act of 1944 incorporated with Part IV of this Act;
- (d) any administrative expenses incurred by the Minister for the purposes of this Act.

Determination
of disputes as
to compensa-
tion, etc.

110.—(1) Except so far as otherwise provided by this Act or by any regulations or order made thereunder, any question of disputed compensation under this Act (other than compensation payable in respect of the compulsory acquisition of land) shall be determined in the same manner as compensation on the acquisition of land falls to be determined under the Acquisition of Land (Assessment of Compensation) Act, 1919, and sections one, three, five, six and eight of that Act shall accordingly have effect subject to any necessary modifications and to the provisions of any such regulations as aforesaid.

(2) Any dispute arising under any provisions of this Act in relation to any land as to what is the use which

prevails generally in the case of contiguous or adjacent land shall, if application in that behalf is made by any party to the dispute within such time and in such manner as may be prescribed by regulations made under this Act, be referred to and determined by the Central Land Board.

PART X.
—cont.

(3) Any party to any such dispute as aforesaid who is dissatisfied with the determination of the Central Land Board may, within such time and in such manner as may be prescribed by regulations made under this Act, appeal to the Minister, whose decision shall be final.

111.—(1) The Minister may make regulations under this Act— Regulations
and orders.

- (a) for prescribing the form of any notice, order or other document authorised or required by this Act to be served, made or issued by any local authority;
- (b) for any purpose for which regulations are authorised or required to be made under this Act, not being a purpose for which such regulations are authorised or required to be made by any other Minister, and in particular for prescribing anything which by this Act is required or authorised to be prescribed by regulations.

(2) Any regulations made under this Act (other than regulations which, by virtue of any provision of this Act, are of no effect unless they are approved by resolution of each House of Parliament) shall be laid before Parliament immediately after they are made, and if either House, within the period of forty days after the regulations are so laid before it, resolves that the regulations be annulled, the regulations shall thereupon cease to have effect, but without prejudice to the validity of anything previously done thereunder or to the making of new regulations.

(3) In reckoning for the purpose of the last foregoing subsection any such period of forty days, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

(4) Any power to make an order conferred by this Act shall include power to amend or revoke that order by a subsequent order:

Provided that an order made by the Minister for the purposes of paragraph 6 of the Third Schedule to this Act shall not be amended or revoked at any time after the appointed day.

PART X.

—cont.

56 & 57 Vict.
c. 66.

(5) Notwithstanding anything in subsection (4) of section one of the Rules Publication Act, 1893, regulations, orders and schemes made under this Act shall be deemed not to be, or to contain, statutory rules to which that section applies.

Assumptions
as to
permission for
development.

112.—(1) For the avoidance of doubt it is hereby declared that where, under any provision of this Act, the value of any interest in land is required to be assessed on the assumption that planning permission under Part III of this Act would be granted for development of any class specified in the Third Schedule to this Act, that assumption is to be made on the footing that any such development must comply with the provisions of any enactment, other than this Act, which would be applicable thereto.

(2) For the purposes of paragraph 3 of the said Third Schedule, the erection on land within the curtilage of any such building as is mentioned in that paragraph of an additional building to be used in connection with the original building shall be treated as the enlargement of the original building; and where on the appointed day any two or more buildings comprised in the same curtilage are used as one unit for the purposes of any institution or undertaking, the reference in the said paragraph 3 to the cubic content of the original building shall be construed as a reference to the aggregate cubic content of those buildings.

(3) Any reference in the said Third Schedule to the cubic content of a building shall be construed as a reference to that content as ascertained by external measurement.

Amendments
and repeals.

113.—(1) Subject to the provisions of this section, the enactments specified in the first column of the Eighth Schedule to this Act shall have effect, on and after the appointed day, subject to the amendments specified in the second column of that Schedule, being minor amendments and amendments consequential on the provisions of this Act.

(2) Subject to the provisions of this section, the enactments specified in the Ninth Schedule to this Act are hereby repealed in the case of enactments specified in Part I of that Schedule, as from the passing of this Act, and in the case of the enactments specified in Part II of that Schedule, as from the appointed day, to the extent specified in relation thereto in the third column of that Schedule:

Provided that the repeal by virtue of this subsection of any enactment specified in Part I of the said Ninth Schedule shall not affect the operation of that enactment in its application

to compensation in respect of land compulsorily acquired in pursuance of a notice to treat served before the date of the passing of this Act or compensation in respect of any order or direction made or given before that date.

PART X.
—cont.

(3) The repeal or amendment by virtue of this Act of any enactment contained in Part I or Part III of the Act of 1944 (other than an enactment specified in Part I of the Ninth Schedule to this Act) shall not affect the operation of that enactment as applied by the New Towns Act, 1946, but without prejudice to any amendment of the last-mentioned Act effected by this Act.

(4) His Majesty may by Order in Council repeal or modify so much of any local enactment in force on the appointed day as confers or imposes any such powers, prohibitions or restrictions as could be conferred or imposed by regulations made under section thirty-one of this Act:

Provided that any Order in Council made under this subsection shall be subject to special parliamentary procedure.

(5) Without prejudice to the provisions of section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals), the provisions of the Tenth Schedule to this Act (being transitory and consequential provisions) shall have effect in relation to the repeals effected by this section. 52 & 53 Vict.
c. 63.

(6) In accordance with the foregoing provisions of this section, the Act of 1944 shall, as from the appointed day, have effect as set out in the Eleventh Schedule to this Act.

114.—(1) The local planning authority for the administrative county of London shall be the London County Council. Special provisions as to
London.

(2) In relation to land in the administrative county of London, sections nineteen, thirty-eight, thirty-nine and one hundred of this Act shall have effect as if for references therein to the council of the county borough or county district in which the land is situated there were substituted references—

(a) in the case of land in the City of London, to the Common Council of that City;

(b) in the case of any other land, to the London County Council,

and sections twenty-nine, thirty, forty, forty-one and ninety-eight of this Act and the Sixth and Tenth Schedules to this Act shall have effect as if any reference therein to the council of any county borough or county district included a reference to the Common Council of the City of London and to the council of any metropolitan borough.

PART X.
—cont.

(3) The power of a local planning authority to make agreements under section twenty-five of this Act may be exercised also—

- (a) in relation to land in the City of London, by the Common Council of that City; and
- (b) in relation to land in a metropolitan borough, by the council of that borough with the consent of the London County Council,

and references in that section to a local planning authority shall be construed accordingly.

(4) The council of a metropolitan borough shall not, except with the consent of the London County Council, be authorised to acquire land compulsorily under subsection (3) of section thirty-eight of this Act.

(5) Without prejudice to the powers conferred by section thirty-seven of this Act, or by section thirty-eight of this Act as modified by the last foregoing subsection, if the Minister of Health is satisfied that it is expedient in the public interest that any land within a metropolitan borough (whether designated by a development plan as subject to compulsory acquisition or not) should be acquired by the council of that borough for the purpose of providing a public open space, he may authorise that council to acquire that land compulsorily; and the Acquisition of Land (Authorisation Procedure) Act, 1946, except section two of that Act, shall apply to the compulsory acquisition of land under this subsection as if this subsection had been in force immediately before the commencement of that Act:

Provided that before submitting a compulsory purchase order to the Minister of Health under this subsection, the council of a metropolitan borough shall consult with the London County Council.

(6) Any reference in this Act, or in the Act of 1944 as incorporated with Part IV of this Act, to the said Part IV shall be construed as including a reference to the last foregoing subsection.

(7) In relation to land in the administrative county of London section forty-two of this Act shall have effect as if for the reference therein to section one hundred and sixty-three of the Local Government Act, 1933, there were substituted a reference to section one hundred and six of the London Government Act, 1939, and the Second Schedule to this Act shall have effect as if there were included therein a reference to section one hundred and forty of the Public Health (London) Act, 1936.

(8) For the purposes of section forty-eight of this Act the appropriate council, in relation to land in the administrative county of London, shall be—

(a) in the case of land in the City of London, the Common Council of that City;

(b) in the case of any other land, the council of the metropolitan borough in which the land is situated, and in relation to any such land the said section forty-eight shall have effect as if for references therein to the Public Health Act, 1875, and sections one hundred and fifty and one hundred and fifty-one of that Act there were substituted, in the case of land in the City of London, references to the City of London Sewers Acts, 1848 to 1897, and to sections one hundred and twenty-six to one hundred and twenty-eight of the City of London Sewers Act, 1848, and in the case of any other land references to the Metropolis Management Acts, 1855 to 1893, and to section one hundred and five of the Metropolis Management Act, 1855, section seventy-seven of the Metropolis Management Amendment Act, 1862, and the Metropolis Management Act, 1862, Amendment Act, 1890.

11 & 12 Vict.
c. clxiii.
18 & 19 Vict.
c. 120.
25 & 26 Vict.
c. 102.
53 & 54 Vict.
c. 54.

(9) References in section one hundred and one of this Act to the council of a county district shall be construed as including references to the Common Council of the City of London.

(10) In relation to land in the City of London, the London County Council may delegate to the Common Council of the City any of their functions under regulations made under section thirty-one of this Act with respect to the control of advertisements, and shall delegate to that Council, in accordance with regulations made under this Act, such of their functions in relation to applications for planning permission under Part III of this Act as may be prescribed by the regulations; and regulations made for the purposes of this subsection may make provision for any matters for which provision may be made by regulations made for the purposes of section thirty-four of this Act.

(11) Without prejudice to the provisions of the last foregoing subsection, the London County Council shall—

(a) before submitting to the Minister a development plan relating to land in the City of London, or proposals for alterations or additions to any such plan;

(b) before determining any application for planning permission relating to such land; and

(c) before making a tree preservation order or building preservation order affecting any such land,

consult with the Common Council of the City.

(12) In relation to land in any metropolitan borough, the London County Council may delegate to the council of that

PART X.
—*cont.*

borough any of their functions under regulations made under section thirty-one of this Act with respect to the control of advertisements, and shall—

- (a) before submitting to the Minister a development plan relating to any such land, or proposals for alterations or additions to such a plan;
- (b) before determining any application for planning permission for the development of any such land, being an application of any such class as may be prescribed by the development order;
- (c) before making a tree preservation order or a building preservation order affecting any such land,

consult with the council of that borough.

(13) The class of applications for planning permission prescribed by a development order for the purposes of paragraph (b) of the last foregoing subsection shall be such class as appears to the Minister to involve matters of principle; and where an application of any class so prescribed is referred to the Minister for determination in pursuance of directions given by him under section fifteen of this Act, the London County Council shall give notice to that effect to the council of the metropolitan borough in which the land to which the application relates is situated, and the Minister shall, in dealing with the application, take into account any representations made to the London County Council by the council of that borough.

(14) The Common Council of the City of London may borrow money for the purposes of this Act under the City of London Sewers Acts, 1848 to 1897, and any expenses incurred by that Council under this Act shall be defrayed as part of their general expenses.

Application
to Isles of
Scilly.

115. The Minister shall, after consultation with the council of the Isles of Scilly, by order provide for the application of this Act to the Isles of Scilly as if those Isles were a separate county, and any such order may provide for the application of this Act to those Isles subject to such modifications as may be specified in the order.

Exercise of
functions of
Board of
Trade.

116. Anything required or authorised under this Act to be done by, to or before the Board of Trade may be done by, to or before the President of the Board, any secretary, under-secretary or assistant secretary of the Board or any person authorised in that behalf by the President of the Board.

Saving for
Postmaster
General.

117.—(1) Subject to the provisions of this section, and to the provisions of subsection (4) of section twenty-three of the Act of 1944 as applied by this Act, nothing in this Act or in any order or regulations made thereunder shall affect any

powers or duties of the Postmaster General under the provisions of the Telegraph Acts, 1863 to 1943, or apply to any telegraphic lines placed or maintained by virtue of any of those provisions.

PART X.
—cont.

(2) Where in pursuance of an order made by the Minister of Transport under section forty-nine of this Act any highway is stopped up or diverted and, immediately before the date on which the order became operative, there was under, in, upon, over, along or across the highway any telegraphic line belonging to or used by the Postmaster General, the Postmaster General shall have the same powers in respect of that line as if the order had not become operative:

Provided that if any person entitled to land over which the highway subsisted requires that the telegraphic line should be altered, paragraphs (1) to (8) of section seven of the Telegraph Act, 1878, shall apply to the alteration and accordingly shall have effect, subject to any necessary modifications, as if references therein to undertakers included references to the person so requiring the line to be altered.

(3) Where any order made under the said section forty-nine provides for the improvement of any highway, not being a trunk road, and, immediately before the date on which the order became operative, there was under, in, upon, over, along or across the highway any telegraphic line belonging to or used by the Postmaster General, then if the local highway authority require that that line should be altered, paragraphs (1) to (8) of the said section seven shall apply to the alteration and accordingly shall have effect, subject to any necessary modifications, as if references therein to undertakers included references to the local highway authority.

(4) In this section the expressions "alter" and "telegraphic line" have the same meanings as in the Telegraph Act, 1878.

118.—(1) For the avoidance of doubt it is hereby declared that the provisions of this Act, and any restrictions or powers thereby imposed or conferred in relation to land, apply and may be exercised in relation to any land notwithstanding that provision is made by any enactment in force at the passing of this Act, or by any local Act passed at any time during the present Session of Parliament, for authorising or regulating any development of the land.

Application
to land
regulated by
special
enactments.

(2) Without prejudice to the generality of the foregoing provision, references in any enactment contained in a local Act (including any such Act passed as aforesaid) to Part II of the Town and Country Planning Act, 1944, shall be construed—

(a) in relation to compensation payable on a compulsory acquisition of land thereunder in pursuance of a

PART X.
—cont.

notice to treat served before the passing of this Act, as a reference to the said Part II as amended by this Act;

- (b) in relation to compensation payable on a compulsory acquisition of land thereunder in pursuance of a notice to treat served after the passing of this Act, as a reference to Part V of this Act:

Provided that no such enactment shall, by virtue of this subsection, be construed as excluding the application of the said Part V in relation to compensation payable in respect of any compulsory acquisition of land.

Interpretation. 119.—(1) In this Act, except so far as the contrary is provided or the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

- 22 & 23 Geo. 5.
c. 48. “ Act of 1932 ” means the Town and Country Planning Act, 1932;
- 7 & 8 Geo. 6.
c. 47. “ Act of 1944 ” means the Town and Country Planning Act, 1944;
- “ advertisement ” means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of and employed wholly or in part for the purposes of advertisement, announcement or direction, and without prejudice to the foregoing provision includes any hoarding or similar structure used or adapted for use for the display of advertisements, and references to the display of advertisements shall be construed accordingly;
- “ agriculture ” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “ agricultural ” shall be construed accordingly;
- “ appointed day ” means such day as the Minister may by order appoint;
- “ appropriate Minister ”, means—
- (a) in relation to statutory undertakers carrying on an undertaking for the supply of electricity, gas or hydraulic power, the Minister of Fuel and Power;

(b) in relation to statutory undertakers carrying on an undertaking for the supply of water, the Minister of Health; and

(c) in relation to any other statutory undertakers as defined by this Act, the Minister of Transport;

- “ area of extensive war damage ” and “ area of bad lay-out or obsolete development ” mean an area consisting of land shown to the satisfaction of the Minister to have sustained war damage or, as the case may be, to be badly laid out or of obsolete development, or consisting of such land together with other land contiguous or adjacent thereto, being in each case land comprised in an area which is defined by a development plan as an area of comprehensive development;
- “ building ” includes any structure or erection and any part of a building as so defined, but does not include plant or machinery comprised in a building;
- “ buildings or works ” includes waste materials, refuse and other matters deposited on land, and references to the erection or construction of buildings or works shall be construed accordingly;
- “ building operations ” includes rebuilding operations, structural alterations of or additions to buildings, and other operations normally undertaken by a person carrying on business as a builder;
- “ building preservation order ” has the meaning assigned to it by section twenty-nine of this Act;
- “ clearing ”, in relation to land, means the removal of buildings or materials from the land, the levelling of the surface of the land, and the carrying out of such other operations in relation thereto as may be prescribed by regulations made for the purposes of this Act;
- “ common ”, “ open space ” and “ fuel or field garden allotment ” have the same meanings as in the Acquisition of Land (Authorisation Procedure) Act, 1946;
- “ Consolidated Fund ” means the Consolidated Fund of the United Kingdom, and includes the growing produce thereof;
- “ development ” has the meaning assigned to it by section twelve of this Act, and “ develop ” shall be construed accordingly;
- “ development order ” has the meaning assigned thereto by section thirteen of this Act;

PART X.
—cont.

- “ development plan ” has the meaning assigned to it by section five of this Act, and includes a plan made under subsection (5) of that section;
- “ enactment ” includes an enactment in any local or private Act of Parliament and an order, rule, regulation, byelaw or scheme made under an Act of Parliament;
- “ engineering operations ” includes the formation or laying out of means of access to highways;
- “ erection ” in relation to buildings includes extension, alteration and re-erection;
- “ functions ” includes powers and duties;
- “ government department ” includes the Electricity Commissioners;
- “ improvement ”, in relation to a highway, has the same meaning as the expression “ improvement of roads ” has in Part II of the Development and Road Improvement Funds Act, 1909;
- “ industrial building ” has the same meaning as in the Distribution of Industry Act, 1945;
- “ interim development authority ” means a council or joint committee empowered by an interim development order to permit the development of land;
- “ interim development order ” means an order made under subsection (1) of section ten of the Act of 1932;
- “ land ” means any corporeal hereditament, including a building as defined by this section, and in relation to the acquisition of land under Part IV of this Act includes any interest or right in or over land;
- “ lease ” includes an underlease and an agreement for a lease or underlease, but does not include an option to take a lease or a mortgage, and “ leasehold interest ” means the interest of the tenant under a lease as so defined;
- “ local authority ” means the council of a county, county borough, metropolitan borough or county district, the Common Council of the City of London and any other authority being a local authority within the meaning of the Local Loans Act, 1875, and includes any drainage board and any joint board or joint committee if all the constituent authorities are such local authorities as aforesaid;
- “ local highway authority ” means a highway authority other than the Minister of Transport;
- “ local planning authority ” has the meaning assigned to it by section four of this Act;
- “ means of access ” includes any means of access, whether private or public, for vehicles or for foot passengers, and includes a street;

8 & 9 Geo. 6.
c. 3638 & 39 Vict
c. 83.

- “ minerals ” includes all minerals and substances in or under land of a kind ordinarily worked for removal by underground or by surface working: provided that it shall not include peat cut for purposes other than sale;
- “ mining lease ” means a lease, underlease, tenancy or licence (whether personal or by way of profit à prendre) conferring a right to win or work minerals;
- “ Minister ” includes the Treasury, the Admiralty, the Board of Trade and any other government department;
- “ the Minister ” has the meaning assigned to it by section one of this Act;
- “ mortgage ” includes any charge or lien on any property for securing money or moneys worth;
- “ National Coal Board ” means the National Coal Board established under the Coal Industry Nationalisation Act, 1946; 9 & 10 Geo. 6.
c. 59.
- “ National Trust ” means The National Trust for Places of Historic Interest or Natural Beauty incorporated by the National Trust Act, 1907; 7 Edw. 7.
c. cxxxvi.
- “ operational land ”, in relation to any statutory undertakers, means land which is used for the purpose of carrying on the undertakings of those undertakers and land in which an interest is held for that purpose, not being land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used, or in which interests are held, for the purpose of the carrying on of statutory undertakings;
- “ owner ”, in relation to any land, means, except in Part VI of this Act, a person, other than a mortgagee not in possession, who, whether in his own right or as trustee or agent for any other person, is entitled to receive the rack rent of the land or, where the land is not let at a rack rent, would be so entitled if it were so let, and, in Part VI of this Act, has the meaning assigned to it by section sixty-four of this Act;
- “ permission granted for a limited period only ” has the meaning assigned to it by section fourteen of this Act;
- “ planning permission ” means the permission for development which is required by virtue of section twelve of this Act;
- “ planning scheme ” means a scheme under the Act of 1932 or any enactment repealed by that Act;

PART X
—cont.

“ purchase notice ” has the meaning assigned to it by section nineteen of this Act;

“ relocation of population or industry ” means, in relation to an area of extensive war damage or an area of bad lay-out or obsolete development, the rendering available elsewhere than in that area, whether in an existing community or a community to be newly established, of accommodation for residential purposes or for the carrying on of business or other activities, together with all appropriate public services, facilities for public worship, recreation and amenity, and other requirements, being accommodation to be rendered available for persons or undertakings who are living or carrying on business or other activities in that area or who were doing so but by reason of war circumstances are no longer for the time being doing so, and whose continued or resumed location in that area would be inconsistent with the proper planning thereof;

“ replacement of open space ” means, in relation to an area of extensive war damage or an area of bad lay-out or obsolete development, the rendering of land available for use as an open space or otherwise in an undeveloped state in substitution for land in that area which is so used;

“ requisitioned land ”, and “ period of requisition ”, have the meanings assigned to them by section eighty-nine of this Act;

“ statutory undertakers ” means persons authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of electricity, gas, hydraulic power or water, and “ statutory undertaking ” shall be construed accordingly;

“ tree preservation order ” has the meaning assigned to it by section twenty-eight of this Act;

“ use ”, in relation to land, does not include the use of land by the carrying out of any building or other operations thereon;

“ Valuation Office ” means the Valuation Office of the Inland Revenue Department;

“ war damage ” has the same meaning as in the War Damage Act, 1943.

(2) If any question arises, in relation to anything required or authorised to be done under this Act, which Minister was

or is the appropriate Minister as defined by this section in relation to any statutory undertakers, that question shall be determined by the Treasury, and if any question so arises whether land of statutory undertakers is operational land as defined by this section, that question shall be determined by the Minister who is the appropriate Minister in relation to those undertakers.

(3) Words in this Act importing a reference to service of a notice to treat shall be construed as including a reference to the constructive service of such a notice which, by virtue of the Sixth Schedule to the Act of 1944, or of any other enactment, is to be deemed to be served.

(4) Any reference in this Act to the compensation payable in respect of the compulsory acquisition of land shall be construed as including a reference to compensation to be estimated, in connection with the acquisition, for damage sustained by reason of the severing of the land from other land held therewith or otherwise injuriously affecting such other land, and compensation to be so estimated for disturbance or any other matter not directly based on the value of the land.

(5) References in this Act to any enactment shall be construed as references to that enactment as amended by any subsequent enactment including, except where the context otherwise requires, this Act.

120.—(1) This Act may be cited as the Town and Country Planning Act, 1947. Short title,
commence-
ment and
extent.

(2) This Act shall come into force on the appointed day: Provided that—

- (a) sections two and three of this Act; and
- (b) subsection (2) of section thirty-seven of this Act and subsection (2) of section thirty-eight of this Act, and any other provisions of Part IV of this Act which relate to the acquisition of land under either of those subsections; and
- (c) Part V of this Act, so much of section ninety-one of this Act as relates to land acquired before the appointed day, subsection (2) of section one hundred and thirteen of this Act so far as it relates to Part I of the Ninth Schedule to this Act, and Part I of the said Ninth Schedule;

shall come into force on the date of the passing of this Act.

(3) This Act (except section two and subsection (2) of section fifty-eight thereof) shall not extend to Scotland.

(4) This Act shall not extend to Northern Ireland.

SCHEDULES.

Section 4.

FIRST SCHEDULE.

LOCAL ADMINISTRATION.

PART I.

JOINT PLANNING BOARDS.

1. A joint planning board constituted by an order made under section four of this Act shall consist of such number of members as may be determined by the order, to be appointed by the constituent councils.
2. A joint planning board so constituted shall be a body corporate, with perpetual succession and a common seal and power to hold land for the purposes of their functions without licence in mortmain.
3. An order constituting a joint planning board and any order amending or revoking any order constituting a joint planning board—
 - (a) may, without prejudice to the provisions of section two hundred and ninety-three of the Local Government Act, 1933 (which authorises the application of the provisions of that Act to joint boards), provide for regulating the appointment, tenure of office and vacation of office of members of the board, for regulating the meetings and proceedings of the board and for the payment of the expenses of the board by the constituent councils;
 - (b) may provide for the transfer and compensation of officers, the transfer of property and liabilities, and the adjustment of accounts and apportionment of liabilities;
 - (c) may contain such other provisions as appear to the Minister to be expedient for enabling the board to exercise their functions; and
 - (d) may apply to the board, with any necessary modifications and adaptations, any of the provisions of Parts II and III of this Schedule.

PART II.

PLANNING COMMITTEES.

4. A local planning authority may establish such planning committees as they think it expedient to establish for the efficient discharge of their functions as a local planning authority, and may authorise any such committee to exercise on their behalf any of those functions, except the power to borrow money or to levy or issue a precept for a rate.

5. A planning committee of a local planning authority may, subject to any restrictions imposed by the local planning authority,—

- (a) appoint such sub-committees constituted in such manner as the committee may determine ; and
- (b) authorise any such sub-committee to exercise any of the functions of the committee on their behalf.

6. A majority of every planning committee of a local planning authority shall be members of the authority, and a majority of every sub-committee of any such committee shall be members either of the local planning authority or of the councils of county districts comprised in the area of that authority.

7. Any power conferred by this Part of this Schedule to establish or appoint committees or sub-committees, or to authorise such committees or sub-committees to exercise any functions, shall include power to dissolve or alter the constitution of such committees or sub-committees, and to revoke or vary any such authorisation.

PART III.

JOINT ADVISORY COMMITTEES.

8. Any two or more local planning authorities may, with the approval of the Minister, concur in establishing a joint advisory committee for the purpose of advising those authorities as to the preparation of development plans and generally as to the planning of development in their areas ; and any such committee shall be constituted in such manner as may be determined by the authorities by whom it is established :

Provided that a majority of the members of any such committee shall be members of one or other of those authorities.

9. If it appears to the Minister to be expedient that a joint advisory committee of any two or more local planning authorities should be established in accordance with the last foregoing paragraph, he may, after consultation with those authorities, by order establish such a committee, and any such order may—

- (a) provide for the reference to the committee of such matters as may be specified in the order ;
- (b) make such incidental and consequential provisions (including provision for the payment of expenses of the committee and the transfer and compensation of officers) as appear to the Minister to be expedient.

10. Any power conferred by this Part of this Schedule to establish committees or to authorise such committees to exercise any functions shall include power to dissolve or alter the constitution of such committees, and to revoke or vary any such authorisation.

11. The provisions of this Part of this Schedule shall be in addition to and not in substitution for the provisions of the Local Government Act, 1933, with respect to the appointment by local authorities of joint committees.

Section 13.

SECOND SCHEDULE.

EXCEPTED ENACTMENTS FOR THE PURPOSES OF SECTION 13.

51 & 52 Vict.

c. 52.

15 & 16 Geo. 5.

c. 71.

15 & 16 Geo. 5.

c. 68.

The Public Health (Buildings in Streets) Act, 1888 ;

Sections thirty to thirty-four of the Public Health Act, 1925 ;

Section five of the Roads Improvement Act, 1925 ;

Section one hundred and seven of the Public Health Act, 1936 ;

Any enactment making such provision as might by virtue of any Act of Parliament have been made in relation to the area to which the order applies by means of a bye-law, order or regulation not requiring confirmation by Parliament ;

Any enactment which has been previously excluded or modified by any development order, and any enactment having substantially the same effect as any such enactment.

THIRD SCHEDULE.

Sections 20, 51,

54, 55, 61, 69,

81.

EXCEPTED CLASSES OF DEVELOPMENT.

PART I.

DEVELOPMENT INCLUDED IN EXISTING USE FOR PURPOSES OTHER THAN COMPENSATION UNDER S. 20.

1. The rebuilding, as often as occasion may require, of any building which was in existence on the appointed day and of any building which was in existence before that day but has been destroyed or demolished since the seventh day of January, nineteen hundred and thirty-seven (including the making good of war damage which has been sustained by any such building), so long as the cubic content of the original building is not exceeded in the case of a dwelling-house, by more than one-tenth or seventeen hundred and fifty cubic feet, whichever is the greater, and in any other case by more than one-tenth.

2. The use as two or more separate dwelling-houses of any building which on the appointed day was used as a single dwelling-house.

PART II.

DEVELOPMENT INCLUDED IN EXISTING USE FOR ALL PURPOSES.

3. The enlargement, improvement or other alteration, as often as occasion may require, of any such building as is mentioned in paragraph 1 of this Schedule, or any building substituted therefor by the carrying out of any such operations as are mentioned in that paragraph, so long as the cubic content of the original building is not increased or exceeded, in the case of a dwelling-house, by more than one-tenth or seventeen hundred and fifty cubic feet, whichever is the greater, and in any other case by more than one-tenth.

4. The carrying out, on land which was used for the purposes of agriculture or forestry on the appointed day, of any building or other operations required for the purposes of that use, other than operations

for the erection, enlargement, improvement or alteration of dwelling-houses or of buildings used for the purposes of market gardens, nursery grounds or timber yards or for other purposes not connected with general farming operations or with the cultivation or felling of trees.

3RD SCH.
—cont.

5. The winning and working, on land held or occupied with land used for the purposes of agriculture, of any minerals reasonably required for the purposes of that use, including the fertilisation of the land so used and the maintenance, improvement or alteration of buildings or works thereon which are occupied or used for the purposes aforesaid.

6. In the case of a building or other land which, on the appointed day, was used for a purpose falling within any general class specified in an order made by the Minister for the purposes of this paragraph, or which, being unoccupied on the appointed day, was last used (otherwise than before the seventh day of January, nineteen hundred and thirty-seven) for any such purpose, the use of that building or land for any other purpose falling within the same general class.

7. In the case of any building or other land which, on the appointed day, was in the occupation of a person by whom it was used as to part only for a particular purpose, the use for that purpose of any additional part of the building or land not exceeding one-tenth of the cubic content of the part of the building used for that purpose on the appointed day or, as the case may be, one tenth of the area of the land so used on that day.

8. The deposit of waste materials or refuse in connection with the working of minerals, on any land comprised in a site which, on the appointed day, was being used for that purpose, so far as may be reasonably required in connection with the working of those minerals.

FOURTH SCHEDULE.

Sections 20, 22,
27.

PROVISIONS RELATING TO COMPENSATION UNDER PART III.

1. For the purpose of assessing any compensation payable under section twenty, section twenty-two or section twenty-seven of this Act, being compensation in respect of the depreciation in value of any interest in land, section two of the Acquisition of Land (Assessment of Compensation) Act, 1919 (which prescribes rules for the assessment of compensation by an official arbitrator), shall, so far as applicable and subject to any necessary modifications, have effect as it has effect for the purpose of assessing compensation for the compulsory acquisition of land.

2. Where any compensation is payable as aforesaid by virtue of any decision or order given or made before the expiration of two years from the end of the war period as defined by section forty of the Requisitioned Land and War Works Act, 1945 (in this paragraph referred to as "the Act of 1945"), Part VIII of that Act (which provides for adjustments of compensation for the purpose of eliminating changes in value due to the exercise of emergency powers)

4TH SCH.
—cont.

shall apply in relation to any such compensation as aforesaid as it applies in relation to compensation payable on the acquisition of an easement over land by virtue of Part II of the Act of 1945 :

Provided that for the purposes of this paragraph subsection (5) of section forty-one of the Act of 1945 shall have effect as if paragraph (a) thereof were omitted.

3. Where any interest in land is subject to a mortgage—

- (a) any compensation as aforesaid which is payable in respect of the depreciation in the value of that interest shall be assessed as if the interest were not subject to the mortgage ;
- (b) a claim for any such compensation may be made by any mortgagee of the interest, but without prejudice to the making of a claim by the person entitled to the interest ;
- (c) a mortgagee shall not be entitled to claim any such compensation in respect of his interest as such ; and
- (d) the compensation payable in respect of the interest subject to the mortgage shall be paid by the local planning authority to the mortgagee or, where there is more than one mortgagee to the first mortgagee, and shall in either case be applied by him as if it were proceeds of sale.

4. Any compensation payable to any person by virtue of any order made under section twenty-six of this Act shall be reduced by the value to him of any timber, apparatus or other materials removed for the purposes of complying with that order.

Section 35.

FIFTH SCHEDULE.

SPECIAL PROVISIONS RELATING TO DEVELOPMENT BY STATUTORY UNDERTAKERS.

Applications
for permission
to develop.

1.—(1) Subject to the provisions of this Schedule, where an application for planning permission to develop operational land, made by the person carrying on a statutory undertaking, is referred to the Minister under Part III of this Act in pursuance of directions given by the Minister, or where an appeal is made to the Minister under that Part from the decision of the local planning authority on such an application, the application or appeal shall be dealt with by the Minister and the appropriate Minister.

(2) Where, upon any such application or appeal, the Minister and the appropriate Minister propose to refuse permission or to grant permission subject to conditions, they shall notify to the person carrying on the undertaking the decision which they propose to give, and if within twenty-eight days from the date on which he receives the notification that person makes application to the appropriate Minister in that behalf, the decision shall be embodied in an order made by the Minister and the appropriate Minister, and any such order shall be subject to special parliamentary procedure.

(3) In respect of any decision given under this paragraph refusing permission to develop operational land, or granting such permission subject to conditions, the person carrying on the statutory undertaking shall be entitled to recover compensation from the local planning authority in accordance with the Fourth Schedule to the Act of 1944 :

Provided that if the Minister and the appropriate Minister are satisfied, in the case of land acquired by the undertakers after the seventh day of January, nineteen hundred and forty-seven, that it is unreasonable, having regard to the nature, situation and existing development of the land and of any neighbouring land, and to any other material considerations, that compensation should be so recovered in respect of the decision, they may include therein a direction that the foregoing provisions of this sub-paragraph shall not apply in relation to that decision.

5TH SCH.
—cont.

(4) Notwithstanding anything in Part III of this Act, planning permission to develop operational land shall not except with the consent of the undertakers be granted subject to conditions requiring that any buildings or works authorised by the permission shall be removed, or that any use of the land so authorised shall be discontinued, at the expiration of a specified period.

(5) The provisions of this Act shall apply to an application which is dealt with under this paragraph by the Minister and the appropriate Minister as if it had been dealt with by the Minister.

(6) For the avoidance of doubt it is hereby declared that for the purposes of the application of the Statutory Orders (Special Procedure) Act, 1945, to any order made by the Minister and the appropriate Minister under this paragraph, the requirements imposed by this Act with respect to the consideration of any such application or appeal as is mentioned in sub-paragraph (1) of this paragraph are to be deemed to be requirements with respect to proceedings preliminary to the making of the order within the meaning of section two of the said Statutory Orders (Special Procedure) Act, 1945.

2.—(1) Where, under the enactments regulating the carrying on of a statutory undertaking, the authorisation of any government department is required in respect of any development of operational land, then—

Special provisions as to development requiring government authorisation.

(a) if that department decides to refuse that authorisation on the ground only that planning permission ought not to be granted for the development under Part III of this Act, or to grant that authorisation and direct that such permission shall be deemed to be granted subject to conditions other than conditions imposed as part of the authorisation, sub-paragraphs (2) and (3) of paragraph 1 of this Schedule shall apply, subject to any necessary modifications, in relation to that decision and to any proposal by the department to give that decision as they apply in relation to a decision, or a proposed decision, of the Minister and the appropriate Minister under that paragraph ;

(b) except where that authorisation has been granted without any direction as to the grant of planning permission, the Minister and the appropriate Minister shall not be required to deal with an application for such permission under sub-paragraph (1) of the said paragraph 1.

(2) Notwithstanding anything in the proviso to sub-paragraph (3) of the said paragraph 1, no direction shall be given thereunder for the exclusion of the payment of compensation in respect of a decision relating to the development of land of any statutory undertakers

5TH SCH
—cont.

if the land was acquired by those undertakers for the purposes of that development (whether by agreement or compulsorily) with the consent or authority of a government department.

Revocation and
modification of
permission.

3.—(1) The provisions of Part III of this Act with respect to the revocation and modification of permission to develop land shall have effect, in relation to any permission granted, on an application made by the person carrying on a statutory undertaking, for the development of operational land, as if for any reference therein to the Minister there were substituted a reference to the Minister and the appropriate Minister.

(2) Where the Minister and the appropriate Minister propose to confirm or make an order under section twenty-one of this Act as modified by this paragraph, they shall notify to the person carrying on the statutory undertaking the fact that they so propose, and shall afford him an opportunity of objecting to the proposal; and if any objection is so made by that person and is not withdrawn, the order shall be subject to special parliamentary procedure.

(3) In relation to any order made by the Minister and the appropriate Minister under the said section twenty-one as modified by this paragraph, sub-paragraph (3) of paragraph 1 of this Schedule shall apply as it applies to a decision given under that paragraph refusing permission to develop operational land, or granting such permission subject to conditions, and references in the said sub-paragraph (3) to a decision under that paragraph shall accordingly include references to any such order as aforesaid.

Orders relating
to authorised
uses.

4.—(1) The provisions of Part III of this Act with respect to the making of orders requiring the discontinuance of any use of land or imposing conditions on the continuance thereof, or requiring buildings or works on land to be altered or removed, shall have effect, in relation to operational land of the person carrying on any statutory undertaking, as if for any reference therein to the Minister there were substituted a reference to the Minister and the appropriate Minister.

(2) Where the Minister and the appropriate Minister propose to confirm or make an order under section twenty-six of this Act, as modified by this paragraph, they shall notify to the person carrying on the statutory undertaking the fact that they so propose, and shall afford him an opportunity of objecting to the proposal; and if any objection is so made by that person and is not withdrawn, the order shall be subject to special parliamentary procedure.

(3) Any compensation payable under section twenty-seven of this Act in consequence of an order made under the said section twenty-six as modified by this paragraph shall be assessed in accordance with the provisions of the Fourth Schedule to the Act of 1944.

Section 49

SIXTH SCHEDULE.

PROCEDURE FOR MAKING ORDERS UNDER S. 49.

1. Before making an order under section forty-nine of this Act the Minister of Transport shall publish in at least one local newspaper

circulating in the area in which any highway to which the order relates is situated and in the London Gazette a notice—

5TH SCH.
—cont.

- (a) stating the general effect of the order ;
- (b) specifying a place in the said area where a copy of the draft order and of any relevant map or plan may be inspected by any person free of charge at all reasonable hours during a period of three months from the date of the publication of the notice ; and
- (c) stating that, within the said period, any person may by notice to that Minister object to the making of the order.

2. Not later than the date on which the said notice is published as aforesaid, the Minister of Transport shall serve a copy thereof (together with a copy of the draft order and of any relevant map or plan)—

- (a) on every local authority in whose area any highway to which the order relates is situated ;
- (b) on any water, hydraulic power, gas or electricity undertakers, having any cables, mains, pipes or wires laid along, across, under or over any highway to be stopped up or diverted under the order.

3. Not later than the date on which the said notice is published as aforesaid, the Minister of Transport shall cause a copy thereof to be displayed in a prominent position at the ends of so much of any highway as is proposed to be stopped up or diverted under the order.

4. If before the expiration of the said period of three months an objection is received by the Minister of Transport from any local authority or undertakers on whom a notice is required to be served under this Schedule, or from any other person appearing to him to be affected by the order, and the objection is not withdrawn, the Minister shall cause a local inquiry to be held :

Provided that except where the objection is made by any such authority or undertakers as aforesaid, the Minister may dispense with such an inquiry if he is satisfied that in the special circumstances of the case the holding of such an inquiry is unnecessary.

5. After considering any objections to the order which are not withdrawn, and, where a local inquiry is held, the report of the person who held the inquiry, the Minister may make the order either without modification or subject to such modifications as he thinks fit.

6. Immediately after the order has been made, the Minister of Transport shall publish in the manner prescribed by paragraph 1 of this Schedule a notice stating that the order has been made, and naming a place where a copy of the order may be seen at all reasonable hours, and paragraphs 2 and 3 of this Schedule shall apply to any such notice as they apply to the notice required to be published by the said paragraph 1.

7. Subsections (2) and (3) of section eleven of this Act shall apply to any order under section forty-nine of this Act as they apply to a development plan approved or made under Part II of this Act, and as if for references therein to the notice required by subsection (1) of that section there were substituted references to the notice required by the last foregoing paragraph :

6TH SCH.
—cont.

Provided that where any such order is subject to special parliamentary procedure, then—

- (a) if the order is confirmed by Act of Parliament under section six of the Statutory Orders (Special Procedure) Act, 1945, the said subsections (2) and (3) shall not apply ;
- (b) in any other case the said subsections shall have effect as if in subsection (2) for the reference to the date on which the notice required by the last foregoing paragraph is first published there were substituted a reference to the date on which the order becomes operative under the said section six, and as if in subsection (3) the words from “ and shall become operative ” to the end of the subsection were omitted.

8. In this Schedule the expression “ local authority ” means the council of a county, county borough, county district or parish and the parish meeting of a rural parish not having a separate parish council.

SEVENTH SCHEDULE.

Section 50.

MODIFICATIONS OF PART II OF THE TOWN AND COUNTRY PLANNING ACT, 1944.

Elimination of overlap between owner-occupier supplement and increase of converted value payment.

1.—(1) Where an interest in land the value of which falls to be ascertained in accordance with the provisions of Part II of the Act of 1944 for the purposes of the compensation payable on a compulsory acquisition thereof is an interest in a hereditament or part of a hereditament which has sustained war damage, then if—

- (a) by virtue of section fourteen of the War Damage Act, 1943, or of any direction given by the Treasury under paragraph (b) of subsection (2) of section twenty of that Act, a value payment falls to be made in respect of the damage so far as not made good before the date of the acquisition ; and
- (b) the amount of that payment falls to be increased by virtue of the War Damage (Increase of Value Payments) Order, 1947, or any subsequent order made by the Treasury under section eleven of the said Act ; and
- (c) the person entitled to the compensation payable in respect of the compulsory acquisition of the interest in question is also entitled by virtue of section fifty-eight of the Act of 1944, either as originally enacted or as amended by the Acquisition of Land (Increase of Supplement) Order, 1946, or any subsequent order made by the Treasury under section sixty of that Act, to receive a supplement to that compensation,

the amount of the compensation payable in respect of the compulsory acquisition shall be reduced in the manner provided by this paragraph by such sum as may be appropriate, not exceeding the amount by which the value payment is increased as aforesaid, or the amount of the supplement payable as aforesaid, whichever is the less.

7TH SCH.
—cont.

(2) Any reduction required by virtue of this paragraph to be made in the compensation payable in respect of the compulsory acquisition of an interest in land shall be effected as follows : that is to say, the War Damage Commission shall, on a claim made to the Commission in that behalf within the time and in the manner prescribed by regulations made by the Treasury under this Act, pay to the Minister or authority by whom that interest is compulsorily acquired a sum equal to the amount of the reduction, together with interest thereon at the rate of two and a half per cent. per annum from the date of the acquisition, and shall deduct that amount (including interest thereon as aforesaid) from the amount of any value payment or share of the value payment (including interest on any such payment or share) payable by the Commission under the War Damage Act, 1943, to the person from whom that interest is acquired.

(3) Any sum payable by the War Damage Commission to a Minister or authority by virtue of the provisions of this paragraph in respect of the compulsory acquisition of any interest in land shall be paid at the time when the value payment or share of a value payment payable to the owner of that interest under the War Damage Act, 1943, is discharged.

(4) Any question arising under this paragraph as to what reduction is appropriate in the compensation payable in respect of the compulsory acquisition of an interest in land shall, in default of agreement, be referred to and determined by the War Damage Commission, whose decision shall be final ; and paragraph 6 of the First Schedule to the War Damage Act, 1943 (which enables the Commission to regulate the procedure for the determination of questions subject to determination by them under that Act) shall have effect as if any question falling to be determined by the Commission under this paragraph were a question subject to determination by them under that Act.

(5) Where an interest in land which has been acquired by agreement before the commencement of this Act by a person authorised by virtue of any enactment to acquire it compulsorily is an interest in a hereditament or part of a hereditament which has sustained war damage, then if—

- (a) the conditions specified in sub-paragraphs (1) (a) and (1) (b) of this paragraph are satisfied in relation thereto ; and
- (b) the person to whom the purchase price is payable in respect of the acquisition of the interest in question would, if the interest had been acquired compulsorily, have been entitled to any such supplement as is mentioned in sub-paragraph (1) (c) of this paragraph ;

the amount of the purchase price payable in respect of the acquisition shall be reduced by such sum as may be appropriate, not exceeding the amount by which the value payment is increased as is mentioned in sub-paragraph (1) (b) of this paragraph, or the amount of the supplement which would have been payable as aforesaid, whichever is the less ; and sub-paragraphs (2), (3) and (4) of this paragraph shall apply in relation to the reduction required by virtue of this sub-paragraph to be made in the purchase price as if for any reference in

7TH SCH.
—cont.

those sub-paragraphs to the compulsory acquisition of an interest in land or to the amount of the compensation payable in respect of that acquisition there were substituted respectively a reference to the acquisition of an interest in land by agreement and to the purchase price payable in respect of that acquisition.

(6) The reference in sub-paragraph (2) of this paragraph to the date of acquisition of an interest in land shall be construed as a reference to the date of the completion of the acquisition or, if interest on the compensation, or on the purchase price, as the case may be, becomes payable before that date (whether by virtue of entry on the land or otherwise), as a reference to the date from which the interest becomes payable.

*Assessment of compensation in case of certain agricultural land.*13 & 14 Geo. 5.
c. 9.

2. In subsection (2) of section fifty-seven of the Act of 1944, and paragraph 4 of the Seventh Schedule to that Act, references to agricultural holdings and to holdings as defined for the purposes of the Agricultural Holdings Act, 1923, shall be construed as including references to any land which, if it were held by a tenant, would be a holding as so defined.

Extension of owner-occupier supplement to certain subsidiary companies.

3.—(1) Where an interest in land the value of which falls to be ascertained in accordance with the provisions of Part II of the Act of 1944 for the purposes of the compensation payable on a compulsory acquisition thereof is an interest held by a company having among its objects the holding of land, and being related (as hereinafter defined) to another company which carries on business on land so held, then, without prejudice to the provisions of paragraph (a) of subsection (6) of section fifty-eight of the said Act, or of any regulation made thereunder, subsection (5) of that section shall have effect in relation to that interest as if references in paragraphs (a) to (d) of that subsection to the person entitled to compensation for the purchase of that interest included references to the last mentioned company.

10 & 11 Geo. 6.
c. 47.

(2) For the purposes of this paragraph a company shall be deemed to be related to another company if either of those companies is a subsidiary of the other (as defined by the Companies Act, 1947,) or if both of them are subsidiaries (as so defined) of a third company.

Assessment of compensation by reference to after-damage value

4.—(1) Where under section sixty-one of the Act of 1944, the value of any land in a hereditament which has sustained war damage is for the purpose of a compulsory acquisition required to be ascertained, in accordance with the provisions of the Eighth Schedule to that Act, by reference to the certified after-damage value of the hereditament, then if—

(a) the hereditament consists of premises in respect of which a justices' licence within the meaning of the Licensing (Consolidation) Act, 1910, was in force or in suspense at the time when the war damage occurred ; and

10 Edw. 7 and
1 Geo. 5. c. 24.

(b) between that time and the time when the notice to treat was served there had been any change in the circumstances of the licence, whether by extinction, removal or suspension by virtue of section ten of the Finance Act, 1942, or section twelve of the Finance Act, 1946,

7TH SCH.
—cont.

sub-paragraph (3) of paragraph (1) of the said Eighth Schedule shall have effect as if the change constituted a material difference in the state of the premises and the change shall be taken into account under the said sub-paragraph in determining the value of the premises under the War Damage Act, 1943, by reference to the state of the premises at the time when the notice to treat is served.

9 & 10 Geo. 6.
c. 64.

(2) Neither the right to land tax in respect of any land nor the right to a redemption annuity under the Tithe Act, 1936, in respect of any land shall be taken into account as interests in land under paragraph 2 of the Eighth Schedule to the Act of 1944, but such adjustments of the certified after-damage value of the hereditament shall be made for the purposes of that Schedule as are necessary to produce for those purposes the result which would have been produced therefor if liability to land tax or to any such annuity had been included among the burdens referred to in paragraph 1 (1) (c) of the Second Schedule to the War Damage Act, 1943.

26 Geo. 5 and
1 Edw. 8. c. 43.

EIGHTH SCHEDULE.

Sections 44 and
113.

ENACTMENTS AMENDED.

<i>Enactment amended.</i>	<i>Amendments.</i>
The Electricity (Supply) Act, 1919, 9 & 10 Geo. 5. c. 100.	In section twenty-one, after the words "local authority", in the second place where those words occur, there shall be inserted the words "and the local planning authority within the meaning of the Town and Country Planning Act, 1947", and after the words "county council", in the second place where those words occur, there shall be inserted the words "not being the local planning authority".
The Roads Improvement Act, 1925, 15 & 16 Geo. 5. c. 68.	In section five, in paragraph (b) of the proviso to subsection (1) for the words from "every authority" to the words "such district" there shall be substituted the words "the local planning authority within the meaning of the Town and Country Planning Act, 1947".
The Betting and Lotteries Act, 1934, 24 & 25 Geo. 5. c. 58.	In section six, in subsection (2) for the words "the responsible authority under any planning scheme in force in an area" there shall be substituted the words "the planning authority for any area"; and in subsection (4) for the words "any responsible authority under a planning scheme in force in an area" there shall be substituted the words "the planning authority for any area".

8TH SCH.
—cont*Enactment amended.**Amendments.*

The Betting and Lotteries Act, 1934, 24 & 25 Geo. 5. c. 58.
—cont.

In section seven, in subsection (1) the words from "where the track, or any part thereof," to the words "no such scheme is in force" shall be omitted; for the words "the planning authority have consented to the establishment or continuance of the track" there shall be substituted the words "any planning permission required under Part III of the Town and Country Planning Act, 1947, for the establishment of the track, or for the continuance of the track during the period for which the licence would be in force, has been granted thereunder or is deemed to be so granted"; and for the words "their consent in writing to the licensing authority" there shall be substituted the words "the licensing authority that any planning permission required as aforesaid has been so granted or is deemed to be so granted".

In section twenty, in subsection (1) for the definition of "planning authority" there shall be substituted the following definition:—

"'planning authority' means the local planning authority within the meaning of the Town and Country Planning Act, 1947";

and the definition of "planning scheme" shall be omitted.

The Restriction of Ribbon Development Act, 1935, 25 & 26 Geo. 5. c. 47.

In section four, the words "Where restrictions are in force under the foregoing provisions of this Act" and the words "except at such places as may be permitted by them" shall be omitted, and in the proviso to that subsection for the words from "any means of access" to the end of the subsection there shall be substituted the words "any means of access for the construction, formation or laying out of which planning permission has been granted under Part III of the Town and Country Planning Act, 1947, or which was constructed, formed or laid out before the appointed day within the meaning of the said Act, unless it was constructed, formed or laid out in contravention of restrictions in force under the foregoing provisions of this Act."

The Trunk Roads Act, 1936, 1 Edw. 8 and 1 Geo. 6. c. 5.

In section four, for subsection (1) there shall be substituted the following subsection:—

"(1) In this section, and in the Fourth Schedule to this Act, the expression 'the authority' means, in relation to a trunk

Enactment amended.

The Trunk Roads
Act, 1936, 1 Edw. 8
and 1 Geo. 6. c. 5.
—*cont.*

Amendments.

8TH SCH.
—*cont.*

road, the council of the county or county borough in which the road is situated :

Provided that where the road is situated within a non-county borough or an urban district and, immediately before the road became a trunk road either—

- (a) the road was an unclassified road ; or
- (b) functions of maintenance were exercisable in relation to the road, under section thirty-two of the Local Government Act, 1929, by the council of the borough or district, the said expression means that council."

In the Second Schedule, in the proviso substituted for the proviso to subsection (1) of section five of the Roads Improvement Act, 1925, from the words "local authority for every district" to the words "interim development of that land" there shall be substituted the words "local planning authority within the meaning of the Town and Country Planning Act, 1947".

In the Fourth Schedule, in paragraphs 6 and 7, for the words "sections thirteen to fifteen" there shall be substituted the words "sections thirteen and fourteen".

The Public Health
Act, 1936, 26 Geo.
5. and 1 Edw. 8.
c. 49.

In section fifty-three, in paragraph (ii) of subsection (1) for the words "any provision applicable to the building under a planning scheme" there shall be substituted the words "any condition imposed on the grant of planning permission for that building under Part III of the Town and Country Planning Act, 1947."

The Housing Act,
1936, 26 Geo. 5. &
1 Edw. 8. c. 51.

In section thirty-five, in subsection (2) for the words "any planning scheme or proposed planning scheme" there shall be substituted the words "any development plan within the meaning of the Town and Country Planning Act, 1947."

The Town and
Country Planning
Act, 1944, 7 & 8
Geo. 6. c. 47.

In section fifteen, for the words "this Part of this Act" there shall be substituted the words "Part IV of the Town and Country Planning Act, 1947, not being land comprised in a licensing planning area within the meaning of the Licensing Planning (Temporary Provisions) Acts, 1945 and 1946."

In section nineteen, for the words "local planning authority" wherever those words occur there shall be substituted the words "local authority"; in subsection (1) for the

8TH SCH.
—cont.

Enactment amended.
The Town and Country Planning Act, 1944. 7 & 8 Geo. 6. c. 47.—
cont.

Amendments.

words from "or appropriated" to the end of the subsection there shall be substituted the words "under section thirty-eight or section forty of the Town and Country Planning Act, 1947, or appropriated for purposes for which land can be acquired under those sections and is for the time being held by the authority for the purposes for which it was acquired or appropriated"; in subsection (3) for the words "this Part of this Act" there shall be substituted the words "Part IV of the Town and Country Planning Act, 1947"; in subsection (6) after the word "shall" there shall be inserted the words "in the case of land comprised in an area defined by a development plan as an area of comprehensive development or of land contiguous or adjacent to any such area which is designated by the development plan as subject to compulsory acquisition by the appropriate local authority", for the words "land which the authority have acquired for the purposes of this Part of this Act" there shall be substituted the words "any such land which the authority have acquired as mentioned in subsection (1) of this section", and for the words "accommodation thereon" there shall be substituted the words "thereon accommodation suitable to their reasonable requirements"; in subsection (8) for the words "section forty-two of this Act" there shall be substituted the words "section thirty of the Town and Country Planning Act, 1947"; and in subsection (10) for the words from "land which" to "this Part of this Act" there shall be substituted the words "any such land as is mentioned in subsection (1) of this section".

In section twenty, for the words "local planning authority" wherever those words occur, there shall be substituted the words "local authority"; in subsection (1) for the words from "land which" to "purposes of this Part of this Act" there shall be substituted the words "any such land as is mentioned in subsection (1) of section nineteen of this Act", and for the words "this Part of this Act" in the second and third places where those words occur there shall be substituted the words "Part IV of the Town and Country Planning Act, 1947"; and in subsection (4) for the words "the two last preceding sub-

Enactment amended.

The Town and
Country Planning
Act, 1944, 7 & 8
Geo. 6. c. 47—
cont.

Amendments.

8TH SCH.,
—*cont.*

sections" there shall be substituted the words "subsection (2) of this section".

In section twenty-two, in subsection (1) for the words from "local planning" to "authorised by this Part of this Act" there shall be substituted the words "local authority as mentioned in subsection (1) of section nineteen of this Act or which has been acquired by the Central Land Board under section forty-three of the Town and Country Planning Act, 1947, whether done by the local authority or by any person deriving title under the local authority or under the Board, as the case may be, shall be deemed to be authorised by this section", and for the words "by such an authority" in both places where those words occur there shall be substituted the words "under that Act"; in subsection (2) for the words "other than the local planning or highway authority" there shall be substituted the words "deriving title under the local authority" after the word "appropriated" there shall be inserted the words "or under the Central Land Board", after the word "authority", in the second place where that word occurs there shall be inserted the words "or against the Board, as the case may be", and after the word "authority" in the third and fourth places where that word occurs there shall be inserted the words "or Board"; in subsection (3) for the words from "the terms of an interim development order" to the end of the subsection there shall be substituted the words "permission granted under Part III of the Town and Country Planning Act, 1947, and not otherwise"; and in subsection (4) for the words "local planning or highway authority" there shall be substituted the words "local authority".

In section twenty-three, in subsection (1) for the words from "land which has" to the end of the subsection there shall be substituted the words "any such land as is mentioned in subsection (1) of section nineteen of this Act if he is satisfied that a suitable alternative right of way has been or will be provided, or that the provision thereof is not required"; for subsections (2) and (3) there shall be substituted the following subsections:—

"(2) The Sixth Schedule to the Town and Country Planning Act, 1947, shall

8TH SCH.
—*cont.*

Enactment amended.

The Town and
Country Planning
Act, 1944, 7 & 8
Geo. 6. c. 47—
cont.

Amendments.

apply to an order under this section as it applies to an order under section forty-nine of that Act, and the said Schedule shall, in its application to an order under this section, have effect as if for any reference therein to the Minister of Transport there were substituted a reference to the Minister.

(3) The Minister of Transport or a local highway authority may be authorised to purchase land compulsorily for the purpose of providing any public right of way which is to be provided as an alternative to a right of way extinguished under this section ; and the Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply to the compulsory acquisition of land under this subsection, and accordingly shall have effect—

(a) as if this subsection had been in force immediately before the commencement of that Act ;

(b) as if this subsection were included among the enactments specified in paragraph (b) of subsection (1) of section one of that Act :

Provided that section two of the said Act shall not apply to the compulsory acquisition of land under this subsection."

In subsection (4) for the words "local planning or highway authority" wherever those words occur there shall be substituted the words "local authority", and for the words "subsection (2) of this section" there shall be substituted the words "paragraph 1 of the Sixth Schedule to the Town and Country Planning Act, 1947"; and at the end of the section there shall be added the following subsection :—

"(5) Regulations made under the Town and Country Planning Act, 1947, may provide for securing that any proceedings required to be taken for the purposes of an order under this section may be taken concurrently with any proceedings required to be taken for the purposes of the acquisition of the land over which the right of way

Enactment amended.

The Town and
Country Planning
Act, 1944, 7 & 8
Geo. 6. c. 47—
cont.

Amendments.

is to be extinguished, or for securing that any proceedings required to be taken for the purposes of the acquisition of any other land under subsection (3) of this section may be taken concurrently with either or both of the said proceedings."

8TH SCH.
—*cont.*

In section twenty-four, in subsection (1) for the words "this Part of this Act" there shall be substituted the words "Part IV of the Town and Country Planning Act, 1947"; and in subsection (3) after the word "Minister" there shall be inserted the words "or the Central Land Board".

In section twenty-five, in subsection (1) for the words from "or appropriated" to "acquired the land" there shall be substituted the words "by a purchasing authority under Part IV of the Town and Country Planning Act, 1947, or which has been appropriated by a local authority as mentioned in subsection (1) of section nineteen of this Act", and for the words "authority or that Minister" there shall be substituted the words "purchasing or appropriating authority"; in subsection (2) for the words "authority or Minister" there shall be substituted the words "purchasing or appropriating authority"; in subsection (3) for the words "authority or the said Minister" there shall be substituted the words "purchasing or appropriating authority"; in subsection (4) for the words "local planning or highway authority, the authority" there shall be substituted the words "local authority or on statutory undertakers, the authority or undertakers", after "undertaking" there shall be inserted the words "on whom the notice was served under subsection (1) of this section", and for the words "local planning or highway authority" in the second place where those words occur there shall be substituted the words "authority or undertakers on whom the counter-notice was served"; in subsection (5) after the words "a Minister" in the first place where those words occur there shall be inserted the words "or the Central Land Board", and after the word "he" in both places where it occurs there shall be inserted the words "or they", and after the words

8TH SCH.
—cont.

Enactment amended.

The Town and
Country Planning
Act, 1944, 7 & 8
Geo. 6. c. 47—
cont.

Amendments.

“ a Minister and the appropriate Minister ” there shall be inserted the words “ or the Central Land Board and the appropriate Minister ”; in subsection (8) for the words “ authority or Minister ” there shall be substituted the words “ purchasing or appropriating authority ”; and in subsection (9) after the word “ Minister ” there shall be inserted the words “ or the Central Land Board ”.

In section twenty-six, for the words “ this Part of this Act ” wherever those words occur there shall be substituted the words “ Part IV of the Town and Country Planning Act, 1947 ”; in subsection (1) for the words “ local planning authority ” there shall be substituted the words “ local authority or Minister ”, and for the words from “ an interim development application ” to the end of paragraph (b) there shall be substituted the words “ an application made under Part III of the Town and Country Planning Act, 1947, by a person carrying on the undertaking for permission to develop any such land or by the revocation or modification of permission granted on such an application or by the making of an order under section twenty-six of that Act in relation to any such land ”; in subsection (2) for the words “ local planning authority ” in paragraph (c) there shall be substituted the words “ local authority or Minister ”; and in subsection (5) for the words “ local planning authority ” in both places where those words occur and for the word “ authority ” there shall be substituted the words “ local authority or Minister ”.

In section twenty-seven, in subsection (1) for the words “ the compulsory purchase under this Part of this Act ” there shall be substituted the words “ (a) the compulsory purchase under Part IV of the Town and Country Planning Act, 1947 ”, and for the words “ or the extinguishment thereunder ” there shall be substituted the words:—

“ (b) a decision on an application under Part III of the said Act by a person carrying on the undertaking for permission to develop any such land or the revocation or modification of permission granted on such an application or the making of an order under section twenty-

Enactment amended.

The Town and
Country Planning
Act, 1944, 7 & 8
Geo. 6. c. 47—
cont.

Amendments.

six of that Act in relation to any such
land ; or
(c) the extinguishment under Part IV of
that Act "

and for subsection (5) there shall be substituted the following subsection :—

" (5) In relation to an order made under this section, subsections (1) to (3) of section eleven of the Town and Country Planning Act, 1947, shall apply, subject to any necessary modifications, as they apply in relation to a development plan approved by the Minister under that Act, and accordingly the said subsection (1) shall have effect as if for the reference therein to the local planning authority there were substituted a reference to the appropriate Minister :

Provided that where any such order is subject to special parliamentary procedure, then—

(a) if the order is confirmed by Act of Parliament under section six of the Statutory Orders (Special Procedure) Act, 1945, subsections (2) and (3) of the said section eleven shall not apply ;

(b) in any other case those subsections shall have effect in relation to the order as if in subsection (2) for the reference to the date on which the notice required by subsection (1) of the said section eleven is first published there were substituted a reference to the date on which the order becomes operative under section six of the Statutory Orders (Special Procedure) Act, 1945, and as if in subsection (3) the words from ' and shall become operative ' to the end of the subsection were omitted."

In section twenty-eight, in subsections (1) and (4) for the words from " or appropriated " to " Minister thereunder " in both places where those words occur there shall be substituted the words " by a purchasing authority under Part IV of the Town and Country Planning Act, 1947, or which has been appropriated by a local authority as mentioned in subsection (1) of section nineteen of this Act ", and for paragraph (a) of those subsections respectively

8TH SCH.

—cont.

8TH SCH.
—cont.

Enactment amended.
The Town and
Country Planning
Act, 1944, 7 & 8
Geo. 6. c. 47—
cont.

Amendments.

there shall be substituted the following paragraph:—

“(a) in the case of land acquired by a purchasing authority other than a Minister, or of land appropriated by a local authority as aforesaid, by that authority or by any other person, if that use conforms with planning control;”; in subsection (5) after the words “government department” there shall be inserted the words “or the Central Land Board”; and in subsection (8) for the words “local planning or highway authority” there shall be substituted the words “local authority”.

In section twenty-nine, in subsection (1) for the words from “or appropriated” to the words “Minister thereunder” there shall be substituted the words “by a purchasing authority under Part IV of the Town and Country Planning Act, 1947, or which has been appropriated by a local authority as mentioned in subsection (1) of section nineteen of this Act”, and for paragraph (a) there shall be substituted the following paragraph:—

“(a) in the case of land acquired by a purchasing authority other than a Minister or of land appropriated by a local authority as aforesaid, by that authority or by any other person, if that use conforms with planning control;”; in subsection (2) for the words “meanings assigned to them respectively by section fourteen of this Act” there shall be substituted the words “same meanings as in the Acquisition of Land (Authorisation Procedure) Act, 1946”; and in subsection (3) for the words “local planning or highway authority” there shall be substituted the words “local authority”.

In section thirty, in subsection (1) for the words from “land acquired” to “this Part of this Act” there shall be substituted the words “any such land as is mentioned in subsection (1) of section nineteen of this Act”, and after the word “accommodation” in the first place where that word occurs there shall be inserted the words “suitable to the reasonable requirements of those persons”; in subsection (2) for the words “under this Part of this Act” there shall be substituted the words “by a local authority under section thirty-eight of the Town and Country Planning Act, 1947”; in subsection (3) for the words from “local

Enactment amended.

The Town and
Country Planning
Act, 1944, 7 & 8
Geo. 6. c. 47—
cont.

Amendments.

8TH SCH.
—*cont.*

planning" to "this Part of this Act" there shall be substituted the words "local authority as is mentioned in subsection (1) of section nineteen of this Act"; in subsection (4) for the words from "which has been acquired or" to "Minister thereunder" there shall be substituted the words "on land which has been acquired or appropriated by a local authority as mentioned in subsection (1) of section nineteen of this Act or which has been acquired by the Central Land Board or a Minister under Part IV of the Town and Country Planning Act, 1947"; in subsection (5) for the words "local planning or highway authority" there shall be substituted the words "local authority, the Central Land Board", and for the words from "or appropriated" to "this Part of this Act" there shall be substituted the words "by the local authority, Board or Minister under Part IV of the Town and Country Planning Act, 1947, or which has been appropriated by the local authority as mentioned in subsection (1) of section nineteen of this Act".

In section forty-seven, in subsection (1) for the words "local planning or highway authority or a county council" there shall be substituted the words "local authority", and for the words "this Part of this Act" there shall be substituted the words "Part IV of the Town and Country Planning Act, 1947".

In section forty-nine, for the words "this Act" in both places where those words occur there shall be substituted the words "the Town and Country Planning Act, 1947".

In section sixty-five, in subsection (1) in the definitions of "appropriate Minister" and "statutory undertaking" for the words "meaning assigned to it by section thirteen of this Act" there shall be substituted the words "same meaning as in the Town and Country Planning Act, 1947", and for the definition of "purchasing authority" there shall be substituted the following definition:—

" 'purchasing authority' means a Minister, the Central Land Board, a local authority or any statutory undertakers purchasing under Part IV of the Town and Country Planning Act, 1947; "

and at the end of that section there shall be added the following subsection:—

8TH SCH.
—cont.

Enactment amended.

The Town and
Country Planning
Act, 1944, 7 & 8
Geo. 6. c. 47—
cont.

Amendments.

“(4) Any reference in this Act to the Town and Country Planning Act, 1947, or to Part IV of that Act shall be construed as including a reference to any provisions of this Act incorporated with the said Part IV.”

In the First Schedule, in sub-paragraph (c) of paragraph 1 for the word “thereof” there shall be substituted the words “of this Act”.

In the Fourth Schedule, for sub-paragraphs (a) (b) and (c) of paragraph 1 there shall be substituted the following paragraphs:—

“(a) in respect of any decision given under paragraph 1 of the Fifth Schedule to the Town and Country Planning Act, 1947, refusing permission to develop operational land or granting such permission subject to conditions;

(b) in respect of any decision given by a government department under paragraph 2 of that Schedule refusing the authorisation of that department in respect of any development of such land, or directing that permission to develop such land shall be deemed to be granted subject to conditions;

(c) in respect of any order made under paragraph 3 of that Schedule revoking or modifying permission to develop such land;

(d) in respect of any order made under paragraph 4 of that Schedule in relation to such land;

(e) in respect of the extinguishment of any right, or the imposition of any requirement, under section twenty-five of this Act as applied for the purposes of Part IV of the said Act;

(f) in respect of any such compulsory purchase as is mentioned in subsection (5) of section forty-five of the said Act;”

and in sub-paragraph (4) of paragraph 2 after the words “modification of permission” there shall be inserted the words “or order under paragraph 4 of the Fifth Schedule to the Town and Country Planning Act, 1947”, and in sub-paragraph (3) of paragraph 3 for the words “authority or Minister” there shall be substituted the word “person”.

Enactment amended.

The Town and
Country Planning
Act, 1944, 7 & 8
Geo. 6. c. 47—
cont.

Amendments.

8TH SCH.
—*cont.*

In paragraph 9 of the Fifth Schedule, in sub-paragraph (1) for the words "by an order made" to "four or nine thereof" there shall be substituted the words—

"by a development plan under the Town and Country Planning Act, 1947, as subject to compulsory acquisition; or

(b) in land which is proposed to be acquired compulsorily under subsection (2) of section thirty-seven or subsection (2) of section thirty-eight of that Act;"

for the words "by an order under any enactment in Part I of this Act confirmed or made" there shall be substituted the words "under Part IV of the Town and Country Planning Act, 1947"; after the words "the said Part III" in the second place where those words occur there shall be inserted the words "of the Housing Act, 1936"; and for the words "Part I of this Act" in the third place where those words occur there shall be substituted the words "Part IV of the Town and Country Planning Act, 1947"; and in sub-paragraph (4) for the words "any enactment in Part I of this Act" there shall be substituted the words "Part IV of the Town and Country Planning Act, 1947"; and after the words "the said Part III" there shall be inserted the words "of the Housing Act, 1936."

In the Sixth Schedule, in sub-paragraph (2) of paragraph 1 for the words "section seventeen of this Act" there shall be substituted the words "subsection (2) of section thirty-nine of the Town and Country Planning Act, 1947," and in sub-paragraph (4) of that paragraph after the word "modified" there shall be inserted the words "by the Second Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946"; in paragraph 2 and in sub-paragraphs (2) and (6) of paragraph 3 for the words "this Act" there shall be substituted the words "the Acquisition of Land (Authorisation Procedure) Act, 1946", and in the said sub-paragraph (2) of paragraph 3 the words "or the draft of the order or the application therefor as the case may be" shall be omitted; in paragraph 8 for the words "Part I of this Act" there shall be substituted the words "the Acquisition of Land (Authorisation Procedure) Act, 1946"; and paragraph 12 shall be omitted.

8TH SCH.
—cont.

Enactment amended.

The Licensing Planning (Temporary Provisions) Act, 1945, 8 & 9 Geo. 6. c. 15.

The Distribution of Industry Act, 1945, 8 & 9 Geo. 6. c. 36.

The Requisitioned Land and War Works Act, 1945, 8 & 9 Geo. 6. c. 43.

The Trunk Roads Act, 1946, 9 & 10 Geo. 6. c. 30.

Amendments.

In section ten, the words "except the City of London" wherever those words occur shall be omitted, and at the end of paragraph (a) of subsection (2) there shall be inserted the following sub-paragraph:—

"(iv) such number of members as may be prescribed by order of the Secretary of State, appointed from amongst their number by the Licensing Justices for the City of London, and an equal number of members appointed, after consultation with the Common Council of the City of London, by the London County Council; and"

and for subsection (1) of section thirteen there shall be substituted the following subsection:—

"(1) In this Act the expression 'local planning authority' means the local planning authority within the meaning of the Town and Country Planning Act, 1947."

In the Second Schedule, in paragraph 8 of Part III, for the words "section forty-two of the Town and Country Planning Act, 1944" there shall be substituted the words "section thirty of the Town and Country Planning Act, 1947".

In subsection (1) of section fifty-nine, for the definition of "local planning authority" there shall be substituted the following definition:—

"'local planning authority' means the local planning authority within the meaning of the Town and Country Planning Act, 1947".

In section five, in subsection (1) for the words "by whom functions are exercisable under section one and section two of the said Act" there shall be substituted the words "within the meaning of section four of the principal Act".

In the Fourth Schedule, in the subsection substituted in relation to London for subsection (1) of section four of the Trunk Roads Act, 1936, for the words from "and the functions" to the end of the subsection there shall be substituted the words "and for the purposes of this section and of the Fourth Schedule to this Act, the expression 'the authority' means, in relation to any such road, the London County Council".

*Enactment amended.**Amendments.*

8TH SCH.

—cont.

- The Building Restrictions (War-Time Contraventions) Act, 1946, 9 & 10 Geo. 6. c. 35.
- In section seven, in subsection (1) for the definition of "authority responsible for enforcing planning control" there shall be substituted the following definition :—
- " ' authority responsible for enforcing planning control ' means, in relation to any works on land or use of land, the authority empowered by virtue of section seventy-five of the Town and Country Planning Act, 1947, to serve an enforcement notice in respect thereof under Part III of that Act or the authority who would be so empowered if the works had been carried out, or the use begun, otherwise than in compliance with planning control."
- In subsection (5) of the said section seven, for the words from "section thirteen" to the end of the subsection there shall be substituted the words "section seventy-five of the Town and Country Planning Act, 1947".
- The Acquisition of Land (Authorisation Procedure) Act, 1946, 9 & 10 Geo. 6. c. 49.
- In section two, in subsection (6) for the words "that Act" there shall be substituted the words "Part IV of the Town and Country Planning Act, 1947".
- In section three, in subsection (2) for the words "that is to say, the council specified in subsection (1) of section two of the Town and Country Planning Act, 1932" there shall be substituted the words "within the meaning of section four of the Town and Country Planning Act, 1947"; in the First Schedule, in paragraph 15, sub-paragraph (2) shall be omitted.
- The Licensing Planning (Temporary Provisions) Act, 1946, 9 & 10 Geo. 6. c. 53.
- In subsection (4) of section three, the words "except the City of London" shall be omitted.
- The New Towns Act, 1946, 9 & 10 Geo. 6. c. 68.
- In section three, in subsection (2) for the words "section ten of the Town and Country Planning Act, 1932, a special interim development order" there shall be substituted the words "section thirteen of the Town and Country Planning Act, 1947, a special development order", and for the words "interim development authority" there shall be substituted the words "local planning authority".

8TH SCH.
—cont.

Enactment amended.

The New Towns Act, 1946, 9 & 10 Geo. 6. c. 68—cont.

Amendments.

In section six, in subsection (3) for the words "section forty-two of the Town and Country Planning Act, 1944" there shall be substituted the words "section thirty of the Town and Country Planning Act, 1947".

In the Fourth Schedule, after the modification of subsection (1) of section sixteen of the Act of 1944 there shall be inserted the words "subsection (3) shall be omitted"; at the end of the modification of section twenty-two of the said Act there shall be added the words "and in subsection (3) for the words from 'the terms of an interim development order' to the end of the subsection there shall be substituted the words 'permission granted under Part III of the Town and Country Planning Act, 1947'"; and in the modification of section sixty-five of the said Act for the words "and 'loan charges' shall not apply" there shall be substituted the words "'interim development application', 'interim development authority', 'loan charges' and 'planning scheme' shall not apply, in the definition of 'local planning authority' for the words 'has the meaning assigned to it by section fifty-five of this Act' there shall be substituted the words 'means the local planning authority within the meaning of the Town and Country Planning Act, 1947'."

The Civil Aviation Act, 1946, 9 & 10 Geo. 6. c. 70.

In section thirty, in subsection (1) after the word "shall" in the first place where that word occurs there shall be inserted the words "as amended by the Town and Country Planning Act, 1947", and for the words "Part I of that Act" there shall be substituted the words "Part IV of the last mentioned Act".

NINTH SCHEDULE.

Sections 113,
120.

ENACTMENTS REPEALED.

PART I.

ENACTMENTS REPEALED AS FROM PASSING OF THIS ACT.

Session and Chapter.	Enactment repealed.	Extent of repeal.
7 & 8 Geo. 6. c. 47	The Town and Country Planning Act, 1944.	In section twenty-four, in subsection (2) the words from "and section fifty-seven" to the end of the subsection; in section twenty-six, in paragraph (b) of subsection (2) the words from "including" to the end of the paragraph; sections fifty-seven to sixty-two; in section sixty-four, the words "except in so far as is otherwise provided by this Act"; in the Sixth Schedule, in sub-paragraph (4) of paragraph 1 the words "and as amended by Part II of this Act", and in sub-paragraph (1) of paragraph 5 the words "or the amount of any sum payable as a supplement thereto" and the words "together, if any sum is payable as a supplement thereto, with the amount of that sum"; and the Seventh and Eighth Schedules.
8 & 9 Geo. 6. c. 43.	The Requisitioned Land and War Works Act, 1945.	In section forty-one, subsection (7) and paragraph (c) of subsection (8).
9 & 10 Geo. 6. c. 70.	The Civil Aviation Act, 1946.	In the Third Schedule, paragraph 10; in the Fourth Schedule, paragraphs 4 and 5 and paragraph (b) of the proviso to paragraph 6; and in the Sixth Schedule, paragraphs 2 and 3 and paragraph (b) of the proviso to paragraph 4.
9 & 10 Geo. 6. c. 68.	The New Towns Act, 1946.	In section four, in subsection (7) the words from "and that Part II" to the end of the subsection.

PART II.

ENACTMENTS REPEALED AS FROM APPOINTED DAY.

Session and Chapter.	Enactment repealed.	Extent of repeal.
52 & 53 Vict. c. 27.	The Advertising Stations (Rating) Act, 1889.	Section five.
7 Edw. 7. c. 27.	The Advertisements Regulation Act, 1907.	The whole Act.
7 Edw. 7. c. 53.	The Public Health Acts Amendment Act, 1907.	Section ninety-one.
15 & 16 Geo. 5. c. 52.	The Advertisements Regulation Act, 1925.	The whole Act.
15 & 16 Geo. 5. c. 68.	The Roads Improvement Act, 1925.	In section five, the proviso to subsection (7).
16 & 17 Geo. 5. c. 11.	The Law of Property (Amendment) Act, 1926.	In the Schedule, in the subsection substituted for subsection (7) of section fifteen of the Land Charges Act, 1925, paragraph (a), sub-paragraph (ii) of paragraph (b) and the word "scheme" where that word last occurs.
18 & 19 Geo. 5. c. 32.	The Petroleum (Consolidation) Act, 1928.	Section eleven.
21 & 22 Geo. 5. c. 16.	The Ancient Monuments Act, 1931.	Section two.
22 & 23 Geo. 5. c. 48.	The Town and Country Planning Act, 1932.	The whole Act.
23 & 24 Geo. 5. c. 51.	The Local Government Act, 1933.	In the Seventh Schedule, the words "The Town and Country Planning Act, 1932."
25 & 26 Geo. 5. c. 47.	The Restriction of Ribbon Development Act, 1935.	Sections one to three; sections five to twelve; in paragraph (a) of subsection (3) of section thirteen the words from "or which is for the time being" to the end of that paragraph; section fifteen; the proviso to subsection (1) and subsection (2) of section eighteen; subsections (2), (3) and (4) of section nineteen; subsection (1) of section twenty-three; subsection (1) of section twenty-four except the defi-

Session and Chapter.	Enactment repealed.	Extent of repeal.
25 & 26 Geo. 5. c. 47. — <i>cont.</i>	The Restriction of Ribbon Development Act, 1935— <i>cont.</i>	nitions of "building", "chief officer of police", "land", "middle of the road", "Minister", "owner", "place of public resort", "proposed road", "road" and "statutory undertakers", and subsection (2) of that section; and the First, Second and Third Schedules.
26 Geo. 5 & 1 Edw. 8. c. 49.	The Public Health Act, 1936.	In section one hundred and seven, in subsection (1) the words "but not for the purposes of any planning scheme in operation on the said date"; and in section three hundred and forty-three, in subsection (1) the definition of "planning scheme".
26 Geo. 5. & 1 Edw. 8. c. 51.	The Housing Act, 1936.	In section sixteen, in subsection (4) the words "and of any planning scheme in operation in the area." In section one hundred and eighty-eight, in subsection (1) the definition of "planning scheme."
1 Edw. 8 and 1 Geo. 6. c. 5.	The Trunk Roads Act, 1936.	Subsections (2) to (5) of section four, and in the Fourth Schedule, paragraphs 1 to 4 and in paragraph 5 the words from "subject to restrictions in force" to the words "expenses incurred in so doing" and the proviso to that paragraph.
2 & 3 Geo. 6. c. 22.	The Camps Act, 1939.	Subsection (2) of section three.
2 & 3 Geo. 6. c. 31.	The Civil Defence Act, 1939.	Section seventy.
2 & 3 Geo. 6. c. 40.	The London Government Act, 1939.	In the Fifth Schedule, the words "The Town and Country Planning Act, 1932."
6 & 7 Geo. 6. c. 5.	The Minister of Town and Country Planning Act, 1943.	Subsection (1) of section six and the First Schedule.

9TH SCH.
—cont.

Session and Chapter.	Enactment repealed.	Extent of repeal.
6 & 7 Geo. 6. c. 29.	The Town and Country Planning (Interim Development) Act, 1943.	The whole Act.
6 & 7 Geo. 6. c. 34.	The Restriction of Ribbon Development (Temporary Development) Act, 1943.	The whole Act.
7 & 8 Geo. 6. c. 47.	The Town and Country Planning Act, 1944.	Sections one to fourteen, sections sixteen to eighteen, subsection (3) of section twenty, section twenty-one, sections thirty-one to forty-six, sections fifty to fifty-six, in subsection (1) of section sixty-five the definitions of "clearing", "ecclesiastical property", "first local advertisement", "interim development application", "interim development authority", "loan charges", "local highway authority", "local planning authority", "planning scheme", "purchase order providing for expedited completion", "Valuation Office" and "war damage"; subparagraphs (1) (a), (1) (b) and (1) (d) of paragraph 1, and the word "or" at the end of subparagraph (a) and subparagraph (b) of paragraph 3 of the First Schedule, the Second and Third Schedules, paragraphs 1 to 8 and 10 of the Fifth Schedule, and paragraph 12 of the Sixth Schedule.
8 & 9 Geo. 6. c. 15.	The Licensing Planning (Temporary Provisions) Act, 1945.	Subsection (5) of section ten and subsections (2) and (3) of section thirteen.
8 & 9 Geo. 6. c. 36.	The Distribution of Industry Act, 1945.	Sections six, nine and ten.
9 & 10 Geo. 6. c. 18.	The Statutory Orders (Special Procedure) Act, 1945.	In section eight, in subsection (2), paragraph (a) and the words from "requirements imposed" to the words "by order, and the". In the Second Schedule, in the amendments of the Town and

Session and Chapter.	Enactment repealed.	Extent of repeal.
9 & 10 Geo. 6. c. 18 —cont.	The Statutory Orders (Special Procedure) Act, 1945—cont.	Country Planning Act, 1944, the words "subsections (4) and (5) of section thirteen," "subsections (1) and (2) of section fourteen," "subsection (3) of section thirty-five," and "paragraphs (d) and (e) of subsection (1) of section thirty-six,"; and the words from "section sixteen" to "were omitted".
9 & 10 Geo. 6. c. 30.	The Trunk Roads Act, 1946.	In section three, the proviso to subsection (2) and subsection (3); in section four, in subsection (2) the words from "and without prejudice" to the end of the subsection; in section eight, subsection (5); in section twelve, subsection (2); and in the Third Schedule, in the amendment of section four of the Trunk Roads Act, 1936, the words from the beginning to "as the case may be".
9 & 10 Geo. 6. c. 35.	The Building Restrictions (War-Time Contraventions) Act, 1946.	Subsection (2) of section four.
9 & 10 Geo. 6. c. 49.	The Acquisition of Land (Authorisation Procedure) Act, 1946.	Paragraph (c) of subsection (4) of section one; in section two, in subsection (1) the words "or of the Town and Country Planning Act, 1944", and in subsection (4) the words "the Town and Country Planning Act, 1944"; in the First Schedule, sub-paragraph (2) of paragraph 15, and in the Second Schedule, in paragraph 9 the words "or in subsection (4) of section eighteen of the Town and Country Planning Act, 1944."
9 & 10 Geo. 6. c. 68.	The New Towns Act, 1946.	Subsections (3) and (4) of section three and the Third Schedule.

TENTH SCHEDULE.

**TRANSITORY PROVISIONS AND PROVISIONS CONSEQUENTIAL
ON REPEALS.**

1. Any application for permission to develop land made to the interim development authority before the appointed day under section ten of the Act of 1932, and any application for permission to develop land made to the responsible authority under a planning scheme, being in either case an application which has not been determined by that authority before that day, shall be treated for the purposes of this Act as an application made to the local planning authority for planning permission for the like development, and shall be treated as having been so made on the appointed day.

2. Where an application for any such permission as aforesaid, made to the interim development authority or the responsible authority before the appointed day, has been determined by that authority before that day and no appeal has been brought against the decision, then if the period during which such an appeal could have been brought before the appointed day has not expired, the decision of the interim development authority or the responsible authority, as the case may be, shall be treated for the purposes of section sixteen of this Act as the decision of a local planning authority on an application for planning permission.

3. Any appeal to the Minister from the decision of the interim development authority or the responsible authority on any such application as aforesaid which is pending on the appointed day shall be treated as an appeal to the Minister under section sixteen of this Act :

Provided that where under subsection (5) of section ten of the Act of 1932, any such hearing as is required by that subsection has been held before the appointed day, the proviso to subsection (2) of section fifteen of this Act shall not apply in relation to the appeal.

4. Any direction given before the appointed day under section six of the Town and Country Planning (Interim Development) Act, 1943, requiring any such application as aforesaid to be referred to the Minister shall be treated as a direction given by the Minister to the local planning authority under section fifteen of this Act :

Provided that where, under section six of the Town and Country Planning (Interim Development) Act, 1943, any such hearing as is required by that section has been held before the appointed day, the proviso to subsection (2) of section fifteen of this Act shall not apply in relation to the application.

10TH SCH.
—cont.

5. Any application for consent for the development of land made by a local authority before the appointed day under section thirty-two of the Act of 1944 which has not been finally determined before that day shall be treated for the purposes of this Act as if it were an application for planning permission for the like development made by a local planning authority in pursuance of regulations made under section thirty-five of this Act.

6. Any order made before the appointed day by an authority empowered in that behalf by an interim development order in pursuance of subsection (8) of section ten of the Act of 1932 and any order made before that day by the Minister under subsection (2) of section thirty-nine of the Act of 1944, shall continue in force after that day and have effect as if it were included in a development order in pursuance of subsection (4) of section thirteen of this Act.

7. Notwithstanding the repeal by this Act of the Act of 1932, any scheme made under that Act and any such scheme as is mentioned in section fifty-four of that Act, being a scheme which is in force immediately before the appointed day shall, so far as it relates to the following matters, that is to say—

- (a) the designation of responsible authorities, and the constitution of joint bodies as responsible authorities ;
- (b) the preservation of trees and the protection of woodlands ;
- (c) the control of advertisements in areas protected under section forty-seven of the Act of 1932 ;
- (d) the execution of street works, and the recovery of charges in respect thereof, by the responsible authority ; and
- (e) the suspension of any enactment contained in a local Act or of any byelaws, orders or regulations ;

continue in force until it is determined, in relation to any such matter as aforesaid, by an order made by the Minister, and the provisions of that Act, or of the Town Planning Act, 1925, as the case may be, shall have effect in relation to any such scheme accordingly.

15 & 16 Geo. 5.
c. 16

8. Any order made by the Minister under the last foregoing paragraph may make such provision as the Minister considers expedient for winding up the scheme, including provision—

- (a) for the dissolution of any joint body constituted as the responsible authority thereunder ;
- (b) for the transfer to such authorities as may be prescribed by the order of officers, property, rights and liabilities of any such body, and for the compensation of any such officers.

9. Notwithstanding the repeal by this Act of section seventeen of the Act of 1932 and sections forty-two and forty-three of the Act of 1944—

- (a) any order made by a local planning authority or by the council of any county district under the said section seventeen

10TH SCH
—cont.

which is in force immediately before the appointed day shall so far as is consistent with the provisions of section twenty-nine of this Act, continue in force and have effect as if it had been made by the local planning authority under that section; and any such order may be amended or revoked under this Act accordingly;

- (b) any list compiled or approved by the Minister under the said section forty-two before the appointed day shall continue in force and have effect as if it had been compiled or approved by him under section thirty of this Act, and may be amended under that section accordingly, and subsection (3) of the said section thirty shall apply to any copy of any such list or of amendments thereto deposited before the appointed day with the clerk of the council of any county borough or county district.

10. Subject as hereinafter provided, any agreement for restricting the planning, development or use of land made under section thirty-four of the Act of 1932 with any such authority as is mentioned in subsection (2) of that section, or made or having effect as if made under a planning scheme with the responsible authority for the purposes of the scheme, shall, if in force on the appointed day, continue in force in accordance with the terms thereof and may be enforced under the said section thirty-four or under the scheme, as the case may be:

Provided that—

- (a) nothing in any such agreement shall be construed as restricting the exercise, in relation to land to which any such agreement applies, of any powers exercisable by any Minister or authority under this Act so long as those powers are exercised in accordance with the provisions of the development plan or in accordance with any directions which may have been given by the Minister under section thirty-six of this Act, or as requiring the exercise of any such powers otherwise than as aforesaid;
- (b) if the Minister is satisfied, on application made to him by any person being a party to any such agreement, or a person entitled to land affected thereby or by the local planning authority, that any restriction on the development or use of the land imposed by the agreement is inconsistent with the proper planning or development of the area comprising the land, he may by order discharge or modify that restriction so far as appears to him to be expedient;
- (c) without prejudice to the provisions of the foregoing paragraph, if any person being a party to any such agreement (whether as originally made or as modified under the foregoing paragraph), or a person entitled to land affected thereby, claims that the agreement ought to be modified or rescinded having regard to the provisions of this Act or anything done thereunder, he may refer to arbitration the question whether the agreement should be so modified or rescinded, and the arbitrator may make such award as appears to him to be just having regard to all the circumstances.

11. Where any such agreement as is mentioned in the last foregoing paragraph is modified or rescinded (whether by agreement or by virtue of the exercise of any powers conferred by sub-paragraph (b) or (c) of the proviso to that paragraph) at any time within three years after the appointed day, then if it appears to the Minister that it is reasonable so to do having regard to the terms on which the agreement was made and to any loss or damage sustained by any person having an interest in land affected by the agreement by reason of the provisions of this Act or of anything done thereunder, he may direct that the development value of that interest in the land, or in any part thereof, shall be calculated for the purposes of Part VI of this Act as if the agreement had been so modified or rescinded immediately before the appointed day.

12. The repeal of section fifty-one of the Act of 1932 shall not affect the rights of any person arising under that section in consequence of any event occurring before the appointed day.

13. Provision may be made by regulations under this Act for securing—

- (a) that any application to a highway authority under the Restriction of Ribbon Development Act, 1935, for any consent which that authority have power to give under section one or section two of that Act, being an application which has not been determined by that authority before the appointed day, shall be treated for the purposes of this Act as an application made to the local planning authority for planning permission, and shall be treated as having been so made on the appointed day ;
- (b) that any decision of a highway authority on an application for such a consent under the Restriction of Ribbon Development Act, 1935, shall, unless the applicant has appealed against that decision under section seven of that Act before the appointed day, be treated for the purposes of section sixteen of this Act as the decision of a local planning authority on an application for planning permission ; and
- (c) that any appeal to the Minister of Transport under the said section seven which is pending on the appointed day shall be treated as an appeal to the Minister under section sixteen of this Act :

Provided that where under the said section seven any such local inquiry as is required by that section has been held before the appointed day, the proviso to subsection (2) of section fifteen of this Act shall not apply in relation to any such appeal.

14. Notwithstanding the repeal by this Act of the Restriction of Ribbon Development (Temporary Development) Act, 1943, an Order in Council may be made under subsection (6) of section one of that Act for appointing the date on which the present war period within the meaning of that Act is to end.

15. Notwithstanding the repeal by this Act of section eight of the Town and Country Planning (Interim Development) Act, 1943, any order made by an interim development authority under that section for the preservation of trees and woodlands pending the coming into

10TH SCH.
—cont.

operation of a scheme under the Act of 1932, being an order which is in force immediately before the appointed day, shall, so far as is consistent with the provisions of section twenty-eight of this Act, continue in force and have effect as if it had been made by the local planning authority under that section, and as if for references therein to the interim development authority there were substituted references to the local planning authority; and any such order may be amended or revoked under this Act accordingly.

16. Where, at any time before the appointed day, application has been made to the Minister for an order under section one of the Act of 1944 declaring any land to be subject to compulsory purchase under Part I of that Act, the Minister may, if he thinks fit, direct that proceedings on the application shall be continued under that Act after that day; and where any such direction is given, section one of the Act of 1944, and section thirteen of that Act and the First Schedule to that Act so far as they relate to an order under the said section one, shall continue to apply in relation to the application, and an order may be made thereon accordingly.

17. Where any order has been made before the appointed day under section one of the Act of 1944 declaring any land to be subject to compulsory purchase under Part I of that Act or where any such order has been made after the appointed day by virtue of the last foregoing paragraph, the provisions of Part IV of this Act shall apply as if the land were comprised in an area defined by the development plan under Part II of this Act as an area of comprehensive development, and were designated as subject to compulsory acquisition under this Act by the appropriate local authority, and section sixteen of the Act of 1944 (which relates to the validity and date of operation of such orders) shall, notwithstanding the repeal of that section, apply in relation to any such order:

Provided that—

- (a) this paragraph shall not apply to any operational land of statutory undertakers unless an order made under paragraph (b) of subsection (5) of section thirteen of the Act of 1944 declaring that it is expedient that the land should be subject to compulsory purchase has taken effect;
- (b) nothing in this paragraph shall be construed as restricting the power of the Minister of Works or the Postmaster General to acquire any land to which this paragraph applies under subsection (2) of section thirty-seven of this Act.

18. Any compulsory purchase order made or prepared in draft under Part I of the Act of 1944 before the appointed day may be confirmed or made in accordance with the provisions of that Part after that day, and any such order, and any compulsory purchase order confirmed or made under that Part before the appointed day, shall continue in force and have effect as if it had been made under the Acquisition of Land (Authorisation Procedure) Act, 1946 as applied by Part IV of this Act.

19. For the purposes of the Act of 1944 as amended by this Act—
- (a) any land acquired by a Minister in pursuance of any such order as is mentioned in the last foregoing paragraph shall be deemed to have been acquired under section thirty-seven of this Act ;
 - (b) any land acquired by a local authority in pursuance of any such order as aforesaid shall be deemed to have been acquired under section thirty-eight of this Act ;
 - (c) any land acquired by a local authority by agreement under the Act of 1944 shall be deemed to have been acquired under section forty of this Act.

10TH SCH.
—cont.

20. The Secretary of State may by order revoke or vary any order made under the Licensing Planning (Temporary Provisions) Acts, 1945 and 1946, so far as may be necessary or expedient in consequence of the provisions of this Act amending those Acts, or in consequence of any order made under section four of this Act constituting a joint board as the local planning authority in any area which comprises, or the whole or part of which is included in, a licensing planning area, but subject as aforesaid nothing in this Act or in any order made under the said section four shall affect the validity of any order made under the said Acts before the appointed day, or before the date of the order under the said section four, as the case may be, or of anything done under any such order.

ELEVENTH SCHEDULE.

Section 113.

UNREPEALED PROVISIONS OF THE TOWN AND COUNTRY PLANNING ACT, 1944, REPRINTED AS AMENDED BY THIS ACT.

15. Where land purchased under Part IV of the Town and Country Planning Act, 1947, not being land comprised in a licensing planning area within the meaning of the Licensing Planning (Temporary Provisions) Acts, 1945 and 1946, comprises premises in respect of which an old on-licence is in force, the following provisions shall have effect :—

Provisions as to
purchase of
licensed
premises.

- (a) the purchasing authority, before purchasing the premises, may undertake that in the event of the renewal of the licence being refused, they will repay to the compensation authority towards the compensation payable on such refusal under the Licensing (Consolidation) Act, 1910, such contribution as may be specified in the undertaking, and any sum payable by the purchasing authority in pursuance of such an undertaking shall be treated as part of their expenses in purchasing the land ;
- (b) if, after purchasing or contracting to purchase the premises, the purchasing authority intimate to the licensing justices that they are willing to surrender the licence, the licensing justices may refer the matter to the compensation authority and that authority, on being satisfied that the licence, if not

10 Edw. 7 &
1 Geo. 5. c. 24.

11TH SCH.
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surrendered, might properly have been dealt with as a redundant licence, shall contribute out of the compensation fund towards the compensation paid by the purchasing authority in respect of the purchase of the premises a sum not exceeding the compensation which would have been payable under the Licensing (Consolidation) Act, 1910, on the refusal of the renewal of the licence.

Disposal or appropriation by local authorities of land held by them for purposes of Part IV of the Town and Country Planning Act, 1947.

19.—(1) The following provisions of this section shall have effect with respect to the disposal or appropriation by a local authority of land which has been acquired under section thirty-eight or section forty of the Town and Country Planning Act, 1947, or appropriated for purposes for which land can be acquired under those sections, and is for the time being held by the authority for the purposes for which it was acquired or appropriated.

(2) Subject to the provisions of subsections (4) and (5) of this section, the authority may dispose of any such land to such person, in such manner and subject to such conditions as may appear to them to be expedient in order to secure the best use of that or other land and any buildings or works which have been, or are to be, erected, constructed or carried out thereon, whether by themselves or by any other person, or to secure the erection, construction or carrying out thereon of any buildings or works appearing to them to be needed for the proper planning of the area of the authority.

(3) Subject to the provisions of subsection (4) of this section, the authority may appropriate any such land for any purpose for which they are or may be authorised in any capacity to acquire land by virtue of or under any enactment other than Part IV of the Town and Country Planning Act, 1947, and, in relation to an appropriation under this subsection, subsections (2) and (3) of section one hundred and sixty-three of the Local Government Act, 1933, and subsections (2) and (3) of section one hundred and six of the London Government Act, 1939 (which relate to the operation of section sixty-eight of the Lands Clauses Consolidation Act, 1845, and to adjustments in accounts, on appropriations under those sections respectively) shall have effect as they have effect in relation to appropriations under those sections respectively.

(4) The consent of the Minister shall be requisite to any disposal or appropriation of land by a local authority under this section, and may be given as respects either a particular disposal or appropriation or disposals or appropriations of any class, and either subject to or free from any conditions or limitations.

(5) The consent of the Minister to a sale by a local authority under this section of the freehold in any land, or to a lease by them thereunder of any land for a term of more than ninety-nine years, shall not be given unless he is satisfied that there are exceptional circumstances which render the disposal of the land in that manner expedient as mentioned in subsection (2) of this section.

(6) The powers conferred by this section on a local authority in respect of the disposal of land thereunder, and on the Minister in respect of consent to such disposal, shall, in the case of land

comprised in an area defined by a development plan as an area of comprehensive development or of land contiguous or adjacent to any such area which is designated by the development plan as subject to compulsory acquisition by the appropriate authority, be so exercised as to secure so far as may be practicable to persons who were living or carrying on business or other activities, on any such land which the authority have acquired as mentioned in subsection (1) of this section, who desire to obtain accommodation on such land, and who are willing to comply with any requirements of the authority as to the development and use of such land, an opportunity to obtain thereon accommodation suitable to their reasonable requirements on terms settled with due regard to the price at which any such land has been acquired from them.

11TH SCH.
—cont.

(7) If it appears to the Minister that it is expedient as mentioned in subsection (2) of this section that a local authority should dispose of land under this section to any person and the authority have refused to dispose of it to him or are unable to reach agreement with him as to the manner in which or the terms or conditions on or subject to which it is to be disposed of to him, the Minister may, after consultation with the authority and that person, require the authority to offer to dispose of it to him, and give directions as to the manner of the disposal and as to all or any of the terms or conditions on or subject to which it is to be offered to him :

Provided that the authority shall not be required by any such directions (except to such extent as may appear to the Minister to be requisite in any particular case for giving effect to the last preceding subsection) to offer to dispose of land for a money consideration less than the best that can reasonably be obtained, having regard to the other terms and conditions on and subject to which the offer is to be made, so, however, that in estimating the best consideration any amount which only a particular purchaser might be prepared to offer by reason of special needs of his shall be disregarded, and any difference as to what is the best consideration shall be referred to and determined by an arbitrator agreed between the Minister and the authority or, in default of agreement, by an official arbitrator to be appointed in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919.

(8) In the exercise of the powers conferred by this section, a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular buildings included in any list compiled or approved under the provisions of section thirty of the Town and Country Planning Act, 1947, and the Minister shall not give his consent to the disposal or appropriation under this section of any land comprising a building included in such a list unless either—

- (a) the consent is given subject to such conditions or limitations as in the opinion of the Minister will secure the preservation of the building ; or
- (b) the Minister is satisfied, after causing such particulars as appear to him requisite of the disposal or appropriation for which his consent is sought to be published by Gazette and

11TH SCH.
—cont.

local advertisement not less than twenty-eight days before he gives his decision on the application for his consent, that the purpose which the local authority seek to achieve by the proposed exercise of their powers under this section is one which ought in the public interest to be carried out, and either that the preservation of the building would prevent the carrying out of that purpose, whether by the use of the land in question or otherwise, or that the effect of preserving the building on the carrying out as aforesaid of the said purpose would be such that notwithstanding the desirability of preserving the building it is inexpedient so to do.

In this subsection the expression "preservation," in relation to a building, means the preservation thereof either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

(9) In this section references to disposal of land shall be construed as references to disposal thereof in any manner (otherwise than by appropriation) whether by way of sale, exchange or lease, by the creation of any easement, right or privilege, or in any other manner, except disposal by way of gift, mortgage or charge.

(10) In relation to any such land as is mentioned in subsection (1) of this section, this section shall have effect to the exclusion of the provisions of subsection (1) of section one hundred and sixty-three and sections one hundred and sixty-four and one hundred and sixty-five of the Local Government Act, 1933, or of subsection (1) of section one hundred and six and sections one hundred and seven and one hundred and eight of the London Government Act, 1939, as the case may be.

(11) Section one hundred and sixty-six of the Local Government Act, 1933, and section one hundred and nine of the London Government Act, 1939 (which relate to the application of capital money received from the disposal of land) shall have effect as respects capital money received in respect of transactions under the provisions of this section relating to the disposal of land as they have effect in relation to capital money received in respect of such transactions as are mentioned in those sections respectively.

Power of local authorities to carry out development of land held by them for purposes of Part IV of the Town and Country Planning Act, 1947.

20.—(1) The functions of a local authority shall include power for the authority, notwithstanding any limitation imposed by law on the capacity of such a body by virtue of its constitution, to erect, construct or carry out on any such land as is mentioned in subsection (1) of section nineteen of this Act, any building or work not being a building or work for the erection, construction or carrying out of which, whether by them or by any other person, statutory power already exists by virtue of or under an enactment other than Part IV of the Town and Country Planning Act, 1947, or could be conferred under an enactment other than Part IV of the Town and Country Planning Act, 1947.

(2) The consent of the Minister shall be requisite to any exercise by a local authority of the power conferred on them by the preceding

subsection, and may be given as respects either a particular operation or operations of any class, and either subject to or free from any conditions or limitations.

LITH SCH.
—cont.

(4) Where a local authority propose to carry out any operation which they would have power to carry out by virtue only of subsection (1) of this section, they shall notify the Minister of their proposal, and the Minister may direct such advertisement by the authority as appears to him to be requisite for the purposes of subsection (2) of this section.

(5) The functions of a local authority shall include power for the authority, notwithstanding any such limitation as is mentioned in subsection (1) of this section, to repair, maintain and insure any buildings or works on such land as is mentioned in the said subsection (1), and generally to deal therewith in a proper course of management.

(6) Subsection (8) of the last preceding section shall apply to the power conferred on a local authority by subsection (1) of this section as it applies to the powers conferred by that section, with the substitution for references to the disposal of land of references to the carrying out of any such operation as is mentioned in subsection (1) of this section.

(7) A local authority may, with the consent of the Minister, enter into arrangements with an authorised association, as defined in section thirty-five of the Town and Country Planning Act, 1932, for the carrying out by the association of any operation which, apart from the arrangements, the local authority would have power under this section to carry out, on such terms (including terms as to the making of payments or loans by the authority to the association) as may be specified in the arrangements:

Provided that nothing in this subsection shall be construed as authorising such an association to carry out any operation which they would not have power to carry out apart from this subsection.

(8) Nothing in this section shall be construed as authorising any act or omission on the part of a local authority which is actionable at the suit of any person on any ground other than such limitation as is mentioned in subsection (1) of this section.

22.—(1) The erection, construction or carrying out, or maintenance, of any building or work on land which has been acquired or appropriated by a local authority as mentioned in subsection (1) of section nineteen of this Act, or which has been acquired by the Central Land Board under section forty-three of the Town and Country Planning Act, 1947, whether done by the local authority or by any person deriving title under the local authority or under the Board, as the case may be, shall be deemed to be authorised by this section if it conforms with planning control, notwithstanding that it involves interference with any easement or other servitude or breach of any restriction as to the user of land arising by virtue of any contract, but subject to payment of compensation under section sixty-three or sixty-eight of the Lands Clauses Consolidation Act, 1845, to be assessed in the same manner and subject to the same rules as in the case of other compensation under those sections in

Authorisation of development on land acquired for purposes of Part IV of the Town and Country Planning Act, 1947, notwithstanding interference with easements, etc.

11TH SCH.
--cont.

respect of injurious affection where the compensation is to be estimated in connection with a purchase under that Act or the injury arises from the execution of works on land acquired under that Act :

Provided that nothing in this subsection shall authorise interference with any such right as is mentioned in section twenty-five of this Act.

(2) Any liability of a person deriving title under the local authority by whom the land in question was acquired or appropriated, or under the Central Land Board, to pay such compensation as aforesaid which that person fails to discharge shall be enforceable against that authority, or against the Board, as the case may be :

Provided that nothing in this subsection shall be construed as affecting any agreement between the authority or Board and any other person for indemnifying the authority or Board against any liability under this subsection.

(3) For the purposes of subsection (1) of this section, the erection, construction or carrying out, or maintenance, of any building or work shall be treated as conforming with planning control if it is done in accordance with permission granted under Part III of the Town and Country Planning Act, 1947, and not otherwise.

(4) Nothing in this section shall be construed as authorising any Act or omission on the part of a local authority, or of any body corporate, in contravention of any limitation imposed by law on the capacity of such a body by virtue of its constitution, or as authorising any act or omission on the part of any person which is actionable at the suit of any person on any ground other than such interference or breach as is mentioned in subsection (1) of this section.

(5) In this section the expression "servitude" means any easement, liberty, privilege, right or advantage annexed to land and adversely affecting other land, and includes a natural right to support.

Power to
extinguish
highways over
land acquired
for purposes
of Part IV of
the Town and
Country
Planning Act,
1947.

23.—(1) The Minister may by order extinguish any public right of way over any such land as is mentioned in subsection (1) of section nineteen of this Act if he is satisfied that an alternative right of way has been or will be provided or that the provision thereof is not required.

(2) The Sixth Schedule to the Town and Country Planning Act, 1947, shall apply to an order under this section as it applies to an order under section forty-nine of that Act, and the said Schedule shall, in its application to an order under this section, have effect as if for any reference therein to the Minister of Transport there were substituted a reference to the Minister.

(3) The Minister of Transport, or a local highway authority may be authorised to purchase land compulsorily for the purpose of providing any public right of way which is to be provided as an alternative to a right of way extinguished under this section; and the Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply to the compulsory acquisition of land under this subsection and accordingly shall have effect—

- (a) as if this subsection had been in force immediately before the commencement of that Act ;
- (b) as if this subsection were included among the enactments specified in paragraph (b) of subsection (1) of section one of that Act :

Provided that section two of the said Act shall not apply to the compulsory acquisition of land under this subsection.

11TH SCH.
—cont.

(4) Where on the application of a local authority an order is made under this section extinguishing a public right of way, and at the time of publication of the notice required by paragraph 1 of the Sixth Schedule to the Town and Country Planning Act, 1947, there was under, in, upon, over, along, or across the land over which the right of way subsisted any telegraphic line belonging to or used by the Postmaster-General,—

- (a) the power of the Postmaster-General to remove the line shall be exercisable notwithstanding the making of the order, so however that the said power shall not be exercisable, as respects the whole or any part of the line, after the expiration of a period of three months from the date on which the right of way is extinguished unless before the expiration of that period the Postmaster-General has given notice to the local authority of his intention to remove the line or that part thereof, as the case may be ;
- (b) the Postmaster-General may by notice to the local authority in that behalf abandon the said line or any part thereof, and shall be deemed, as respects the line or any part thereof, to have abandoned it at the expiration of the said period of three months unless before the expiration of that period he has removed it or given notice of his intention to remove it ;
- (c) the Postmaster-General shall be entitled to recover from the local authority the expense of providing, in substitution for the line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the line, a telegraphic line in such other place as the Postmaster-General may require ;
- (d) where under paragraph (b) of this subsection the Postmaster-General has abandoned the whole or any part of a telegraphic line, it shall vest in the local authority, and the provisions of the Telegraph Acts, 1863 to 1943, shall not apply in relation to the line or part in question as respects anything done or omitted after the abandonment thereof.

In this subsection the expression " telegraphic line " has the same meaning as in the Telegraph Act, 1878.

41 & 42 Vict.
c. 76.

(5) Regulations made under the Town and Country Planning Act, 1947, may provide for securing that any proceedings required to be taken for the purposes of an order under this section may be taken concurrently with any proceedings required to be taken for the purposes of the acquisition of the land over which the right of way is to be extinguished, or for securing that any proceedings required to be taken for the purposes of the acquisition of any other land under subsection (3) of this section may be taken concurrently with either or both of the said proceedings.

11TH SCH.

—cont.

Extinguishment of private ways, and rights as to apparatus, over or in land purchased for purposes of Part IV of the Town and Country Planning Act, 1947.

24.—(1) Upon the completion by the purchasing authority of a compulsory purchase under Part IV of the Town and Country Planning Act, 1947, of any land, all private rights of way and rights of laying down, erecting, continuing or maintaining any apparatus on under or over the land shall be extinguished and any such apparatus shall vest in the purchasing authority :

Provided that this section shall not apply to any right vested in, or any apparatus belonging to, the person carrying on a statutory undertaking for the purpose of the carrying on thereof, and shall have effect as respects other matters subject to any direction given by the purchasing authority before the completion of the purchase that this section shall not apply to any right or apparatus specified in the direction and subject to any agreement which may be made (whether before or after the completion of the purchase) between the purchasing authority and the person in or to whom the right or apparatus in question is vested or belongs.

(2) Any person who suffers loss by the extinguishment of any right or the vesting of any apparatus under this section shall be entitled to be paid by the purchasing authority compensation, to be determined under and in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919.

(3) Expenses incurred by a Minister or the Central Land Board in the payment of compensation under the last preceding subsection shall be defrayed out of moneys provided by Parliament.

Extinguishment of rights of way, and rights as to apparatus, of statutory undertakers.

25.—(1) Where there subsists over land which has been acquired by a purchasing authority under Part IV of the Town and Country Planning Act, 1947, or which has been appropriated by a local authority as mentioned in subsection (1) of section nineteen of this Act, any right of way or any right of laying down, erecting, continuing or maintaining any apparatus on under or over the land, or there is on under or over any such land any apparatus, vested in or belonging to the person carrying on a statutory undertaking for the purpose of the carrying on thereof, the purchasing or appropriating authority may serve on the said person a notice that at the expiration of such period as may be specified in the notice the right will be extinguished, or requiring that before the expiration of such period as may be so specified the apparatus shall be removed.

(2) A person on whom a notice is served under the preceding subsection may before the expiration of twenty-eight days from the service of the notice serve a counter-notice on the purchasing or appropriating authority stating that he objects to all or any of the provisions of the notice and specifying the grounds of his objection.

(3) If no counter-notice is served under the last preceding subsection, any right to which the notice relates shall be extinguished at the end of the period specified in that behalf in the notice, and if at the end of the period so specified in relation to any apparatus any requirement of the notice as to the removal of the apparatus has not been complied with, the purchasing or appropriating authority may remove the apparatus and dispose thereof in any way they or he may think fit.

11TH SCH.
—cont.

(4) If a counter-notice is served under subsection (2) of this section on a local authority or on statutory undertakers, the authority or undertakers may either withdraw the notice (without prejudice, however, to the service of a further notice) or apply to the Minister and the appropriate Minister for an order embodying, either with or without modification, the provisions of the notice, and the Minister and the appropriate Minister may if they think fit, after affording to the person carrying on the undertaking on whom the notice was served under subsection (1) of this section an opportunity of objecting to the application and, if any objection is made, after considering the objection and affording to the said person and to the authority or undertakers on whom the counter-notice was served an opportunity of appearing before and being heard by a person appointed by the Minister and the appropriate Minister for the purpose, make an order in accordance with the application, either with or without modification.

(5) If a counter-notice is served under subsection (2) of this section on a Minister or the Central Land Board, either he or they may withdraw the notice (without prejudice, however, to the service of a further notice) or he or they and the appropriate Minister may make an order embodying, either with or without modification, the provisions of the notice.

Where a Minister and the appropriate Minister, or the Central Land Board and the appropriate Minister, propose to make an order under this subsection, they shall prepare a draft of the order and shall afford to the person carrying on the undertaking an opportunity of objecting to the proposal and, if any objection is made, shall consider the objection and afford to the said person an opportunity of appearing before and being heard by a person appointed by them for the purpose, and may then make an order in accordance with the draft, either with or without modification.

(6) Subsection (3) of this section shall apply to an order made under either of the two last preceding subsections as it applies to a notice in respect of which no counter-notice is served, but with the substitution for references to a notice of references to an order.

(7) Where an objection to an order under subsection (4) or (5) of this section is duly made and is not withdrawn before the making of the order, the order shall be subject to special parliamentary procedure.

(8) In respect of the extinguishment of any right, or the imposition of any requirement, under this section the person carrying on a statutory undertaking shall be entitled to recover from the purchasing or appropriating authority at whose instance the right was extinguished or the requirement was imposed compensation in accordance with Part I of the Fourth Schedule to this Act.

(9) Expenses incurred by a Minister or the Central Land Board in the payment of compensation under the last preceding subsection shall be defrayed out of moneys provided by Parliament.

26.—(1) Where it appears to the Minister and the appropriate Minister, on a representation made by the person carrying on a statutory undertaking, that—

- (a) in order to secure the provision of services which would not otherwise be provided, or satisfactorily provided, for any

Extension and
modification of
powers and
duties of
statutory
undertakers.

11TH SCH.
—cont.

purpose in connection with which a local authority or Minister may be authorised under Part IV of the Town and Country Planning Act, 1947, to acquire land, or

- (b) in order to facilitate any adjustment of the carrying on of the undertaking necessitated by the acquisition under Part IV of the Town and Country Planning Act, 1947, of any land an interest in which was held, or which was used, for the purpose of the carrying on of the undertaking, or necessitated by the extinguishment of any right, or the imposition of any requirement, under the last preceding section, or necessitated by a decision on an application made under Part III of the Town and Country Planning Act, 1947, by a person carrying on the undertaking for permission to develop any such land or by the revocation or modification of permission granted on such an application or by the making of an order under section twenty-six of that Act in relation to any such land,

it is expedient that the powers and duties of the said person in relation to the carrying on of the undertaking should be extended or modified, the Minister and the appropriate Minister may by order provide for such extension or modification of the said powers and duties as appears to them to be requisite in order to secure the provision of services as mentioned in paragraph (a) of this subsection, or to facilitate the adjustment of the undertaking as mentioned in paragraph (b) of this subsection, as the case may be.

(2) Without prejudice to the generality of the provisions of the preceding subsection, an order under the preceding subsection may provide—

- (a) for empowering the person carrying on the undertaking to acquire, whether compulsorily or by agreement, any land specified in the order and to erect or construct any buildings or works so specified ;
- (b) for applying in relation to the acquisition of such land and the construction of such works enactments relating to the acquisition of land and the construction of works ;
- (c) for giving effect, where it has been represented that the making of the order is expedient for the purposes of paragraph (a) of the preceding subsection, to such financial arrangements between the local authority or Minister and the person carrying on the undertaking as they may agree or, in default of agreement, as may be determined to be equitable in such manner and by such tribunal as may be specified in the order ;

and for such incidental and supplemental matters as appear to the Minister and the appropriate Minister to be expedient for the purposes of the order.

(3) As soon as may be after making a representation under subsection (1) of this section, the person carrying on the undertaking in question shall publish, in such form and manner as may be directed by the Minister and the appropriate Minister, a notice giving such

particulars as may be so directed of the matters to which the representation relates and specifying the time within which, and the manner in which, objections to the making of an order on the representation may be made, and shall also, if it is so directed by the Minister and the appropriate Minister, serve a like notice on such persons, or persons of such classes, as may be so directed.

11TH SCH.
—cont.

(4) The provisions of the First Schedule to this Act shall have effect in relation to the making of an order on the representation if any objection thereto is duly made, and, subject to those provisions in a case in which they have effect, the Minister and the appropriate Minister may, if they think fit, make an order.

(5) A local authority or Minister may represent to the Minister and the appropriate Minister that the making of an order under subsection (1) of this section as respects any statutory undertaking is expedient for the purpose of securing the provision of new services, or the extension of existing services, for any purpose in connection with which the local authority or Minister may be authorised under Part IV of the Town and Country Planning Act, 1947, to acquire land, and where such a representation is made the preceding provisions of this section shall have effect as if the representation had been made by the person carrying on the undertaking in question, but with the substitution in subsection (3) for the reference to the person carrying on the undertaking of a reference to the local authority or Minister.

(6) An order under this section shall be subject to special parliamentary procedure.

27.—(1) Where on a representation in that behalf made by the person carrying on a statutory undertaking the appropriate Minister is satisfied that—

- (a) the compulsory purchase under Part IV of the Town and Country Planning Act, 1947, of any land an interest in which was held, or which was used, for the purpose of the carrying on of the undertaking;
- (b) a decision on an application under Part III of the said Act by a person carrying on the undertaking for permission to develop any such land, or the revocation or modification of permission granted on such an application, or the making of an order under section twenty-six of that Act in relation to any such land; or
- (c) the extinguishment under Part IV of that Act of any right, or the imposition of any requirement as to the removal of apparatus, vested in or belonging to the said person,

has rendered impracticable the fulfilment of any obligation of the said person incurred in connection with the carrying on of the undertaking, the appropriate Minister may by order direct that the said person shall be relieved of the fulfilment of the obligation either absolutely or to such extent as may be specified in the order.

(2) As soon as may be after making a representation to the appropriate Minister under the preceding subsection, the person carrying on the undertaking in question shall, as may be directed by the appropriate Minister, either publish, in such form and manner as may be so directed, a notice giving such particulars as may be so

Relief of
statutory
undertakers
from obligations
rendered
impracticable
by exercise of
powers of
the Town and
Country
Planning Act,
1947.

11TH SCH.
—cont.

directed of the matters to which the representation relates and specifying the time within which, and the manner in which, objections to the making of an order on the representation may be made, or serve such a notice on such persons, or persons of such classes, as may be so directed, or both publish and serve such notices.

(3) The provisions of the First Schedule to this Act shall have effect in relation to the making of an order on the representation if any objection thereto is duly made, and, subject to those provisions in a case in which they have effect, the appropriate Minister may, if he thinks fit, make an order.

(4) If any objection to the making of an order under this section is made and is not withdrawn before the making of the order, the order shall be subject to special parliamentary procedure.

(5) In relation to an order made under this section subsections (1) to (3) of section eleven of the Town and Country Planning Act, 1947, shall apply, subject to any necessary modifications, as they apply in relation to a development plan approved by the Minister under that Act, and accordingly the said subsection (1) shall have effect as if for the reference therein to the local planning authority there were substituted a reference to the appropriate Minister :

Provided that where any such order is subject to special parliamentary procedure, then—

- (a) if the order is confirmed by Parliament under section six of the Statutory Orders (Special Procedure) Act, 1945, subsections (2), and (3) of the said section eleven shall not apply ;
- (b) in any other case those subsections shall have effect in relation to the order as if in subsection (2) for the reference to the date on which the notice required by subsection (1) of the said section eleven is first published there were substituted a reference to the date on which the order becomes operative under section six of the Statutory Orders (Special Procedure) Act, 1945, and as if in subsection (3) the words from “and shall become operative” to the end of the subsection were omitted.

Authorisation of use and development of consecrated land, and burial grounds, notwithstanding restrictions.

28.—(1) Any consecrated land, whether or not including any building, which has been acquired by a purchasing authority under Part IV of the Town and Country Planning Act, 1947, or which has been appropriated by a local authority as mentioned in subsection (1) of section nineteen of this Act, may, subject to the provisions of this section, be used in any manner, whether or not involving the erection, construction or carrying out, or maintenance, of any building or work,—

- (a) in the case of land acquired by a purchasing authority other than a Minister, or of land appropriated by a local authority as aforesaid, by that authority or by any other person, if that use conforms with planning control, or
- (b) in the case of land acquired by a Minister, by him or on his behalf for any purpose for which he acquired the land,

notwithstanding any obligation or restriction imposed under ecclesiastical law or otherwise as respects such land :

11TH SCH.
—cont.

Provided that the provisions of subsection (4) of this section shall have effect to the exclusion of the provisions of this subsection as respects consecrated land being or forming part of a burial ground.

(2) Any use of consecrated land authorised by the preceding subsection, and the use of any land, not being consecrated land, acquired or appropriated as therein mentioned which at the time of acquisition or appropriation included any church or other building used or formerly used for religious worship or the site thereof, shall be subject to compliance with the prescribed requirements with respect to the removal and reinterment of any human remains and the disposal of monuments or other memorials and of fixtures and furnishings, and, in the case of consecrated land, subject to such provisions as may be prescribed for prohibiting or restricting the use of the land, either absolutely or until the prescribed consent has been obtained, so long as any church or other building used or formerly used for religious worship or any part thereof, remains on the land.

(3) Any regulations made for the purposes of the last preceding subsection—

- (a) shall contain such provisions as appear to the Minister to be requisite for securing that any use of land which is subject to compliance with the regulations shall, as nearly as may be, be subject to the like control as is imposed by law in the case of a similar use authorised by an enactment other than this Act or by a Measure or as it would be proper to impose on a disposal of the land in question otherwise than in pursuance of an enactment or Measure ;
- (b) shall contain requirements relating to the disposal of any such land as is mentioned in the last preceding subsection such as appear to the Minister requisite for securing that the provisions of that subsection shall be complied with in relation to the use of the land ; and
- (c) may contain such incidental and consequential provisions (including provisions as to the closing of registers) as appear to the Minister to be expedient for the purposes of the regulations.

(4) Any land consisting of a burial ground or part of a burial ground which has been acquired by a purchasing authority under Part IV of the Town and Country Planning Act, 1947, or which has been appropriated by a local authority as mentioned in subsection (1) of section nineteen of this Act, may be used in any manner, whether or not involving the erection, construction or carrying out, or maintenance, of any building or work,—

- (a) in the case of land acquired by a purchasing authority other than a Minister, or of land appropriated by a local authority as aforesaid, by that authority or by any other person, if that use conforms with planning control, or
- (b) in the case of land acquired by a Minister, by him or on his behalf for any purpose for which he acquired the land,

11TH SCH.
—cont.

notwithstanding anything in any enactment relating to burial grounds or any obligation or restriction imposed under ecclesiastical law or otherwise as respects burial grounds :

Provided that this subsection shall not have effect as respects any such land which has been used for the burial of the dead until the prescribed requirements with respect to the removal and reinterment of human remains, and the disposal of monuments, tombstones or other memorials, in or upon the land have been complied with.

(5) Provision shall be made by any regulations made for the purposes of subsection (2) of this section and the proviso to the last preceding subsection—

- (a) for requiring the persons in whom the land is vested to publish notice of their intention to carry out the removal and reinterment of any human remains or the disposal of any tombstones, monuments or other memorials ;
- (b) for enabling the personal representatives or relatives of any deceased person themselves to undertake the removal and reinterment of the remains of the deceased, and the disposal of any tombstone, monument or other memorial commemorating the deceased, and for requiring the persons in whom the land is vested to defray the expenses of such removal, reinterment and disposal, not exceeding such amount as may be prescribed ;
- (c) for requiring compliance with such reasonable conditions, if any, as may be imposed, in the case of consecrated ground, by the Bishop of the diocese, with respect to the manner of removal, and the place and manner of reinterment of any human remains, and the disposal of any tombstones, monuments or other memorials, and with any directions given in any case by the Secretary of State with respect to the removal and reinterment of any human remains.

Any expenses incurred by a government department or the Central Land Board under paragraph (b) of this subsection shall be defrayed out of moneys provided by Parliament.

(6) Subject to the provisions of any such regulations as aforesaid, no faculty shall be required for the removal and reinterment in accordance with the regulations of any human remains, or for the removal and disposal of any tombstones, monuments or other memorials, and the provisions of section twenty-five of the Burial Act, 1857 (which prohibits the removal of human remains without a licence of the Secretary of State except in certain cases) shall not apply to a removal carried out in accordance with the regulations.

(7) In this section—

- (a) the expression " burial ground " includes any churchyard, cemetery or other ground, whether consecrated or not, which has at any time been set apart for the purpose of interment ;
- (b) references to conformity with planning control shall be construed in accordance with subsection (3) of section

twenty-two of this Act, with the substitution for references therein to anything done as therein mentioned of references to any use of land, whether or not involving the doing of any such thing.

11TH SCH.
—cont.

(8) Nothing in this section shall be construed as authorising any act or omission on the part of a local authority, or of any body corporate, in contravention of any limitation imposed by law on the capacity of such a body by virtue of its constitution, or as authorising any act or omission on the part of any person that is actionable at the suit of any person on any ground other than contravention of any such obligation, restriction or enactment as is mentioned in subsection (1) or (4) of this section.

29.—(1) Any land being, or forming part of, a common, open space or fuel or field garden allotment, which has been acquired by a purchasing authority under Part IV of the Town and Country Planning Act, 1947, or which has been appropriated by a local authority as mentioned in subsection (1) of section nineteen of this Act, may be used in any manner, whether or not involving the erection, construction or carrying out, or maintenance, of any building or work,—

Authorisation of use and development of open spaces, etc., notwithstanding restrictions.

(a) in the case of land acquired by a purchasing authority other than a Minister, or of land appropriated by a local authority as aforesaid, by that authority or by any other person, if that use conforms with planning control, or,

(b) in the case of land acquired by a Minister, by him or on his behalf for any purpose for which he acquired the land,

notwithstanding anything in any enactment relating to land of that kind, including any enactment, whether public general or local or private, by which any such land is specially regulated.

(2) In this section—

(a) the expressions “common”, “open space” and “fuel or field garden allotment” have the same meanings as in the Acquisition of Land (Authorisation Procedure) Act, 1946;

(b) the reference to conformity with planning control shall be construed in accordance with subsection (3) of section twenty-two of this Act, with the substitution for references therein to anything done as therein mentioned of references to any use of land, whether or not involving the doing of any such thing.

(3) Nothing in this section shall be construed as authorising any act or omission on the part of a local authority, or of any body corporate, in contravention of any limitation imposed by law on the capacity of such a body by virtue of its constitution, or as authorising any act or omission on the part of any person that is actionable at the suit of any person on any ground other than contravention of any such enactment as is mentioned in subsection (1) of this section.

11TH SCH.

—cont.

Provisions as to displacements from land acquired for purposes of Part IV of the Town and Country Planning Act, 1947.

26 Geo. 5. & 1 Edw. 8. c. 51.

30.—(1) Where the carrying out of redevelopment on any such land as is mentioned in subsection (1) of section nineteen of this Act will involve the displacement of persons residing in premises thereon, it shall be the duty of the authority, in so far as there is not other residential accommodation suitable to the reasonable requirements of those persons available on reasonable terms, to secure the provision of such accommodation in advance of the displacements from time to time becoming necessary as the redevelopment proceeds.

(2) Section one hundred and thirty-seven of the Housing Act, 1936 (which imposes obligations as to the provision of housing accommodation where land is acquired under statutory powers) shall not have effect in relation to an acquisition by a local authority under section thirty-eight of the Town and Country Planning Act, 1947.

(3) If the Minister certifies that possession of any house which has been acquired or appropriated and is for the time being held by a local authority as is mentioned in subsection (1) of section nineteen of this Act, is immediately required for the purposes for which it was acquired or appropriated, nothing in the Rent and Mortgage Interest Restrictions Acts, 1920 to 1939, shall be deemed to prevent the acquiring or appropriating authority from obtaining possession of the house.

(4) Where possession of any building, or any part of a building, on land which has been acquired or appropriated by a local authority as mentioned in subsection (1) of section nineteen of this Act or which has been acquired by the Central Land Board or a Minister under Part IV of the Town and Country Planning Act, 1947, is required by them or him for the purposes for which it was acquired or appropriated, then, whatever may be the value or rent of the building or part of a building, they or he may obtain possession thereof under the Small Tenements Recovery Act, 1838, as in the cases therein provided for, at any time after the tenancy of the occupier has expired or has been determined.

(5) A local authority, the Central Land Board or a Minister may pay to any person who is displaced in the carrying out of redevelopment on land which has been acquired by the local authority, Board or Minister under Part IV of the Town and Country Planning Act, 1947, or which has been appropriated by the local authority as mentioned in subsection (1) of section nineteen of this Act, such reasonable allowance as they think fit towards his expenses in removing, and to a person carrying on any business in a building from which he is so displaced they may pay also such reasonable allowance as they think fit towards the loss which, in their opinion, he will sustain by reason of the disturbance to his business consequent on his having to quit the building, and in estimating that loss they shall have regard to the period for which the premises occupied by him might reasonably have been expected to be available for the purpose of his business and the availability of other premises suitable for that purpose.

1 & 2 Vict.
c. 74.

Provisions as to borrowing for purposes of the Town and Country Planning Act, 1947.

47.—(1) The power of the Public Works Loan Commissioners to make loans under section nine of the Public Works Loans Act, 1875, shall include power to make loans to a local authority for the purpose of the discharge by them of their functions under the Town and Country Planning Act, 1947.

(2) Notwithstanding anything in section three of the London County Council (Finance Consolidation) Act, 1912, the manner in which the London County Council may borrow shall include, in the case of money borrowed by them for the purpose aforesaid, borrowing from the said Commissioners in accordance with the Public Works Loans Acts, 1875 to 1882.

11TH SCH.
—cont.
38 & 39 Vict.
c. 89.
2 & 3 Geo. 5.
c. cv.

(3) So long as the making of an issue of capital in the United Kingdom without the consent of the Treasury is prohibited by regulations made under the Emergency Powers (Defence) Acts, 1939 and 1940, it shall not be lawful to exercise the powers of borrowing conferred by virtue of this Act without such consent.

49. Nothing in the Town and Country Planning Act, 1947, shall authorise the execution of any works whether of construction, demolition or alteration on, over or under tidal lands below high-water mark of ordinary spring tides, except with the consent of any persons whose consent would have been required if the Town and Country Planning Act, 1947, had not been passed, and except in accordance with such plans and sections and subject to such restrictions and conditions as, previous to such works being commenced, have been approved by the Minister of Transport.

Works below
high-water
mark.

63.—(1) In this Act, except where the context otherwise requires, the expression “prescribed” means prescribed by regulations made by the Minister.

Regulations.

(2) Any regulations made under this Act shall be laid before Parliament as soon as may be after they are made, and if either House of Parliament within the period of forty days beginning with the day on which the regulations are laid before that House resolves that the regulations be annulled the regulations shall thereupon become void, without prejudice, however, to the validity of anything previously done thereunder or to the making of new regulations.

In reckoning any such period of forty days as aforesaid no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which both Houses are adjourned for more than four days.

(3) Notwithstanding anything in subsection (4) of section one of the Rules Publication Act, 1893, regulations made under this Act shall be deemed not to be, or to contain, statutory rules to which that section applies.

56 & 57 Vict.
c. 66.

64. An official arbitrator appointed in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919, to whose determination any matter is referred under this Act shall have the like powers with respect to procedure, costs and the statement of special cases as he has under that Act.

Powers of
official
arbitrator on
references to
him.

65.—(1) In this Act, except where the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

Interpretation.

“appropriate Minister,” in relation to a statutory undertaking, has the same meaning as in the Town and Country Planning Act, 1947;

11TH SCH.
—*cont.*

“development” includes re-development;

“Gazette and local advertisement” means, in relation to an application, order or certificate relating to any land, publication in the London Gazette and, in each of two successive weeks, in one or more newspapers circulating in the locality in which the land is situated;

“owner,” in relation to any building or land, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the building or land, whether in possession or in reversion, and includes also a person holding or entitled to the rents and profits of the building or land under a lease of agreement, the unexpired term whereof exceeds three years;

“purchasing authority” means a Minister, the Central Land Board, a local authority or any statutory undertakers purchasing under Part IV of the Town and Country Planning Act, 1947;

“statutory undertaking” has the same meaning as in the Town and Country Planning Act, 1947.

(2) References in this Act to any other enactment shall, unless the context otherwise requires, be construed as references to that enactment as amended by this Act or by or under any other enactment.

(3) Words in this Act importing a reference to service of a notice to treat shall be construed as including a reference to the constructive service of such a notice which, by virtue of the Sixth Schedule to this Act or of any other enactment, is to be deemed to be served.

(4) Any reference in this Act to the Town and Country Planning Act, 1947, or to Part IV of that Act shall be construed as including a reference to any provisions of this Act incorporated with the said Part IV.

Short title and extent.

66.—(1) This Act may be cited as the Town and Country Planning Act, 1944.

(2) This Act shall not extend to Scotland or to Northern Ireland.

Section 114.

TOWN AND COUNTRY PLANNING ACT, 1944.

FIRST SCHEDULE.

PROCEDURE FOR DEALING WITH OBJECTIONS UNDER SECTIONS 26 AND 27.

1.—(1) The following provisions of this Schedule shall have effect where an objection is duly made to the making of an order under section twenty-six or twenty-seven of this Act, and is not withdrawn.

(2) An objection shall not be deemed for the purposes of any of the said enactments or of this Schedule to be duly made unless—

(a) it is made within the time and in the manner specified in the notice required by the relevant enactment referred to in the preceding sub-paragraph, and

(b) the objection comprises, or there is submitted therewith, a statement in writing of the grounds thereof.

11TH SCH.
—cont.

(3) In this Schedule, the expression "the Minister" means the Minister or Ministers having jurisdiction to make or confirm the order in question.

2. Unless the Minister decides apart from the objection not to make or confirm the order, or decides to make a modification agreed to by the person making the objection as meeting the objection, the Minister shall, before deciding whether to make or confirm the order, or what modification if any ought to be made, consider the grounds of the objection as set out in the statement, and may, if he thinks fit, require the person making the objection to submit within a specified period a further statement in writing as to any of the matters to which the objection relates.

3. In so far as the Minister is satisfied, after considering the grounds of the objection as set out in the original statement and any such further statement, that the objection relates to a matter which can be dealt with by an arbitrator by whom compensation is to be assessed, the Minister may treat the objection as irrelevant for the purpose of his deciding as aforesaid.

4. If after considering the grounds of the objection as set out in the original statement and any such further statement, the Minister is satisfied that he is sufficiently informed, for the purpose of his deciding as aforesaid, as to the matters to which the objection relates, or if where a further statement has been required it is not submitted within the specified period, the Minister may decide as aforesaid without further investigation as to those matters.

5. Subject as mentioned in the two last preceding paragraphs, the Minister shall, before deciding as aforesaid, afford to the person making the objection an opportunity of appearing before and being heard by a person appointed for the purpose by the Minister, and if he avails himself thereof the Minister shall afford an opportunity of appearing and being heard on the same occasion to the authority or other person (if any) making the application or representation or submitting the order in question and to any other persons to whom it appears to the Minister to be expedient to afford it.

6. Notwithstanding anything in paragraphs 2 to 5 of this Schedule, if it appears to the Minister that the matters to which the objection relates are such as to require investigation by public local inquiry before he decides as aforesaid, he shall cause such an inquiry to be held, and where he determines to cause such an inquiry to be held any of the requirements of those paragraphs to which effect has not been given at the time when he so determines shall be dispensed with.

TOWN AND COUNTRY PLANNING ACT, 1944.

FOURTH SCHEDULE.

ASSESSMENT OF COMPENSATION TO STATUTORY UNDERTAKERS.

PART I.

Amount of Compensation.

I. The compensation to be paid—

- (a) in respect of any decision given under paragraph 1 of the Fifth Schedule to the Town and Country Planning Act, 1947, refusing permission to develop operational land or granting such permission subject to conditions ;
- (b) in respect of any decision given by a government department under paragraph 2 of that Schedule refusing the authorisation of that department in respect of any development of such land, or directing that permission to develop such land shall be deemed to be granted subject to conditions ;
- (c) in respect of any order made under paragraph 3 of that Schedule revoking or modifying permission to develop such land ;
- (d) in respect of any order made under paragraph 4 of that Schedule in relation to such land ;
- (e) in respect of the extinguishment of any right or the imposition of any requirement, under section twenty-five of this Act as applied for the purposes of Part IV of the said Act ;
- (f) in respect of any such compulsory purchase as is mentioned in subsection (5) of section forty-five of the said Act ;

shall in default of agreement be assessed by the arbitration of the tribunal constituted in accordance with the provisions of Part II of this Schedule, and the amount of the compensation shall be an amount calculated in accordance with the provisions of the next following paragraph :

Provided that, as respects compensation in respect of a compulsory purchase, if, before the expiration of two months from the date on which notice to treat is served in respect of the interest of the person by whom the statutory undertaking is carried on, that person gives notice in writing to the purchasing authority that he elects that as respects all or any of the land comprised in the purchase the compensation shall be ascertained in accordance with the enactments, other than rule (5) of the rules set out in section two of the Acquisition of Land (Assessment of Compensation) Act, 1919, which would be applicable apart from the provisions of this Schedule, the compensation shall be so ascertained.

2.—(1) The amount of the said compensation shall, subject to the provisions of this paragraph, be the aggregate of the following amounts, that is to say,—

11TH SCH.
—cont.

- (a) the amount of any expenditure reasonably incurred in acquiring land, providing apparatus, erecting buildings or doing work for the purpose of any adjustment of the carrying on of the undertaking rendered necessary by the proceeding giving rise to compensation ; and
- (b) where any such adjustment is made, the estimated amount of any decrease in net receipts from the carrying on of the undertaking pending the adjustment, in so far as the decrease is directly attributable to the said proceeding, together with such amount as appears reasonable compensation for any estimated decrease in net receipts from the carrying on of the undertaking in the period after the adjustment has been completed, in so far as the decrease is directly attributable to the adjustment ; or
- (c) where no such adjustment is made, such amount as appears reasonable compensation for any estimated decrease in net receipts from the carrying on of the undertaking which is directly attributable to the proceeding giving rise to compensation ; and
- (d) in the case of compensation in respect of the imposition of a requirement under section twenty-five of this Act to remove any apparatus, any expense reasonably incurred by the person carrying on the undertaking in complying with the requirement, reduced by the value after removal of the apparatus removed.

(2) The amount of any compensation assessed in accordance with the preceding sub-paragraph shall be reduced by such amount (if any) as appears to the tribunal to be appropriate to offset—

- (a) the estimated value of any property (whether moveable or immoveable) belonging to the person carrying on the statutory undertaking in question and used for the carrying on thereof which as the result of any such adjustment as is mentioned in the preceding sub-paragraph ceases to be so used, in so far as the value of the property has not been taken into account under head (d) of the preceding sub-paragraph ; and
- (b) the estimated amount of any increase in net receipts from the carrying on of the undertaking in the period after any such adjustment has been completed, in so far as that amount has not been taken into account under head (b) of the preceding sub-paragraph and is directly attributable to the adjustment,

and by any further amount which appears to the tribunal to be appropriate having regard to any increase in the capital value of immoveable property belonging to the person carrying on the statutory undertaking in question which is directly attributable to any such adjustment as aforesaid, allowance being made for any reduction made under head (b) of this sub-paragraph.

11TH SCH.
—cont.

(3) References in this paragraph to a decrease in net receipts shall be construed as references to the amount by which a balance of receipts over expenditure is decreased, or of expenditure over receipts is increased, or, where a balance of receipts over expenditure is converted into a balance of expenditure over receipts, as references to the aggregate of the two balances; and references to an increase in net receipts shall be construed accordingly.

(4) In this paragraph the expression "proceeding giving rise to compensation" means the particular action (that is to say, purchase, extinguishment of a right, imposition of a requirement, refusal of permission, grant of permission subject to conditions, or revocation or modification of permission or order under paragraph 4 of the Fifth Schedule to the Town and Country Planning Act, 1947) in respect of which compensation falls to be assessed, as distinct from any development or project in connection with which the action in question may have been taken.

PART II.

Tribunal for assessment of compensation to statutory undertakers.

3.—(1) The tribunal for the assessment of compensation referred to in Part I of this Schedule shall consist of four persons, namely—

- (a) a barrister or solicitor of not less than seven years' standing, appointed by the Lord Chancellor to act as chairman;
- (b) two persons appointed by the Minister as persons having special knowledge and experience of the valuation of land and of civil engineering respectively; and
- (c) for each claim coming before the tribunal, a person selected by the appropriate Minister, as a person having special knowledge and experience of statutory undertakings of the kind carried on by the claimant, from the members of a panel appointed by appropriate Ministers of persons appearing to them to have such knowledge and experience of statutory undertakings.

(2) The Treasury may pay out of moneys provided by Parliament to the members of the tribunal such remuneration (whether by way of salaries or by way of fees), and such allowances, as the Treasury may determine.

(3) The provisions of sections three, five and six of the Acquisition of Land (Assessment of Compensation) Act, 1919, shall apply in relation to the tribunal and proceedings before the tribunal as they apply in relation to an official arbitrator and proceedings before an official arbitrator, with the substitution for references in the said section five to the acquiring authority of references to the person from whom compensation is claimed and with the modification that rules regulating the procedure before the tribunal shall be made by the Lord Chancellor.

TOWN AND COUNTRY PLANNING ACT, 1944.

TH SCH.
—cont.

FIFTH SCHEDULE.

MODIFICATIONS OF ACQUISITION OF LAND (ASSESSMENT
OF COMPENSATION) ACT, 1919.

9.—(1) As respects any house in the area of a local authority for the purposes of the provisions of Part III of the Housing Act, 1936, relating to clearance areas, which in their opinion is unfit for human habitation and not capable at reasonable expense of being rendered so fit, and which is comprised—

- (a) in land designated by a development plan under the Town and Country Planning Act, 1947, as subject to compulsory acquisition; or
- (b) in land which is proposed to be acquired compulsorily under subsection (2) of section thirty-seven or subsection (2) of section thirty-eight of that Act;

the local authority for the purposes of the said provisions of the said Part III may make and submit to the Minister of Health an order in such form as may be prescribed by regulations made by the said Minister under section one hundred and seventy-six of the Housing Act, 1936, declaring the house to be in that state, and, if the order is confirmed by him, the compensation to be paid for the house on a compulsory purchase thereof pursuant to any authorisation given under Part IV of the Town and Country Planning Act, 1947, by the Minister having jurisdiction to give such authorisation, either before or within two years after the confirmation by the Minister of Health of the order submitted under this paragraph, shall be assessed in like manner as if it had been land purchased compulsorily under the said Part III of the Housing Act, 1936, as being comprised in a clearance area, and the Acquisition of Land (Assessment of Compensation) Act, 1919, shall accordingly have effect, in its application for the purposes of Part IV of the Town and Country Planning Act, 1947, subject to this provision.

(2) Before submitting an order under this paragraph to the Minister of Health, the local authority shall serve on every owner, and, so far as it is reasonably practicable to ascertain such persons, on every mortgagee, of the house or of any part thereof, a notice in such form as may be prescribed as mentioned in the preceding sub-paragraph, stating the effect of the order and that it is about to be submitted to the said Minister for confirmation, and specifying the time within which, and the manner in which, objection thereto can be made.

(3) If no objection is duly made by any of the persons on whom notices are required to be served, or if all objections so made are withdrawn, the said Minister may, if he thinks fit, confirm the order, but in any other case he shall before confirming the order consider any objection not withdrawn and shall, if either the person by whom the objection was made or the local authority so desire, afford that person and the authority an opportunity of appearing before and being heard by a person appointed by the said Minister for the purpose, and may then, if he thinks fit, confirm the order.

XITH SCH.
—*cont.*

(4) Where the provisions of sub-paragraph (1) of this paragraph have effect as to the compensation to be paid for a house on a compulsory purchase thereof under Part IV of the Town and Country Planning Act, 1947, the provisions of section forty-two of the Housing Act, 1936 (which relate to payments in respect of well-maintained houses) shall have effect, as they have effect where a house is made the subject of a compulsory purchase order under the said Part III of the Housing Act, 1936, as being unfit for human habitation, if the Minister of Health is satisfied as mentioned in that section on a representation made to him by a person who would be entitled to any payment under that section or to a share thereof within three months from his first becoming aware that a notice to treat for the purchase of any interest in the house has been served :

Provided that, in the application of that section for the purposes of this sub-paragraph, there shall be substituted, for references therein to the local authority therein mentioned and to the order therein mentioned, references respectively to the purchasing authority and to the order by which the purchase of the house is authorised.

(5) In this paragraph the expression " house " has the same meaning as in the Housing Act, 1936, and in determining for the purposes of this paragraph whether a house is fit for human habitation regard shall be had to the matters to which regard is required by that Act to be had in determining that question for the purposes of that Act, and sections one hundred and fifty-seven and one hundred and fifty-eight of that Act (which relate to the surveying and examination of land) shall have effect as if the powers conferred by this paragraph were powers under that Act.

TOWN AND COUNTRY PLANNING ACT, 1944.

SIXTH SCHEDULE.

**PROCEDURE FOR COMPLETION OF COMPULSORY PURCHASE
UNDER ORDERS PROVIDING FOR EXPEDITED COMPLETION.**

PART I.

Procedure for expedited completion.

1.—(1) Except as provided by sub-paragraph (3) of this paragraph, when a purchasing order providing for expedited completion has come into operation, the Lands Clauses Acts and the Acquisition of Land (Assessment of Compensation) Act, 1919, shall have effect as if a notice to treat (that is to say, such a notice as is mentioned in section eighteen of the Lands Clauses Consolidation Act, 1845) had been served on every person on whom the purchasing authority could under the terms of that section (and on the assumption of their requiring to purchase or take all the land as respects which this Schedule applies by virtue of the order, and of their having knowledge of all parties referred to in that section) have served such a notice.

(2) The date on which a notice to treat is to be deemed by virtue of the preceding sub-paragraph to have been served on any party in respect of any interest in land shall be the date on which the order is registered in the register of local land charges by the proper officer of the council mentioned in subsection (2) of section thirty-nine of the Town and Country Planning Act, 1947, in whose area that land is situated.

11TH SCH.
—cont.

(3) Notwithstanding anything in sub-paragraph (1) of this paragraph, no notice to treat shall be deemed to be served on any person in respect of an interest being either—

(a) a minor tenancy (that is to say a tenancy for a year or from year to year or any less interest); or

(b) a long tenancy which is about to expire (that is to say, a tenancy granted for an interest greater than a minor tenancy but having, at the date when apart from this provision notice to treat would be deemed by virtue of the said sub-paragraph (1) to be served on the owner of the tenancy, still to run only such period longer than a year as may be specified in the order for the purposes of the operation of this provision in relation to the land in which the tenancy subsists, the period which the tenancy has then still to run being ascertained on the assumption that the tenant will exercise any option to renew the tenancy, and will not exercise any option to determine the tenancy, then or thereafter available to him, and that the landlord will exercise any option to determine the tenancy then or thereafter available to him).

(4) The reference in sub-paragraph (1) of this paragraph to the Lands Clauses Acts and the Acquisition of Land (Assessment of Compensation) Act, 1919, is to those enactments as modified by the Second Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946, by the Fifth Schedule to this Act, and by paragraph 3 and Part II of this Schedule.

2. The notice of the confirmation of an order authorising compulsory purchase required by the Acquisition of Land (Authorisation Procedure) Act, 1946, to be published shall, in the case of a purchase order providing for expedited completion, include a notification to the effect that every person entitled to claim compensation in respect of any of the land as respects which this Schedule applies by virtue of the order, or in respect of any interest in any such land, is invited to give information to the purchasing authority in such form as may be prescribed of his name and address and of the land and interest in question.

3.—(1) At any time or from time to time after the coming into operation of a purchase order providing for expedited completion, but not earlier than such time as is mentioned in sub-paragraph (2) of this paragraph, the purchasing authority may execute, as respects an area consisting either of the whole or a part of the land as respects which this Schedule applies by virtue of the order, a declaration designating that area and stating—

(a) their intention to enter on the land in the designated area and take possession thereof at the expiration of such period

11TH SCH.
—cont.

(not being less than fourteen days) as may be specified therein from the date on which the service of notices on occupiers required by sub-paragraph (3) of this paragraph is completed; and

(b) that the land in the designated area is to vest in the authority at the expiration of that period.

(2) The earliest time at which such a declaration may be executed shall be the expiration of two months from the date of first publication of the notice of confirmation of the order required by the Acquisition of Land (Authorisation Procedure) Act, 1946, to be published:

Provided that the order may provide for the substitution of a period longer or shorter than two months for the purposes of the operation of this sub-paragraph as respects any land, so however, that provision for the substitution of a shorter period shall not be so made in relation to any land unless the order as submitted made such provision in relation thereto.

(3) As soon as may be after executing such a declaration the purchasing authority shall serve upon every occupier of any of the land in the area designated thereby (other than any of the land therein in which a minor tenancy, or a long tenancy which is about to expire, is subsisting), and on every other person who has given information to the authority in relation to any of the land therein pursuant to such invitation as is mentioned in paragraph 2 of this Schedule, a notice describing that area and stating the effect of the declaration.

(4) At the expiration of the period specified in such a declaration from the date on which the service of notices on occupiers required by the last preceding sub-paragraph is completed (as to which date a certificate given by the purchasing authority shall be conclusive)—

(a) there shall vest in the purchasing authority the right to enter on and take possession of the land in the area designated by the declaration or any of it without previous consent or compliance with sections eighty-four to ninety of the Lands Clauses Consolidation Act, 1845; and

(b) the land in the area designated by the declaration shall vest in the purchasing authority as if the circumstances in which under that Act the promoters of an undertaking have powers to execute a deed poll for vesting in them lands or any estate or interest in lands, or for the extinguishment of, or of a portion of, any rent service, rentcharge, chief or other rent, payment or incumbrance, had arisen as regards all the said land and, subject to the next succeeding sub-paragraph, as regards all interests therein, and the authority had duly exercised those powers accordingly at the expiration of the said period;

but the purchasing authority shall be liable to pay the like compensation for the said land, and interest on the compensation agreed or awarded, as they would have been required to pay if the provisions of sections eighty-four to ninety of the said Act, and the provisions thereof compliance with which would have been requisite in order to render the said powers exercisable by them, had been complied with.

(5) Notwithstanding anything in sub-paragraph (1) or (4) of this paragraph, the following provisions shall have effect as respects land in an area designated by a declaration made under sub-paragraph (1) of this paragraph in which a minor tenancy, or a long tenancy which is about to expire, is subsisting, that is to say—

- (a) in the case of a minor tenancy, the right of entry conferred by sub-paragraph (4) of this paragraph shall not be exercisable and the vesting of the land in the authority shall be subject to the tenancy during its subsistence, but without prejudice to any power to require a tenant to give up possession exercisable by the purchasing authority by virtue of the Lands Clauses Acts;
- (b) in the case of a long tenancy which is about to expire, the right of entry conferred by sub-paragraph (4) of this paragraph shall not be exercisable unless or until the purchasing authority have served notice to treat in respect of the tenancy and they have thereafter served a notice upon every occupier of any of the land in which the tenancy subsists describing the land to which the notice relates and stating their intention to enter on and to take possession thereof at the expiration of such period (not being less than fourteen days) from the date on which the notice is served as may be therein specified, and that period has expired, and the vesting of the land in the authority shall be subject to the tenancy until the expiration of that period or the cesser of the tenancy, whichever first occurs.

(6) Every notice of the confirmation of a purchase order providing for expedited completion required by the Acquisition of Land (Authorisation Procedure) Act, 1946, to be published shall refer to the provisions as to entry and vesting contained in sub-paragraph (4) of this paragraph.

4. Where the land as respects which this Schedule applies by virtue of a purchase order providing for expedited completion comprises part only of any house, building or manufactory, or of a park or garden belonging to a house, then if at any time after the coming into operation of the order and before the making of a declaration under the last preceding paragraph as respects the said part any person having an interest therein in respect of which a notice to treat would otherwise be deemed by virtue of this Schedule to have been served gives notice to the purchasing authority in that behalf, no notice to treat shall be deemed by virtue of this Schedule to have been served in respect of any interest in the said part, and as from the giving of the notice the order shall have effect in relation to the said part as if this Schedule had not been applied thereto.

5.—(1) Where the compensation payable in respect of an interest which becomes vested in a purchasing authority by virtue of paragraph 3 of this Schedule is not finally ascertained at the time of such vesting, section twelve of the Finance Act, 1895, (which provides for the collection of stamp duty, where property is vested by way of sale by virtue of an Act, within three months from the date of vesting) shall have effect, as respects the vesting of that interest, with the substitution

11TH SCH.
—cont.

for the reference therein to the date of vesting of a reference to the date on which the compensation has become finally ascertained.

(2) Where after the vesting in a purchasing authority under paragraph 3 of this Schedule of any land a person retains possession of any document relating to the title to the land, he shall be deemed to have given to the authority an acknowledgment in writing of the right of the authority to production of that document and to delivery of copies thereof, and (except where he retains possession of the document as mortgagee or as trustee or otherwise in a fiduciary capacity) an undertaking for safe custody thereof, and section sixty-four of the Law of Property Act, 1925, shall have effect accordingly, and on the basis that the acknowledgment and undertaking did not contain any such expression of contrary intention as is mentioned in that section.

15 & 16 Geo. 5
c. 20.

PART II.

Adjustments where provision for expedited completion made.

6.—(1) The time within which a question of disputed compensation arising out of an acquisition of an interest in land in respect of which a notice to treat is deemed to have been served by virtue of this Schedule may be referred to arbitration shall be the expiration of six years from the date at which the person claiming compensation or a person under whom he derives title first knew, or could reasonably be expected to have known, of the vesting of the interest by virtue of paragraph 3 of this Schedule.

(2) This paragraph shall be construed as one with Part I of the Limitation Act, 1939.

2 & 3 Geo. 6.
c. 21.

7. The power conferred by subsection (2) of section five of the Acquisition of Land (Assessment of Compensation) Act, 1919, or that subsection as applied by paragraph 3 of the Fourth Schedule to this Act, to withdraw a notice to treat shall, in the case of a notice to treat which is deemed to have been served by virtue of this Schedule, not be exercisable at any time after the vesting by virtue of paragraph 3 of this Schedule of the interest in respect of which the notice is deemed to have been served.

8. In relation to a compulsory purchase authorised by a purchase order providing for expedited completion, being a purchase of an interest in respect of which a notice to treat is deemed to have been served by virtue of this Schedule, the following sections of the Lands Clauses Consolidation Act, 1845, shall be excepted from the incorporation of that Act with the Acquisition of Land (Authorisation Procedure) Act, 1946, that is to say, sections fifty-eight to sixty-two and sixty-four to sixty-seven (which relate to the mode of ascertaining compensation to absent parties), section ninety-two (which relates to sales of parts of buildings) and sections one hundred and twenty-four to one hundred and twenty-six (which relate to interests which have by mistake been omitted to be purchased).

9.—(1) Where any of the land as respects which this Schedule applies by virtue of a purchase order providing for expedited completion constitutes a part only of land charged with a rentcharge, the following provisions of this paragraph shall have effect.

(2) Any question as to the apportionment mentioned in section one hundred and sixteen of the Lands Clauses Consolidation Act, 1845, shall be referred and determined as mentioned in section one of the Acquisition of Land (Assessment of Compensation) Act, 1919.

(3) Such portion of the rentcharge as may be apportioned under the said section one hundred and sixteen to the land as respects which this Schedule applies by virtue of the order shall be treated as having been extinguished by virtue of paragraph 3 of this Schedule on the vesting of that land in the purchasing authority under that paragraph, and sections one hundred and fifteen to one hundred and eighteen of the Lands Clauses Consolidation Act, 1845, shall have effect as if the extinguishment had taken place under section one hundred and seventeen thereof :

Provided that if the person entitled to the rentcharge and the owner of the land subject thereto enter into an agreement to that effect, the said sections one hundred and fifteen to one hundred and eighteen shall have effect as if the person entitled to the rentcharge had released therefrom the land as respects which this Schedule applies by virtue of the order, on the condition mentioned in the said section one hundred and sixteen, at the time of the vesting of that land in the purchasing authority under paragraph 3 of this Schedule, and in that case none of the rentcharge shall be treated as having been extinguished by virtue of that paragraph so far as regards the remaining part of the land charged therewith.

(4) In this paragraph references to a rentcharge include references to any such rent service, chief or other rent, or other payment or incumbrance as is mentioned in the words introductory to the said sections one hundred and fifteen to one hundred and eighteen.

10. Where any of the land as respects which this Schedule applies by virtue of a purchase order providing for expedited completion constitutes a part only of land comprised in a lease for a term of years unexpired, section one hundred and nineteen of the Lands Clauses Consolidation Act, 1845, shall have effect subject to the modification that for references therein to the time of the apportionment of rent therein mentioned there shall be substituted references to the time of the vesting in the purchasing authority of the leasehold interest in the first-mentioned land under paragraph 3 of this Schedule.

11. Any person who in consequence of the vesting of any land in the authority by virtue of paragraph 3 of this Schedule is relieved from any liability, whether in respect of a rentcharge, rent under a lease, mortgage interest or any other matter, and who makes any payment as in satisfaction or part satisfaction of that liability shall, if he shows that when he made the payment he did not know of the facts which constitute the cause of his being so relieved or of some one or more of them, be entitled to recover the sum paid as money had and received to his use by the person to whom it was paid.
