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SCHEDULES

SCHEDULE 9

ADAPTATION AND INTERPRETATION OF ENACTMENTS, ETC.

PART II

SPECIFIC ADAPTATIONS, AMENDMENTS AND MODIFICATIONS

The Highways Act 1959 (c. 25)

- 9 In section 38(2) (specification of highways which are to be maintainable at the public expense), in paragraph (e), after the words " public path diversion order " there shall be inserted the words " or in consequence of an order made by the Minister of Transport or the Minister of Housing and Local Government under section 153 of the Town and Country Planning Act 1962 or by a competent authority under section 94 of the Town and Country Planning Act 1968 ".

The Public Health Act 1961 (c. 64)

- 10 In Schedule 4 (attachment of street lighting equipment to buildings), for the second item in the Table there shall be substituted the following:—

“A building which is included in a list compiled or approved under section 32 of the Town and Country Planning Act 1962.

The Minister of Housing and Local Government.”

The Town and Country Planning Act 1962 (c. 38)

- 11 Any reference to section 68 of the Act shall be construed (according as the context may require) as including, or as being replaced by, a reference to section 28 of this Act.
- 12 In section 3(1) (delegation of functions of local planning authorities) the reference to the functions specified in subsection (2) of that section (that is to say, functions under Parts III and IV and section 180 of the Act) shall be construed as including a reference to functions under Parts II and V and sections 65 to 68, 78 and 80 of this Act.
- 13 In section 15(1)(b) (certain planning applications not to be determined by local planning authority before expiration of a specified period), for the words from " appearing from the evidence " onwards there shall be substituted the words " of the application ".
- 14 In section 16(1) (application for planning permission to be accompanied by certificate that the applicant is the owner or a tenant of the land, or that he has served

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on the owners notice of his intention to apply, or that he does not know who the owners are),—

- (a) in paragraph (c) for the words " and that " to the end of the paragraph there shall be substituted the words " that he has taken such steps as are reasonably open to him (specifying them) to ascertain the names and addresses of the remainder of those persons and that he has been unable to do so "; and
- (b) in paragraph (d), for the words " and that " to the end of the paragraph there shall be substituted the words " that he has taken such steps as are reasonably open to him (specifying them) to ascertain the names and addresses of the persons mentioned in paragraph (b) of this subsection and that he has been unable to do so ".

15 In section 17 (determination of planning applications),—

- (a) at the beginning of subsection (1)(a) there shall be inserted the words " Subject to sections 65 and 66 of the Act of 1968 "; and
- (b) in subsection (2), for the words from " appearing from the evidence " onwards there shall be substituted the words " of the application ".

16 In section 19 (provision which can be made by regulations or a development order with respect to the manner in which planning applications are to be dealt with), in subsection (2)(a), after the word " authority " there shall be inserted the words " either indefinitely or ".

17 In section 32(4) (duty of Minister to notify the owner and occupier of a building when it has become, or ceased to be, listed) for the words " the Minister shall serve a notice " there shall be substituted the words " the council of the county borough, London borough or county district in whose area the building is situated, on being informed of the fact by the Minister, shall serve a notice in the prescribed form ".

18 So much of section 34(4) (definition of areas of special control in connection with the control of advertisements) as provides for the definition of such areas by reference to the provisions of a development plan shall cease to have effect.

19 In section 37(1) (power of local planning authority to make agreements with land-owners restricting or regulating the development or use of their land), the words " with the approval of the Minister " shall be omitted.

20 In section 49(1) (supplementary provisions as to enforcement notices) for the words " any development " there shall be substituted the words " any breach of planning control (as defined by section 15 of the Act of 1968) " and for the words " by whom the development was carried out " there shall be substituted the words " by whom the breach of planning control was committed ".

21 In section 63 (enforcement of control of advertising) in subsection (1), after the words " this Part of this Act " there shall be inserted the words " or Part II of the Act of 1968 ".

22 In section 64 (supplementary provisions as to appeals under Part IV)—

- (a) in subsection (1), after the words " this Part of this Act " there shall be inserted the words " or under Part II of the Act of 1968 or Part IV of Schedule 5 to that Act ";
- (b) in the second of the subsections numbered (3), after the words " this Part of this Act " there shall be inserted the words " or under Part II of the Act of 1968 or Part IV of Schedule 5 to that Act ".

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- 23 In section 65 (recovery by local planning authority of expenses of enforcement), after the word " Act " there shall be inserted the words " or of the provisions of Part II of the Act of 1968 or Part IV of Schedule 5 to that Act ".
- 24 In section 66 (local authority land),—
- (a) in subsection (1), after the words " this Part of this Act " there shall be inserted the words " and Part II of the Act of 1968 "; and
 - (b) in subsection (2) after the words " this Part of this Act " there shall be inserted the words " or Part II of the Act of 1968 ".
- 25 In section 71(1) (acquisition of land by agreement), for paragraph (b) there shall be substituted the following paragraphs:—
- “(b) any building appearing to them to be of special architectural or historic interest; and
 - (c) 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 to it, or for its proper control or management.”
- 26 In section 73(1) (appropriation of land for planning purposes), the words " specified in a development plan (being a purpose " shall cease to have effect.
- 27 In section 78(2) (cases where the Minister's consent is needed for the disposal of land held for planning purposes) for paragraph (b) there shall be substituted the following paragraph:—
- “(b) of land acquired or appropriated for planning purposes for a reason mentioned in section 28(1)(a) to (c) of the Act of 1968 ; or”.
- 28 In section 78(7) (special provisions as to land comprised in or contiguous or adjacent to areas of comprehensive development), for paragraphs (a) and (b) there shall be substituted the words " to land acquired or appropriated for planning purposes for a reason mentioned in section 28(1)(a) to (c) of the Act of 1968 ".
- 29 In section 86(1) of the principal Act (objections to compulsory purchase orders), for the words from the beginning to " acquisition " there shall be substituted the words " Where it is proposed that land should be acquired compulsorily under section 28 or 29 of the Act of 1968 ".
- 30 In section 126 (compensation for restrictions on advertising), in paragraph (a) for the words " on the seventh day of January, nineteen hundred and forty-seven and was being displayed on the date on which the regulations came into force, or " there shall be substituted the words " on 1st August 1948, or ".
- 31 In section 127 (general provisions as to compensation for depreciation under Part VII), in subsection (2), after the word " thereof " there shall be inserted the words " or under Part V or section 92 of the Act of 1968 ".
- 32 In section 128(1) (determination of claims for compensation) after the word " Act ", in the second place where it occurs, there shall be inserted the words " or Part II or Part V or section 92 of the Act of 1968 ".
- 33 In section 159 (determination of applications etc. by statutory undertakers in respect of operational land) the following amendments shall be made:—
- (a) in subsection (1), after the words " such an application " there shall be inserted the words " or such an application is deemed to be made under section 16(7) of the Act of 1968 on an appeal under that section by statutory undertakers ";

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(b) after subsection (1) there shall be inserted the following subsection:—

“(1A) An application for planning permission which is deemed to have been made by virtue of section 18(6) of the Act of 1968 shall be determined by the Minister and the appropriate Minister.”

34 In section 160(2) (Ministers responsible for dealing with planning application by statutory undertakers where development authorised by a government department), for the words " as mentioned in the preceding subsection " there shall be substituted the words " in respect of any development of operational land ".

35 In section 176 (validity of development plans, and of certain orders and certain actions of the Minister, not to be questioned in legal proceedings, subject to following provisions of Part XI of the Act), the following amendments shall be made:—

(a) for subsection (1)(a) there shall be substituted the following paragraph—

“(a) a structure plan, a local plan or any alteration, repeal or replacement of any such plan, whether before or after the plan, alteration, repeal or replacement has been approved or adopted, or”;

(b) in subsection (1)(b), after the word " Act " there shall be inserted the words " or sections 91, 92, 94 or 95 of the Act of 1968 ";

(c) at the end of subsection (2) there shall be added the following paragraph:—

“(f) any order under Part II of Schedule 5 to the Act of 1968”.

(d) in subsection (3), at the end of paragraph (c) there shall be inserted the words " under section 129 of this Act or section 42 of the Act of 1968 ", in paragraph (d) for the words " a purchase notice " (wherever occurring) there shall be substituted the words " such a purchase notice " , and at the end of the subsection there shall be inserted the following paragraphs:—

“(g) any decision of the Minister to grant planning permission under section 16(5)(a) of the Act of 1968 ;

(h) any decision of the Minister on an application for an established use certificate referred to him under section 18(1) of the Act of 1968 ;

(f) any decision of the Minister on an appeal under section 18(2) of the Act of 1968 ;

(j) any decision by the Minister to confirm a completion notice under section 68 of that Act;

(k) any decision of the Minister on an application referred to him under paragraph 3 of Schedule 5 to the Act of 1968, being an application for listed building consent for any works ;

(l) any decision of the Minister on an appeal to him under paragraph 7 of that Schedule ;

(m) any decision of the Minister under paragraph 18(5)(a) of that Schedule to grant listed building consent for any works or under paragraph 18(5)(b) of that Schedule to grant planning permission in respect of any works.”

36 In section 177 (validity of enforcement notices and similar notices) the following subsections shall be substituted for subsections (1) to (3) :—

“(1) Subject to this section—

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- (a) the validity of an enforcement notice shall not, except by way of an appeal under Part II of the Act of 1968, be questioned in any proceedings whatsoever on any of the grounds specified in paragraphs (b) to (e) of section 16(1) of that Act;
 - (b) the validity of a listed building enforcement notice under section 44 of the Act of 1968 shall not, except by way of an appeal under Part IV of Schedule 5 to that Act be questioned in any proceedings whatsoever on any of the grounds specified in sub-paragraphs (b) or (e) of paragraph 18(1) of that Schedule.
- (2) Subsection (1)(a) above shall not apply to proceedings brought under section 47(5) of this Act against a person who—
- (a) has held an interest in the land since before the enforcement notice was served under Part II of the Act of 1968; and
 - (b) did not have the enforcement notice served on him thereunder ; and
 - (c) satisfies the court that—
 - (i) he did not know and could not reasonably have been expected to know that the enforcement notice had been served ; and
 - (ii) his interests have been substantially prejudiced by the failure to serve him.”

37 For section 178 (proceedings for questioning validity of development plans and certain orders) there shall be substituted the following section:—

- “~~178~~(1) If any person aggrieved by a structure plan or local plan or by any alteration, repeal or replacement of any such plan, desires to question the validity of the plan, alteration, repeal or replacement on the ground that it is not within the powers conferred by Part I of the Act of 1968, or that any requirement of the said Part I or of any regulations made thereunder has not been complied with in relation to the approval or adoption of the plan, alteration, repeal or replacement, he may, within six weeks from the date of the publication of the first notice of the approval or adoption of the plan, alteration, repeal or replacement required by regulations under section 13(1) of that Act, make an application to the High Court under this section.
- (2) On any application under this section the High Court—
- (a) may by interim order wholly or in part suspend the operation of the plan, alteration, repeal or replacement, either generally or in so far as it affects any property of the applicant, until the final determination of the proceedings ;
 - (b) if satisfied that the plan, alteration, repeal or replacement is wholly or to any extent outside the powers conferred by Part I of the Act of 1968, or that the interests of the applicant have been substantially prejudiced by the failure to comply with any requirement of the said Part I or of any regulations made thereunder, may wholly or in part quash the plan, alteration, repeal or replacement, as the case may be, either generally or in so far as it affects any property of the applicant.
- (3) The preceding provisions of this section shall apply to an order under section 153 or 155 of this Act or under section 91 or 92 of the Act of 1968 as they apply to a structure plan, as if, in subsection (1) of this section, for the

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reference to the notice therein mentioned, there were substituted a reference to the notice required by section 154(6) of this Act.

(4) The said provisions shall apply to an order under section 94 or 95 of the Act of 1968 as they apply to a structure plan as if, in subsection (1) of this section, for the reference to the date on which the notice therein mentioned is first published there were substituted a reference to the date on which the notice required by paragraph 6 of Schedule 7 to that Act is first published in accordance with that paragraph.

(5) Subsections (1) and (2) of this section shall apply, subject to any necessary modifications, to an order under section 168 of this Act as they apply to a structure plan.”

38 In section 179(6) (construction of references in that section to confirmation of an order) the words from " do not " to " (with that exception) " shall be omitted.

39 In section 180 (appeals to High Court relating to enforcement notices)—

(a) for subsection (1) there shall be substituted the following subsection:—

“(1) Where the Minister gives a decision in proceedings on an appeal—

(a) under Part II of the Act of 1968 against an enforcement notice: or

(b) under Part IV of Schedule 5 to that Act against an enforcement notice under section 44 of that Act,

the appellant or the local planning authority or any person (other than the appellant) on whom the notice was served may, according as rules of court may provide, either appeal to the High Court against the decision on a point of law or require the Minister to state and sign a case for the opinion of the High Court.”;

(b) subsection (2) shall be omitted ; and

(c) in subsection (3), for the words " in either of the preceding subsections " there shall be substituted the words " in subsection (1) of this section ".

40 In section 183 (orders subject to special parliamentary procedure), after the word " Act ", where first occurring, there shall be inserted the words " or section 91 or 92 of the Act of 1968 ".

41 In section 188 (contributions by Ministers towards compensation paid by local authorities) after the words " Part III of this Act " there shall be inserted the words " or Part II, III or V of the Act of 1968 ".

42 In section 189 (contribution by local authorities and statutory undertakers)—

(a) in subsection (2)(b) after the words " Part V of this Act " there shall be inserted the words " or Part II or Part V of the Act of 1968 or Schedule 5 to that Act ";

(b) in subsection (3), after the words " Part III of this Act " there shall be inserted the words " or Part II or V of the Act of 1968 ".

43 In section 196 (expenses of county councils), after the word " thereto ", there shall be inserted the words " or under the provisions of the Act of 1968 ".

44 In section 197(1) (power to modify Act in relation to minerals) after the word " thereto " there shall be inserted the words " and the provisions of the Act of 1968 ".

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- 45 In section 199 (exercise of powers in relation to Crown land) the following amendments shall be made:—
- (a) in subsection (1)(a) after the words " Part II of this Act " there shall be inserted the words " or the Greater London development plan ";
 - (b) in subsection (2)(a) for the words " sections twenty-eight to thirty-one, section thirty-six or section forty-five of this Act " there shall be substituted the words " section 28, 29 or 36 of this Act or section 15 or 44 of the Act of 1968 ";
 - (c) for subsection (3) there shall be substituted the following subsections :—
 - “(3) No enforcement notice shall be served under section 15 of the Act of 1968 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.
 - (3A) No enforcement notice under section 44 of the Act of 1968 shall be served in respect of works executed by or on behalf of the Crown in respect of a building which was Crown land at the time when the works were executed.”
 - (d) in subsection (4), after the words " No purchase notice " there shall be inserted the words " under section 129 of this Act or section 42 of the Act of 1968 ".
- 46 In section 203(1) (Scilly Isles) after the words " Eighth Schedule thereto " there shall be inserted the words " and of the provisions of the Act of 1968 ".
- 47 In section 204(1) (application to the National Coal Board of provisions of the principal Act relating to statutory undertakers), the reference to any of the provisions of that Act specified in paragraph 1 of Schedule 8 thereto shall be construed as including a reference to sections 69 to 71 of this Act.
- 48 In section 205 (ecclesiastical property)—
- (a) in subsection (1), the words " specified in paragraph 1 of the Eighth Schedule thereto " shall be omitted ; and
 - (b) in subsection (3), after the words " under Part VII of this Act " there shall be inserted the words " or under section 20, 49 or 92 of the Act of 1968 ".
- 49 Section 207 (default powers of Minister) shall be amended as follows: —
- (a) in subsection (2) the following shall be substituted for paragraph (c):—
 - “(c) tree preservation orders and orders amending or revoking them”;
 - (b) in subsection (4), for paragraphs (a) and (b) there shall be substituted the following paragraphs :—
 - “(a) an enforcement notice under section 15 of the Act of 1968 or under the provisions of that section as applied by regulations made under section 34 of this Act; or
 - (b) a notice under section 36 of this Act; or
 - (c) a stop notice under section 19 of the Act of 1968 ; or
 - (d) an enforcement notice under section 44 of that Act; or
 - (e) a completion notice under section 68 of that Act”and for the words (in the proviso) from " an enforcement notice " to " this Act " there shall be substituted the words " an enforcement notice under section 15 or 44 of the Act of 1968 which is served by the Minister, the

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provisions of sections 47 to 51 of this Act or, as the case may be, sections 45 and 46 of that Act "; and

- (c) for subsection (5)(a) there shall be substituted the following paragraph:—
- “(a) that the council of a county, county borough, London borough or county district or the Common Council of the City of London 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 28 of the Act of 1968 for a purpose which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated ; or”.

50 Section 211 (general powers of entry) shall be amended as follows:—

- (a) at the end of subsection (1)(c) there shall be added the words " or to serve any notice under Part II or Part V of the Act of 1968 " ;
- (b) after that subsection there shall be inserted the following subsection :—

“(1A) Any person duly authorised in writing by the Minister may at any reasonable time enter any land for the purpose of surveying any building thereon in connection with a proposal to include the building in, or exclude it from, a list compiled or approved under section 32 of this Act.

(1B) Any person duly authorised in writing by the Minister or a local planning authority may at any reasonable time enter any land for the purpose of ascertaining whether, with respect to any building on the land, an offence has been, or is being, committed under Part V of the Act of 1968, or whether the building is being maintained in a proper state of repair.”

- (c) in subsection (3), at the end there shall be added the words " or under any provision of the Act of 1968 " ;
- (d) in subsection (4), for the words from " a Minister " to " so designated " there shall be substituted the words " a local authority or Minister authorised to acquire land under section 28 or 29 of the Act of 1968 ".

51 In section 215(1) (power to require information as to interests in land), the words " specified in paragraph 1 of the Eighth Schedule thereto " shall be omitted.

52 In section 217 (regulations and orders)—

- (a) in subsection (1)(a) the words " specified in paragraph 1 of the Eighth Schedule thereto " shall be omitted ; and
- (b) in subsection (3), the words " specified in paragraphs 1 and 3 of the Eighth Schedule thereto " shall be omitted ;
- (c) after subsection (3), there shall be inserted the following subsection:—

“(3A) Without prejudice to subsection (3) above, where an order has been made—

- (a) by the Minister of Transport, either before or after the commencement of section 89 of the Act of 1968, under section 153(1) of this Act or section 49 of the Town and Country Planning Act 1947 ; or
- (b) by the Minister of Housing and Local Government under the said section 153(1),

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so much of the order as relates to a footpath or bridleway may be varied or revoked by an order made under the said section 153(1) by either of those two Ministers.”

- 53 Section 221(1) (interpretation) shall be amended as follows:—
- (a) after the definition of " the Act of 1959 " there shall be inserted the following:—
 - “ the Act of 1968 ' means the Town and Country Planning Act 1968 ”;
 - (b) in the definition of " enforcement notice " for the words " section forty-five of this Act " there shall be substituted the words " section 15 of the Act of 1968 ";
 - (c) in the definition of " owner ", the reference to section 47 of the principal Act and the words " or agent " shall be omitted.
- 54 In paragraph 5 of Schedule 2 (joint advisory committees for advising constituent authorities as to the preparation of development plans and other matters) the reference to development plans shall be construed as a reference to structure plans and local plans.
- 55 In Schedule 8 (provisions of principal Act listed for the purposes of sections of the Act referred to in the Schedule heading), the following amendments shall be made:—
- (a) in paragraph 1(1)—
 - for the words " Sections 1 to 12 " there shall be substituted the words " Sections 1 to 3 ; section 12 ";
 - for the words " sections 27 to 39 ; sections 41 to 87 " there shall be substituted the words " sections 27 to 29 ; section 32 ; sections 34 to 39 ; sections 41 to 44 ; sections 47 to 51 ; sections 56 to 66 ; sections 70 to 73 ; sections 77 to 87 " ; and
 - the words " section 210 " shall be omitted ; and
 - for the words " the 1st, 2nd, 3rd and 4th Schedules " ; there shall be substituted the words " the 1st, 2nd and 3rd Schedules " ;
 - (b) in paragraph 3(1) for the words " sections 138 to 151 " there shall be substituted the words " sections 138 to 142 ; sections 144 to 151 " .
- 56 In Schedule 13 (savings and transitional provisions) in paragraph 6(2), for the words " Part IV of this Act " there shall be substituted the words " Part II of the Act of 1968 " .

The London Government Act 1963 (c. 33)

- 57 In section 21 (housing powers) the reference to an area of comprehensive development shall be construed as a reference to an action area for which a local plan is in force.
- 58 For section 24(3) (local planning authorities) there shall be substituted the following subsection:—
- “(3) Subject to subsection (4) of this section, to sections 28 and 29 of this Act and to the Town and Country Planning Act 1968 (hereafter in this Act referred to as 'the 1968 Planning Act'), for all purposes of the Planning Act and the said Act of 1968 the local planning authority as respects any London borough shall be the council of the borough and as respects the City shall be the Common Council; and—

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- (a) any application under Part III of the Planning Act for planning permission for any development shall be made to, and, subject to the said subsection (4) and section 22 of the Planning Act, shall be determined by, such as may be appropriate of those councils ; and
- (b) any application under Part V of the 1968 Planning Act for listed building consent shall be made and, subject to the said subsection (4) and paragraph 3 of Schedule 5 to that Act, be determined as aforesaid ;

but, except in any case or class of cases with respect to which the Greater London Council otherwise direct, each London borough and the Common Council shall cause a copy of every decision made by them on an application mentioned in paragraph (a) or (b) of this subsection to be sent to the Greater London Council, together with a copy of the application and such other information relating thereto and to the decision as the Greater London Council may reasonably require”.

59 In section 24(4),—

- (a) after the words " Planning Act " where first occurring, there shall be inserted the words " and of the 1968 Planning Act (except sections 17 and 18 of that Act) ";
- (b) the reference to sections 45 to 51 of the Act shall be construed as including a reference to Part II of this Act.

60 After the said section 24(4) there shall be inserted the following subsection:—

“(4A) The Greater London Council shall as respects any London borough or the City have, concurrently with the local planning authority, the functions of a local planning authority under sections 44 to 53 and 55 of, and Part IV of Schedule 5 to, the 1968 Planning Act ", and references in those provisions to the local planning authority shall be construed accordingly.”

61 In section 24(5) and (9) the references to sections 24 to 29 of the Act shall be construed as including references to Part I of this Act.

The Control of Office and Industrial Development Act 1965 (c. 33)

62 In section 8 (provisions as to conditions to be attached to planning permissions under section 6 or 7),—

- (a) in subsection (1), for the words from " or subject to " onwards there shall be substituted the words " or section 85 or 86 of the Town and Country Planning Act 1968, or subject to which planning permission is by virtue of any of those sections or section 87(1) of the said Act of 1968 deemed to have been granted, whether or not it is a condition which could have been imposed apart from this Act or those sections of the said Act of 1968 ";
- (b) in subsection (3), for the words " apart from the provisions of this Part of this Act, and would have been imposed if this Part of this Act had not been enacted " there shall be substituted the words " apart from the provisions of this Part of this Act and sections 85 and 86 of the Town and Country Planning Act 1968 and would have been imposed if this Part of this Act and those sections had not been enacted "; and
- (c) in subsection (4), for the words " under section 46 of the Act of 1962 " there shall be substituted the words " under section 16 of the Town and Country Planning Act 1968 ".

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- 63 Section 9 (enforcement notices relating to land in Greater London) shall be amended as follows:—
- (a) in subsection (3)(a) for the words " section 45(3) of the Act of 1962 " there shall be substituted the words " section 15(4) of the Town and Country Planning Act 1968 ";
 - (b) in subsection (3)(6) for the words " section 45(4)(b)" there shall be substituted the words " section 15(5)(b) and (6) ";
 - (c) in subsection (4) for the words " section 45(5) of the Act of 1962" there shall be substituted the words " section 15(7) of the Town and Country Planning Act 1968 " ; for the words " section 46(3)" there shall be substituted the words " section 16(3) ",
and for the words " section 45(5) or section 46(3)" there shall be substituted the words " section 15(7) or 16(3) ";
 - (d) in subsection (5), for the words " section 46(1) of the Act of 1962 " there shall be substituted the words " section 16(1) of the said Act of 1968 ".
 - (e) in subsection (6) for the words " section 46 of the Act of 1962" there shall be substituted the words " section 16 of the Town and Country Planning Act 1968 ; for the words " paragraphs (a) to (c)" there shall be substituted the words " paragraphs (a) and (b) " ; and for the words " section 177(1) of that Act " there shall be substituted the words " section 177(1)(a) of the Act of 1962 ".
- 64 In section 16 (interpretation of Part I), in subsection (7), for the words from " section 64(2)" onwards there shall be substituted the words " section 16(7) or 18(6) of the Town and Country Planning Act 1968 is deemed to have been made for such planning permission as is mentioned in the said section 16(7) or, as the case may be, the said section 18(6) ".

The Industrial Development Act 1966 (c. 34)

- 65 In section 22 (requirement of industrial development certificate in certain cases), in subsection (4) for the words from " section 64(2)" onwards there shall be substituted the words " section 16(7) or 18(6) of the Town and Country Planning Act 1968 is deemed to have been made for such planning permission as is mentioned in the said section 16(7) or, as the case may be, the said section 18(6) ".
- 66 In section 24 (provisions as to conditions of industrial development certificates),—
- (a) in subsection (3), for the words " On an appeal under section 46 of the said Act of 1962 " there shall be substituted the words " On an appeal under section 16 of the Town and Country Planning Act 1968 ";
 - (b) in subsection (9)(b), after the word " reference ", where first occurring, there shall be inserted the words " in this section as originally enacted ".

The Land Commission Act 1967 (c. 1)

- 67 In section 6(3) (conditions precedent to the compulsory purchase of land by the Land Commission) the reference in paragraph (b) to the current development plan shall be construed as a reference to a local plan for the time being applicable to the district and any alterations thereto (including a plan or alterations made available for inspection in pursuance of section 7(2) of this Act, but not yet in force) and the authority's resolutions of adoption or, as the case may be, the Ministers' notices of approval or making of the plan or alterations.

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The General Rate Act 1967 (c. 9)

- 68 In Schedule 1 (rating of unoccupied property), in paragraph 2(c) for the words " is the subject of a building preservation order under section 30 of the Town and Country Planning Act 1962 or is included in a list compiled or approved under section 32 of that Act " there shall be substituted the words " is the subject of a building preservation notice as defined by section 48 of the Town and Country Planning Act 1968 or is included in a list compiled or approved under section 32 of the Town and Country Planning Act 1962 ".

The Civic Amenities Act 1967 (c. 69)

- 69 In section 1 (preservation of character of areas of special architectural or historic interest), at the end of subsection (5)(a) there shall be inserted the words " or the Planning Act of 1968 ".

- 70 In section 3 (acts causing or likely to result in damage to listed buildings),—
- (a) in subsection (1), for the words " not being a building of a description specified in section 30(2) of the Planning Act " there shall be substituted the words " not being a building of a description specified in section 41(1) of the Planning Act of 1968 ";
and for the words " that Act " there shall be substituted the words " the Planning Act ";
 - (b) in subsection (2), for the words " works of which notice has been given in pursuance of section 33 of that Act or which are lawful by subsection (2) of that section " there shall be substituted the words " works for which listed building consent has been given under Part V of the Planning Act of 1968 ".

- 71 Section 8 (management of buildings acquired under section 69 of Planning Act) shall be amended as follows :—
- (a) in subsection (1), for the words " under section 69(1) or section 71(1)(b) of the Planning Act " there shall be substituted the words " under section 71(1) (b) of the Planning Act or section 50(1) of the Planning Act of 1968 ";
 - (b) in subsection (2), for the words " section 69(2) of the Planning Act " there shall be substituted the words " section 50(2) of the Planning Act of 1968 ";
 - (c) in subsection (3)(b), after the word " references " (where first occurring) there shall be inserted the words " in this section as originally enacted ".

- 72 In section 14 (default powers and appeals in relation to replacement of trees), in subsection (3) for the words " subsections (2) to (5) of section 46 " there shall be substituted the words " section 16(2), (3) and (4)(a) of the Planning Act of 1968 and so much of section 16(5) of that Act as enables the Minister to give directions ".

- 73 In section 16 (power of local planning authority to make tree preservation order with immediate effect)—
- (a) in subsection (1), the words " by the Minister " shall be omitted; and
 - (b) for subsections (2) and (3) there shall be substituted the following subsections:—

“(2) Notwithstanding section 29(4) of the Planning Act, an order which contains such a direction shall take effect provisionally on such date as may be specified therein and shall continue in force by virtue of this section until—

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

- (a) the expiration of a period of six months beginning with the date on which the order was made ; or
- (b) the date on which the order is confirmed or, in the case of an order which can be confirmed only by the Minister, on which he notifies the authority who made the order that he does not propose to confirm it;

whichever first occurs.

(3) Provision shall be made by regulations under the Planning Act for securing—

- (a) that the notices to be given of the making of a tree preservation order containing a direction under this section shall include a statement of the effect of the direction ; and
- (b) that where the Minister, in the case of an order which can be confirmed only by him, within the period of six months referred to in subsection (2) above, notifies the authority that he does not propose to confirm the order, copies of that notice shall be served on the owners and occupiers of the land to which the order related.”

74 In section 30 (interpretation), in subsection (1), after the definition of " the Planning Act " there shall be inserted the following :—

“the Planning Act of 1968 ' means the Town and Country Planning Act 1968”.

The Leasehold Reform Act 1967 (c. 88)

75 In section 28(6) (description of development which, if proposed to be undertaken by a local authority, public or other body, may restrict the rights under the Act of tenants of the land affected) for the words from " in order to secure " to " comprehensive development " there shall be substituted the following:—

“in order to secure—

- (a) the development or re-development of an area defined by a development plan under the Town and Country Planning Act 1962 as an area of comprehensive development; or
- (b) the treatment as a whole, by development, redevelopment, or improvement, or partly by one and partly by another method, of any area in which the property is situated”.